

## Waste Compliance and Mitigation Program Staff Report

Revised Solid Waste Facilities Permit for the  
Maxwell Transfer Station  
SWIS No. 06-AA-0003  
June 28, 2010

### Background Information, Analysis, and Findings:

This report was developed in response to the Colusa County Local Enforcement Agency (LEA) request for Department of Resources Recovery and Recycling (Department or CalRecycle) concurrence on the issuance of a proposed revised solid waste facilities permit for the Maxwell Transfer Station, SWIS No. 06-AA-0003, located in Colusa County, owned by Colusa County and operated by Recology Butte/Colusa Counties. 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 received on June 14, 2010. Action must be taken on this permit no later than August 13, 2010. If no action is taken by August 13, 2010, the Department will be deemed to have concurred with the issuance of the proposed new permit.

### Proposed Project

Following are the parameters of the proposed project:

	Current Permit (1998 SWFP)	Proposed Permit
Facility Operator	Colusa Solid Waste and Recycling, Inc.	Recology Butte/Colusa Counties
Permitted Hours/Days of Operations	8:30 am - 3:00 p.m. Monday through Friday, and 9:00 a.m. - 2:00 p.m. the first Saturday of each month.	Receipt of Refuse/Waste: Public hours 8:30 a.m. until 3:00 p.m. Monday thru Friday; 8:30 a.m.- 2:00 p.m. the first and third Saturday of each month and Saturday following New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. Ancillary Operations/Facility Operating hours: 6:00 a.m. - 5:00 p.m. all days referenced above.
Permitted Tons per Operating Day	100 tons per day	180 tons per day
Permitted Traffic Volume	Not limited	76 vehicles per day
13. Findings	<p>a. This permit is consistent with the County Solid Waste Management Plan (CoSWMP). Public Resources Code, Section 50000.</p> <p>b. This new permit is consistent with standards adopted by the</p>	<p>a. This permit is consistent with the Colusa County Integrated Waste Management Plan, which was approved by CalRecycle on April 1999. The location of the facility is identified in the Countywide Non-disposal Facility Element, pursuant to</p>

	<p>California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.</p> <p>c. The design and operation of the facility is in compliance with State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.</p> <p>d. The Maxwell Fire Protection District has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code Section 44151.</p> <p>e. An environmental determination (a Negative Declaration) has been filed with the State Clearinghouse (SCH#97042089) for this facility.</p> <p>f. A County-wide Integrated Waste management Plan has not been approved by the California Integrated Waste management Board.</p> <p>g. The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Mr. Charles Johnson, Colusa County Director of Planning and Building pursuant to Public Resources Code, Section 50000.5(a).</p>	<p>Public Resource Code (PRC), Section 50001(a).</p> <p>b. This permit is consistent with standards adopted by CalRecycle pursuant to PRC 44010.</p> <p>c. The design and operation of the facility is consistent with State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.</p> <p>d. The Maxwell Fire Department has determined that the facility is in conformance with applicable fire standards, pursuant to PRC 44151.</p> <p>e. A Negative Declaration was filed with the State Clearinghouse (SCH#2009072024) and certified by the Colusa County Planning Commission on April 26, 2010. The Negative Declaration describes and supports the design and operation, which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on April 26, 2010.</p>
<p>14. Prohibitions</p>	<p>The permittee is prohibited from accepting any non-hazardous waste requiring special handling, designated waste, hazardous waste unless such waste is specifically listed below, and unless the acceptance of such</p>	<p>The permittee is prohibited from accepting the following wastes: Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other wastes requiring special</p>

	<p>waste is authorized by all applicable permits.</p> <p>Notwithstanding the above, the following can be accepted for recycling: White goods, newsprint, cardboard, glass and plastic containers, aluminum, waste oil, and automobile batteries.</p> <p>The permittee is additional prohibited from the following items: Accepting hot ashes, liquid or oily waste (other than waste oil).</p>	<p>treatment or handling, except as identified in the Report of Facility Information and approved amendments thereto and as approved by the local enforcement agency and other federal, state, and local agencies.</p>
15. Documents	<p>Report of Facility Information July 10, 1998</p> <p>Land Use Permits and Conditional Use Permits September 9, 1996</p> <p>Air Pollution Permits and Variances June 27, 1995 EIR or Negative Declaration September 13, 1996</p>	<p>Transfer/Processing Report 11/2009</p> <p>Negative declaration SCH# 2009072024 4/15/10</p> <p>Land Use and/or Conditional Use Permit 9/9/1996</p>
16. Self Monitoring	<p>a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:</p>	<p>The owner/operator shall submit the results of all self monitoring programs to the Local Enforcement Agency within 30 days of the end of the reporting period.</p>
16. Self-Monitoring Program	<ol style="list-style-type: none"> <li>1. Log of Special Occurrences</li> <li>2. Results of load checking program</li> <li>3. Log of Training received by site attendants</li> <li>4. Daily tonnages of wastes accepted for disposal</li> <li>5. Summary of quantities of source-separated and salvaged recyclable removed from the facility, including white goods,</li> </ol>	<ol style="list-style-type: none"> <li>a. The types and quantities (in tons) of waste, including separated or commingled recyclables, entering the facility per day.</li> <li>b. The number and types of vehicles using the facility per day.</li> <li>c. Results of hazardous waste loadchecking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes</li> </ol>

	<p>glass, plastic, newsprint, waste oil, and batteries.</p>	<p>found in the waste stream and the disposition of these materials.</p> <p>d. Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.</p> <p>e. Log of special occurrences.</p> <p>f. Log of training received by site attendants must be kept up-to-date and be available at the site during operational hours.</p> <p>g. Summary and quantity of source separated and salvaged recyclable removed from the facility, including white goods, glass, newsprint, waste oil and batteries.</p>
<p>17. Conditions</p>	<p>1. The operator is prohibited from making any changes in the design or operation of the facility which would cause the facility to be out of compliance with the terms and conditions of this solid waste facility permit. Prior to instituting any changes in the design or operation of the facility, the operator must first notify the LEA to determine whether or not a permit revision will be necessary.</p> <p>2. Salvaged or recyclable materials must be stored so as not to create a nuisance. Salvaged materials shall be stored in bins. Salvaged materials shall be removed within 180 days of receipt, or when storage bins are full, whichever occurs first.</p> <p>3. All litter and loose waste shall be picked up daily and shall not be permitted to migrate off-site.</p>	<p>a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in Title 14, California Code of Regulations.</p> <p>b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the LEA at all times.</p> <p>c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the LEA.</p>

	<p>4. All waste handling shall be conducted within the transfer building. Source separated recyclable shall be placed directly into storage bins.</p> <p>5. The new transfer building shall be completed by 31 October 1998.</p>	<p>d. The maximum permitted daily tonnage for this facility is 180 tons per day and shall not receive more than this amount without revision of this permit.</p> <p>e. This permit is subject to review by the EA and may be suspended, revoked, or revised at any time for sufficient cause.</p> <p>f. The LEA reserves the right to suspend or modify waste received and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.</p> <p>g. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of an RFI amendment, to the EA at least 180 days in advance of the change.</p> <p>h. A copy of this permit shall be maintained at the facility.</p> <p>i. Transfer trucks leaving the facility between the hours of 6 a.m. and 8 a.m. must be loaded the previous day.</p> <p>j. Salvaged materials must be stored in bins and removed when bins are full but in any case no later than 180 days of receipt.</p>
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**Findings:**

Staff recommends concurrence with the issuance of the proposed revised permit. All 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 are summarized in the table below. 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 June 8, 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 July 1, 2009 and provided a copy to the Department on July 15, 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 June 14, 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 June 14, 2010 provided a finding that the proposed SWFP and the RFI are consistent with the County Integrated Waste Management Plan. The WCMP staff in the Jurisdiction Compliance and Audit Section found the proposed permit to be conformant with the Non-disposal Facility Element (NDFE), and the facility is sufficiently identified in the NDFE as described in their memo dated June 2, 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 found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 2, 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 June 14, 2010 that the proposed permit is consistent with and supported by the existing CEQA documentation.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21650(g)(5) Public Notice and or Meeting, Comments	The LEA posted the public notice dated May 19, 2010, regarding the proposed revised permit. To date, no comments have been received by the LEA or WCMP staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed revised solid waste facilities permit. WCMP staff have determined that the CEQA record can be used to support the Deputy Director's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

**Compliance History:**

The facility was inspected by WCMP staff in the Compliance, Evaluation, and Enforcement Division on June 2, 2010. No violations or areas of concern were noted.

Below are the details of the facility's compliance history for the last five years based on the LEA's monthly inspection reports.

- 2005 – Three State Minimum Standards (SMS) violations
- 2006 – Two SMS violations
- 2007 – One SMS violation
- 2008 – Two permit violations and two SMS violation
- 2009 – Three permit violations, three permit review violations and one SMS violation
- 2010 – No violations noted (January – June)

A review of the LEA's inspection reports indicate the three SMS violations cited in 2005 were for signs, litter, and vector control. In 2006, there were two SMS cited for record keeping and drainage control. In 2007 the LEA cited one SMS violation for site security and in 2008 two SMS violations for maintenance program. In 2008 and 2009 there were five violations cited for the permit terms and conditions related to exceeding the tonnage limits. In addition, in 2009 three violations were cited for the overdue five year review and one SMS for firefighting equipment. No violations were noted in 2010 (January – June).

**Environmental Analysis:**

State law requires compliance with the California Environmental Quality Act 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.

- A Negative Declaration (ND), State Clearinghouse No. 2009072024 was submitted by the Colusa County Department of Planning and Building Administration for changes at the Maxwell Transfer Station, Solid Waste Facility Permit (SWFP) No. 06-AA-0003. The ND was circulated for a 30-day review period from March 8, 2010 through April 6, 2010. The document was adopted by the Colusa County Planning Commission on April 6, 2010, and a Notice of Determination was filed with the State Clearinghouse on April 26, 2010.

The Negative Declaration supports the following revisions at the Maxwell Facility:

An increase in permitted maximum tonnage to 180 tons per day (tpd), an increase in design capacity to 180 tons per day, an increase in maximum daily vehicles to 76 vehicles per day, changes to Public Receipt of Refuse/Waste hours: 8:30 a.m. to 3:00 p.m. Monday through Friday, and 8:30 a.m. to 2:00 p.m. the first and third Saturday of each month, and changes to Ancillary Operations/Facility Operating Hours: 6:00 a.m. to 5:00 p.m. Monday through Friday, and 6:00 a.m. to 5:00 p.m. the first and third Saturday of each month. The facility will be closed on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. The facility may be open for operations on Saturdays that follows any of the aforementioned holidays. There are no proposed changes to the facility site acreage, types of waste or material to be received.

The LEA has made a finding that the documents cited in the SWFP support the operation and design on this facility. Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of the Lead Agency for its consideration of the Permit.

**Local Issues:**

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 Facilities Permit requirements. A review of the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 4). Census information indicates that the surrounding population is approximately 91.8% white, 1.5% black or African American, 2.9% American Indian & Alaska Native, 0.9% Asian, 0.5% Native Hawaiian & other Pacific Islander, and 0.2% "some other race" and 2.2% "two or more races". Approximately 26% of the total population described themselves as Hispanic or Latino. 15.7% of the families in the Census Tract were below the poverty level. Staff has not identified any environmental justice issues related to this item. 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 above.

**Public Comments:**

An Informational Meeting was held on June 3, 2010. The LEA did not receive any comments from the posted public notice. The meeting was attended by one member of the public that questioned the vehicles types and numbers and; the possibility of siting a landfill in a more central location in Colusa County. To date, no oral or written public comments have been received by Department staff.

**Department Staff Actions:**

Staff responded to questions from the LEA regarding the CEQA process and; staff worked closely with the LEA through the permitting process to facilitate the issuance of this permit.