

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for the Tehama County/City of Red Bluff Landfill
SWIS No. 52-AA-0001
March 17, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the Tehama County Local Enforcement Agency (LEA) request for Department of Resources Recovery and Recycling (Department) concurrence on the issuance of a proposed solid waste facilities permit revision for the Tehama County/City of Red Bluff Landfill, SWIS No. 52-AA-0001, located in Tehama County. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was originally received on December 21, 2009. Department staff completed a review of the permit application package and found inadequacies in the closure plans. On February 1, 2010, the operator requested that the LEA waive time in order to complete the Closure Plans. Per the request of the LEA, the proposed permit was returned on February 10, 2010. A new proposed permit was received by the department on March 11, 2010, along with a certification from the LEA that the updated closure plans had been submitted by the operator and the application package is complete and correct. A third version of the proposed permit with updates and corrections was received by CalRecycle on March 15, 2010. Action must be taken on this permit no later than May 14, 2010. If no action is taken by May 14, 2010, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2004 SWFP)	Proposed Permit
Permitted Maximum tonnage	400 tons per day	600 tons per day
Permitted Traffic Volume	200 vehicle trips per day	250 vehicle trips per day
Maximum Elevation	545 feet above mean sea level	565 feet above mean sea level
Estimated Closure Year	2006 Phase 1; 2023 Phase 2	2013 Phase 1; 2040 Phase 2

Findings:

Staff recommends concurrence with the issuance of the proposed revised permit. All of the required submittals and findings required by Title 27, Section 21685 have been provided and made. Staff have determined that California Environmental Quality Act requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the Waste Compliance and Mitigation Program.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated March 9, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on October 15, 2009 and provided a copy to the Department on December 21, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed solid waste facilities permit on March 15, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on December 21, 2009 provided a finding that the facility is consistent with PRC 50001. On January 14, 2010, WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Siting Element.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans consistency with State Minimum Standards	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the updated Preliminary Closure/ Postclosure Maintenance Plans to be consistent with State Minimum Standards as described in their memo dated March 8, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(A) Financial Assurances Documentation compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Financial Assurances Documentation in compliance as described in their email dated January 27, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(B) Operating Liability compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Operating Liability in compliance as described in their email dated January 27, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division conducted a pre-permit inspection on February 25, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on December 21, 2009 that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The required informational meeting was conducted by the LEA on December 16, 2009, at 10:00am. No members of the public attended. No written comments were received by the LEA or WCMP staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible	The Department is a responsible agency under CEQA with respect to this project, a proposed revised solid	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
agency's findings	waste facilities permit. WCMP staff have determined that the CEQA record can be used to support the Director's action on the proposed revised permit. See details below.	

Compliance History:

The facility was inspected by WCMP staff in the Compliance, Evaluation, and Enforcement Division on February 25, 2010. No Violations were noted.

The LEA noted nine violations in 2005 and four violations in 2006 for Title 27 Section 20919.5 – Explosive Gas Control. The operator came into compliance by expanding their landfill gas control system. In 2007 the LEA noted one violation of PRC 44014(b)-Operator Complies with Terms and Conditions of Permit as maximum daily tonnage was exceeded on two occasions in the month of October. The LEA did not note any violations in 2008 and 2009 and the first few months of 2010.

Environmental Analysis:

State law requires compliance with the California Environmental Quality Act (CEQA) either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the proposal is categorically or statutorily exempt.

The Tehama County/City of Red Bluff Landfill Management Agency, acting as lead agency, prepared and circulated a Mitigated Negative Declaration (MND), State Clearinghouse (SCH) No. 2009012059, for a 30-day review period from January 23, 2009, through March 26, 2009. The MND was adopted by the Board of the Tehama County/City of Red Bluff Landfill Management Agency on March 31, 2009, and a Notice of Determination (NOD) was filed with the Tehama County Clerk of the Board on April 2, 2009. The MND analyzed for the design and operational changes at the Tehama County/City of Red Bluff Landfill located at 19995 Plymire Road in the City of Red Bluff, California.

When the Tehama County/City of Red Bluff Landfill Management Agency adopted the MND they found that the implementation of the mitigation measures were feasible to reduce or avoid the potentially significant impacts of the proposed project and adopted a Mitigation Monitoring and Reporting Program.

Staff recommends that the Department adopt as its own the findings, as adopted by the Tehama County/City of Red Bluff Landfill Management Agency, in accordance with Section 15091 of the CEQA Guidelines. A copy of the CEQA Findings is included in staff's file on the permit.

Staff recommends that the MND prepared by the lead agency for the Department's use has no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the Permit.

Department staff further recommends the MND is adequate for the Director's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

Local Issues:

Staff has not identified any local issues related to this item. The California Environmental Quality Act record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the California Environmental Quality Act and Solid Waste Permit requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community. The following information applies to Tehama County Tract 4. According to the year 2000 Census data, 92.5% are white, 0.3% are black, 1.8% are American Indian, Asian 0.8% and 3.9% are some other race. 5.3% of the population is identified as Hispanic. The median household income of the area is \$31,206.00 and 17.3% live below the poverty level. Therefore staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended in this item.

Public Comments:

A public informational meeting was held by the LEA on December 16, 2009 in Tehama County. No members of the public were in attendance. In addition, no written comments have been received from the public on the proposed project.

Department Staff Actions:

Staff has worked with the LEA throughout the permit process by providing comments on permitting documents and attending public meetings where the project was discussed. Public workshops were held by the Department on January 11, 2010 and February 8, 2010, where the project was presented and the public was given opportunities to comment. CEQA, Financial Assurances, Joint Conformance Authority and Closure staff all reviewed the permit application package and conformance was found in each aspect. Staff provided specific guidance on the closure plan deficiencies, working directly with the operator and project consultant to resolve them.