**Waste Compliance and Mitigation Program Staff Report**
New Solid Waste Facilities Permit for Los Angeles Express Materials Recovery Facility
SWIS No. 19-AR-1234
July 6, 2010

**Background Information, Analysis, and Findings:**

This report was developed in response to the City of Los Angles Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for the Los Angeles Express Materials Recovery Facility, SWIS No. 19-AR-1234, located in the City of Los Angeles and owned and operated by Waste Management Recycle America, LLC. 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 initially received on June 24, 2010. A revised permit was received on June 29, 2010. Action must be taken on this permit no later than August 28, 2010. If no action is taken by August 28, 2010, the Department will be deemed to have concurred with the issuance of the proposed new permit. **Note: The current temporary SWFP expired on June 30, 2010.**

**Proposed Changes**

The following changes to the permit are being proposed:

| | Current Permit (2008 Temporary SWFP) | Proposed Permit |
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| Hours of Operation | Not specified in the permit. | Material Acceptance<br>Monday - Saturday 4:00AM – 7:00 PM<br><br>Material Processing/Refuse Transfer<br>Monday – Saturday 4:00 AM – 7:00 PM<br>Sunday 6:00 AM – 6:00 PM |
| Tons per Operating Day | Not specified in the permit. | Total: 207 tons/day |
| Key Design Parameters | Not specified in the permit. | Permitted Area (Acres): Total 2.5<br>Design Capacity 260 Tons/Day |
| 12. Legal Description of Facility | Not specified in the permit. | De Cantillon Tract, Map M B 12-164, Lot PT LT C<br>Assessor Parcel No. (APN): 6007018014 |
| 13. Findings | Not specified in the permit. | a. The facility is identified in the City of Los Angeles Non-Disposal Facility Element, approved May 25, 2010. *[Public Resources Code (PRC), Section 50001 (a)(2)]*.<br><br>b. This permit is consistent with standards adopted by the California Department of Resources Recycling and Recovery (CalRecycle), *[PRC, Section 44010]*.<br><br>c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Local Enforcement Agency (LEA), *[PRC, Section 44009]*. |

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| | | d. The local fire protection agency, the City of Los Angeles Fire Department, has determined that the facility is in conformance with applicable standards as required in *PRC, Section 44151.*<br><br>e. The City of Los Angeles Local Enforcement Agency has determined that the solid waste facility permit is being issued to replace the temporary permit that was issued on July 16, 2008, without any changes to the facilities permit limits or operations. The LEA has determined that pursuant to 14 CCR, Section 15301 that this application would fall under Categorical Exemption, Class 1 - Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.<br><br>f. Based on the Transfer/Processing Report (TPR), dated June 20, 2010, the LEA is satisfied that this facility will provide measures to adequately control noise levels, gas/odor nuisances, traffic congestion, litter nuisances, and vectors such that there will be no significant impact on local residences. |
| 14. Prohibitions | Not specified in the permit. | The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, designated waste or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits. In the event that hazardous or suspected hazardous wastes are brought into the facility, the operator is required to follow procedures for obtaining information, notification, handling and disposal as outlined in the Load Check Program of the TPR.<br><br>The permittee is additionally prohibited from the following items or activities:<br>- Acceptance of solid waste materials not authorized by the LEA or included in the Transfer Processing Report<br>- Acceptance of liquid waste, containerized or not<br>- Acceptance of radioactive waste<br>- Scavenging or open burning<br>- Acceptance of sewage sludge, or septic tank pumpings, slurries, untreated medical waste, or dead animals. |
| 15. Documents | Not specified in the permit. | Document — Date<br><br>Transfer/Processing Report — June 2010<br><br>Local & County Ordinances — Municipal Code<br><br>Identification in Non-Disposal Facility Element — May 2010<br><br>Finding of Conformance – LA Co SWTF — N/A<br>LA Co SWTF — N/A |

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| 16. Self Monitoring | Not specified in the permit. | Results of all self monitoring programs as described in the Transfer/Processing Report will be reported as follows: (The monitoring reports are delinquent 30 days after the end of the reporting period.)<br><br>Programs:<br><br>Reporting frequency:<br>Monthly<br>(Due by the 15th of each month)<br><br>Agency Reported To: LEA<br><br>The types and quantities of decomposable and inert wastes, including separated or commingled recyclables, received each day. The operator shall maintain these records on the facility's premises for a minimum of one year and made available to any Enforcement Agencies' personnel on request.<br><br>Quantity and types of wastes salvaged/recycled per month and the final destination of these diverted materials.<br><br>All incidents of unlawful disposal of prohibited materials and the operator's actions taken. Indicate those incidents which occurred as a result of the random load checking program.<br><br>Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints. **(Notification to the LEA within one day following the complaint is still required.)**<br><br>Final disposal site for transferred wastes.<br><br>The number and type of vehicles using the facility per day.<br><br>Reports of all special/unusual occurrences and the operator's actions taken to correct these problems.<br><br>Record of receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA at once following receipt of a Notice of Violation or upon receipt of notification of complaints regarding the facility, which have been received by other agencies.<br><br>Reporting Frequency:<br>45 Days Before Any Change<br><br>Agency Reported To:<br>LEA, CoSWMC<br><br>Agency Reported To:<br>LEA and New owner |

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| | | Notify the LEA and CoSWMC, in writing, of any change in the name of operator or in control of ownership of land.<br><br>Notify any new owner or operator by letter, a copy of which shall be filed with the LEA of the existence and terms of the Solid Waste Facility Permit. |
| 17. LEA Conditions | This permit has been issued by the enforcement agency in accordance with Article 3.1.1, Chapter 5, Division 7, Title 14, of the California Code of Regulations. This permit incorporates by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Division 7, Title 14, of the California Code of Regulations.<br><br>This facility for which this permit has been issued may only be operated in accordance with the description provided in the attached application package, date May 9, 2008, which is hereby incorporated by reference. This permit shall expire on the effective date of a solid waste facilities permit when it is issued to the operator of the facility or by June 30, 2010, whichever comes first. | **Standard Requirements:**<br>a. This facility shall comply with all the State Minimum Standards for Solid Waste Handling and Disposal as specified in Title 14 and Title 27, California Code of Regulations (CCR).<br><br>b. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant to *Public Resources Code (PRC), Section 21081.6.*<br><br>c. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to the *Public Resources Code 21081.6.*<br><br>d. Information concerning the design and operation of this facility shall be furnished in a timely manner, upon request by the LEA.<br><br>e. The operator shall maintain a copy of this permit and TPR at the facility so as to be available at all times to the facility personnel and to Enforcement Agencies' personnel.<br><br>f. The LEA reserves the right to suspend, modify, or revoke this permit when deemed necessary due to an emergency, a potential health hazard, the creation of public nuisance, or failure to pay LEA fees.<br><br>g. The operator shall notify the LEA, in writing, of any proposed significant changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the LEA a notice of said changes at least 180 days before said changes are undertaken. Any significant change as determined by the LEA would require a revision of this permit.<br><br>h. A summary of all pilot projects must be submitted to the LEA, in writing, prior to the implementation of that pilot project. The LEA must approve all pilot projects before they can be implemented.<br><br>i. The permitted maximum daily capacity of this facility has been determined to be 207 tons per day of incoming material. |

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| | | j. The operator shall comply with all conditions and requirements as approved in the TPR.<br><br>k. The operator shall comply with all the requirements of all applicable laws pertaining to employee health and safety.<br><br>l. The operator shall provide site employees with a lunch room and restroom facilities within a building.<br><br>m. All unloading, loading and processing of material and wastes shall occur inside the permitted facility property.<br><br>n. The operator shall not expand facility operations above those permitted by this permit and the associated site plan until such time that those buildings, including any associated environmental mitigation requirements, are constructed in accordance with applicable local permits, approvals, and regulations.<br><br>o. The operator shall restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation of flies, rodents or other vectors and the creation of nuisances resulting from solid wastes being handled at the facility.<br><br>p. All recyclables shall be stored within designated areas in a neat and orderly manner so as not to generate litter, harbor vectors or pose a nuisance.<br><br>q. The site must be supervised by trained individuals with relevant experience at all times during operating hours. Supervisors and managers must have the authority to commit company resources to resolve emergency and non-emergency health, safety and environmental issues, if such action is necessary, to protect the health and safety of site employees and the nearby community.<br><br>r. The operator shall maintain, at the facility, accurate <u>daily</u> records of the weight and/or volume of materials received. These records shall be made available to the LEA's personnel and to the CalRecycle personnel for inspection and shall be maintained on site for a period of at least three years.<br><br>s. The operator shall comply with the established Litter Control Program. This program includes tarping requirements, containment of litter, site and facility clean-up and monitoring procedures. It is the responsibility of the operator to keep Stanford Street free of litter and debris resulting from the facility operation. |

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| | | t. The operator must provide additional dust and odor control measures and other environmental and health/safety measures upon the request of the LEA if such measures, as provided in the TPR, prove to be inadequate.<br><br>u. Noise levels at the property boundaries shall be minimized and in conformance with the Chapter XI – Noise Regulations of the Los Angeles City Municipal Code.<br><br>v. The operator shall provide daily sweeping of the entire transfer facility and all residual wastes from processing shall be removed from the facility within 48 hours. If water is used as the cleaning agent, runoff from such wash downs shall not leave the site.<br><br>w. Operational controls shall be established to preclude the receipt and disposal of hazardous waste and volatile organic chemicals, or other types of prohibited wastes. The operator shall comply with the approved Hazardous Waste Load Checking Program. Any changes in the program must be approved by the LEA prior to implementation. The following Solid Waste Facility Permit conditions supplement those conditions:<br><br>(1) The minimum number of random waste vehicle loads to be inspected daily at this facility is one (1). The LEA reserves the right to increase the required number of incoming waste load inspections.<br><br>(2) The personnel training and load check procedures necessary for the program must be submitted and approved by the LEA. Visual inspections are to be performed by trained spotters and equipment operators. The LEA must review and approve this program and operation. Additional measures may be required upon the request of the LEA.<br><br>(3) In the event that hazardous or suspected hazardous wastes are brought into the facility, the operator is required to follow procedures for obtaining information, notification, handling and disposal as outlined in the approved Load Check Program.<br><br>(4) Suspected hazardous wastes must be properly labeled and stored in the hazardous waste containment area, if they are stored overnight.<br><br>(5) It is the responsibility of the facility operator to dispose of any prohibited materials (hazardous or suspected hazardous materials, liquid sludges, radioactive or medical wastes) in accordance with all local, state, and federal regulations. |

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| | | (6) Incidents of unlawful disposal of prohibited materials shall be reported to the LEA monthly as described in the monitoring section of this permit. In addition, the following agencies shall be notified immediately, after each occurrence, if applicable, of any incidents of illegal hazardous materials disposal:<br><br>I. Los Angeles County Fire Prevention Bureau, Hazardous Materials Division<br>II. Environmental Crimes Division, L.A. County District Attorney<br>III. California Highway Patrol<br><br>y. The operator shall maintain a daily log of special/unusual occurrences. If there are no special occurrences for a given day, that day's entry shall read "none". This log shall include, but are not necessarily limited to:<br><br>Any Loads refused entry into the facility, potentially live ammunition, fires, explosions, earthquakes, discharge of hazardous liquids or gases to the ground or the atmosphere, or significant injuries, accidents, or property damage.<br><br>Each of these log entries shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to the Enforcement Agencies' personnel. Any of these specified entries made in this log must be promptly reported the LEA. Only authorized personnel can make entries into this log. A summary of the Log of Special Occurrences shall be submitted to the LEA in an Annual Report. If a situation arises that cannot be handled by facility personnel then call 911 or another outside emergency agency, as appropriate. The LEA shall be notified immediately after the appropriate outside emergency agency has been notified. |

**Findings:**

Staff recommends concurrence with the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (CCR 27) Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act (CEQA) 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 WCMP.

| CCR Title 27 Sections | Findings | |
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| 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 24, 2010. | ☑ Acceptable<br>☐ Unacceptable |

| CCR Title 27 Sections | Findings | |
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| 21685(b)(2) LEA Five Year Permit Review | The LEA is not required to complete a Five Year Permit Review at this time because the facility has only been operating under a Temporary Solid Waste Facilities Permit since July 16, 2008. | ☑ Acceptable ☐ Unacceptable |
| 21685(b)(3) Solid Waste Facility Permit | The LEA initially submitted a proposed solid waste facilities permit on June 24, 2010. A different version of the proposed permit was submitted on June 29, 2010. | ☑ Acceptable ☐ Unacceptable |
| 21685 (b)(4)(A) Consistency with Public Resources Code 50001 | The LEA in their permit submittal package received on June 24, 2010 provided a finding that the facility is consistent with PRC 50001. WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated June 28, 2010. | ☑ Acceptable ☐ Unacceptable |
| 21685(b)(7) Operations Consistent with State Minimum Standards | WCMP staff in the Compliance, Evaluations, and Enforcement Division (CEED) found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 22, 2010. See compliance history below for details. | ☑ Acceptable ☐ Unacceptable |
| 21685(b)(8) LEA CEQA finding | The LEA provided a finding in their permit submittal package received on June 24, 2010, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below. | ☑ Acceptable ☐ Unacceptable |
| CEQA determination to support responsible agency's findings | WCMP staff found that the proposed permit is consistent with CEQA and supports the Department's concurrence in the new permit. | ☑ Acceptable ☐ Unacceptable |

**Compliance History:**

The facility is required to obtain a SWFP because the volume of residual materials exceeds ten percent of the material coming into the facility. Currently, the facility operates under a temporary permit issued on July 16, 2008, pursuant to AB 1473. The temporary SWFP expired on June 30, 2010. If the LEA finds the facility operating in a manner that requires a permit, they must immediately issue a cease and desist order requiring all activities for which a solid waste facilities permit is required cease until a valid permit is obtained.

The facility was inspected by WCMP staff in CEED on February 22, 2010. No violations were observed. The LEA observed one violation of State Minimum Standards during the temporary permit period.

- On January 29, 2010: Section 17410.4 – Vector Control. A live rat was seen running around the facility during the inspection.

During the next inspection (February 4, 2010) of the Los Angeles Express Materials Recovery Facility, the LEA indicated that the operator had mitigated all vector issues.

**Environmental Analysis:**

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA must make a determination as to whether this proposed permit is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The Los Angeles Express Materials Recovery Facility operated under a Temporary Solid Waste Facilities Permit that expired on June 30, 2010. The proposed Full Solid Waste Facilities Permit presently under consideration is for the operation of an existing recycling facility that has been located at the site since 1986. The Materials Recovery Facility is located on a 2.5 acre parcel; limited to 207 tons per day of Municipal Solid Waste.

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it.

The City of Los Angeles Local Enforcement Agency proposes to issue a new Full Solid Waste Facilities Permit to replace the temporary permit that it issued on July 16, 2008, without any changes to the facility's permit limits or operations. The LEA has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under a Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project.

Furthermore, the LEA has provided a finding that the facility is an existing Transfer/Processing Facility, and the applicant did not propose any significant change in operation from that approved under the temporary permit that the LEA issued in 2008; therefore the facility meets the conditions of CCR 14 Section 15301 as Categorically Exempt - Existing Facilities.

Department staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this Full Solid Waste Facilities Permit. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence in this proposed Full Solid Waste Facilities Permit. Staff's finding is based on the fact that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" to issue the temporary permit in 2008.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities (Section 15301), to be filed with the State Clearinghouse after the Department's concurrence in the Full Solid Waste Facilities Permit proposed by the LEA, in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations from those authorized under the temporary permit that the LEA issued in 2008. Further, there are no grounds under

CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed Solid Waste Facilities Permit.

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

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Categorical Exemption and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Local Issues:**

The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 5007). Census information indicates that the surrounding population is approximately 24.6% White, 14.4% African American, 0.1% Asian, 0.9% American Indian and Alaska Native, 0.1 Native Hawaiian and Other Pacific Islander, 54.8% some other race, and 5.1% two or more races. 84.5% of the total population describe themselves as Hispanic or Latino. 35.7% of the families are 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:**

The LEA held a public informational meeting on May 13, 2010, at the Ascot Branch Library, located at 120 West Florence Avenue, in the city of Los Angeles. Three members of the public were in attendance. The comments received by the LEA were in regards to the future plans not included in this proposed permit. The LEA responded to all questions and concerns.

The Department staff will provide an opportunity for public comment during the WCMP workshop on July 12, 2010.

**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.