

## Waste Compliance and Mitigation Program Staff Report

Solid Waste Facilities Permit Revision for Modesto Co-Compost Facility in Stanislaus County

Solid Waste Information System No. 50-AA-0018

February 22, 2011

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

This report was developed in response to the Operator request for the California Department of Resources Recycling and Recovery (Department) issuance of a proposed Solid Waste Facilities Permit (SWFP) revision for Modesto Co-Compost Facility, Solid Waste Information System (SWIS) No. 50-AA-0018, located in an unincorporated area of Modesto, California and owned and operated by the City of Modesto. The Department serves as the Enforcement Agency in this jurisdiction. A copy of the proposed permit is attached. The report contains Permits and Assistance Branch staff's analysis, findings, and recommendations.

The application for SWFP Revision was received on November 23, 2010. Department staff completed a review of the permit application package and found the application package to be complete and correct. A proposed permit was finalized on March 23, 2011. Action must be taken on this permit no later than May 21, 2011. If no action is taken by May 21, 2011, the Department will be deemed to have issued the proposed revised permit.

### **Proposed Changes**

The following changes to the permit are being proposed:

	Current Permit (2008 SWFP)	Proposed Permit
12. Legal Description of Facility	Section 3, Township 5 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus	Lat/Long 37.5351 N - 121.074421 W Section 3, Township 5 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus Assessors Parcels 022-001-002 and 022-001-004
13. Findings	e. The facility has programs to divert green wastes from land disposal. Improvements to the operator's diversion efforts are on going.	Language removed.
17. Enforcement Agency Conditions	i. A copy of this permit and RCSI shall be maintained at the facility.	A copy of this permit and Report of Compost Site Information, including the Odor Impact Minimization Plan, shall be maintained and readily available to site personnel and the EA upon request.

### **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 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 Permits and Assistance Branch.

CCR Title 27 Sections	Findings	
21685(b)(1) EA certified complete and correct Report of Facility Information	Department staff acting as EA for Stanislaus County accepted the application package as complete & correct on December 16, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) EA Five Year Permit Review	The EA completed a Five Year Permit Review on January 15, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The EA submitted a proposed Solid Waste Facilities Permit on March 8, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	On March 15, 2011, 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)(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 March 23, 2011. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) EA CEQA finding	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 EA on February 3, 2011, at 5:00 pm in Patterson, CA. Two members of the public attended and all concerns were addressed. No written comments were received by the EA 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 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 March 23, 2011. No violations were noted.

The EA observed three violations of State Minimum Standards during the past five years.

No violations noted through March 2011.

No violations noted in 2010.

On February 26, 2009: Section 17868.3 (a) – Pathogen Levels Exceeded and Section 17867 (a)(2) – Litter.

On April 30, 2009: Section 17867 (a) (3) – Random Load Checks.

No violations were noted for the years 2006, 2007, and 2008.

**Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, the 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 and must utilize the environmental document prepared by the City of Modesto, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The Modesto Co-Compost currently operates under a Full Solid Waste Facilities Permit, issued by the LEA on January 23, 2008. The City of Modesto referred to the 1994 Negative Declaration and Addendum to evaluate the environmental impacts of the proposed 2011 Solid Waste Facilities Permit. The Lead Agency circulated a Negative Declaration, State Clearinghouse No. 1994112036, for a 30 day review period from November 15, 1994 through December 15, 1994. The City Council certified the Negative Declaration on January 17, 1995; a Notice of Declaration was not filed with the State Clearinghouse. An Addendum to the Negative Declaration was approved by the by the City Council on January 7, 1997.

The Negative Declaration was for the annexation and rezoning of a 51.18 acre parcel adjacent to an existing 10 acre parcel used for wastewater treatment. The purpose was for the relocation of a fixed film reactor. The relocation would require the current composting operation to be moved to the southern portion of the parcel. The second component was to develop and operate a biosolids composting treatment process which would enable the City of Modesto to meet pathogen reduction requirements. Approximately 15 acres of the 51.18 parcel would be graded, compacted and fenced for use as a windrow or other type of co-composting. The feed stock would be bio-solids and yard trimmings, leaves and garden refuse delivered to the site as well as bulking agents such as wood chips, rice hulls or other dry material.

The addendum corrects the oversight of not indicating tonnages in the Negative Declaration for the co-composting facility, clarified the meaning of “other dry materials”, expanded the co-composting area from 15 acres to 30 acres on the recommendation of city engineers and clarified the meaning of “truck trips” and “trucks.”

The initial average daily throughput of feed stocks was anticipated to be 200 tons (400 cubic yards) with an initial peak loading of approximately 450 tons. The addendum requested the permitted daily peak capacity be increased to 500 tons per day, with an annual throughput of 130,000 tons with a combined annual volume of compost to be processed of 68,000 to 171,000 cubic yards.

The City of Modesto determined that these changes would not constitute a substantial change in the circumstances under which the project was undertaken or new information of substantial importance would prompt the need to conduct further CEQA review.

The proposed Solid Waste Facilities Permit under consideration is for changing the location of the composting operations to the southern portion of the parcel within the existing permitted boundary. There is no change to current tonnage, acreage, hours, or traffic. Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the 1994 Negative Declaration prepared by the City of Modesto and the 1997 Addendum also prepared by the city, in that there are 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 proposed Solid Waste Facilities Permit. Staff further recommends the Negative Declaration and Addendum 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 EIR 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:**

A review of the public process indicates that environmental justice issues were not identified by the surrounding community (Census tract 31). Census information indicates that the surrounding population is approximately 72.9% White, 2.5% Black or African American, 1.4% American Indian and Alaskan Native, 0.7% Asian, 0.1% Native Hawaiian and Other Pacific Islander, 17.8% some other race, and 4.6% two or more races, and 38.6% of the population identify themselves as Hispanic or Latino. Median household income was \$31,490, and 14.9% of the families were below the poverty level.

Staff has not identified any local issues related to this item. The CEQA record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and Solid Waste Permit requirements. A review of the public process indicates that environmental justice issues were not identified by the surrounding community 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 EA conducted an informational meeting on Thursday, February 3, 2011 at 5:00 P.M. at the Patterson Library, Patterson, CA. No meeting location was available within one mile of the project site, pursuant to 27 CCR Section 21650(e). The Patterson Library was the closest public meeting place possible. No members of the public were in attendance, one press member from the Patterson Irrigator, was present but did not have any comments. The EA received no written comments. A Notice of the Public Informational Meeting was posted onsite at Modesto Co-Compost facility, on the CalRecycle

public website; and in the Modesto Bee and the Patterson Irrigator, for 4 days, ten days prior to the meeting.

No written comments have been received by the LEA or the Department from the public on the proposed project.

Department staff provided an opportunity for public comment during the WCMP workshop on March 15, 2011.

**Department Staff Actions:**

Staff serves as the EA in this jurisdiction.

