

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Revision for the (Allied) Imperial Landfill
SWIS No. 13-AA-0019
September 26, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the Imperial County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery's (Department) concurrence on the issuance of a proposed Solid Waste Facilities Permit (SWFP) revision for the (Allied) Imperial Landfill, SWIS No. 13-AA-0019, located in Imperial County and owned and operated by Imperial Landfill, Inc. A copy of the proposed permit is attached. This report contains the Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on August 23, 2011. A different version of the proposed permit was received on September 26, 2011 and October 14, 2011. Action must be taken on this proposed permit no later than December 13, 2011. If no action is taken by December 13, 2011, 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 (2002 SWFP) | Proposed Permit |
|--|---|---|
| 2. Name and Street Address of Facility | Allied Imperial Landfill 104 East Robinson Road Imperial, CA 92251 | Imperial Landfill 104 East Robinson Road Imperial, CA 92251 |
| 5.a. Permitted Operations | Landfill Disposal Site | Solid Waste Disposal Site Other (Greenwaste Processing) |
| 5.b. Permitted Hours of Operation | 4:30 AM to 7PM, 7 days a week Commercial Haulers: 4:30 AM to 4 PM, Monday through Saturday One packer load from Centinela State Prison is received on Sunday & tipped on Monday. Public Haulers: 8 AM to 4 PM, Monday through Saturday | 4:30 AM to 9:00 PM, Monday through Saturday (Refer to Condition 17 (k)) Commercial Disposal Hours: 4:30 AM to 7:00 PM Public Disposal Hours: 8:00 AM to 4:00 PM Greenwaste/CDI Debris Processing Hours: 7:00 AM to 7:00 PM |
| 5. c. Permitted Tons Per Operating Day (tpd) | Non-Hazardous -- General: 1,135 tpd | Non-Hazardous -- Solid Waste : 1,700 tpd Non-Hazardous -- CDI Debris (Refer to Condition 17(q)) |
| 5.d. Permitted Traffic Volume (vpd) | 274 in & out | 400 vehicles per day |
| 5.e. Key Design Parameters | Permitted area: 170 acres | Permitted area: 337 acres |

| | | |
|---|--|---|
| | <p>Disposal area: 73 acres</p> <p>Remaining Capacity: 3,588,126 cubic yards air space (2002)</p> <p>Max. Elevation (ft. MSL): -32/+20</p> <p>Estimated Closure Date : 2012</p> | <p>Disposal area: 162 acres</p> <p>Remaining Capacity: 15,400,000 cubic yards (2011)</p> <p>Max. Elevation (ft. MSL): 50</p> <p>Estimated Closure Date: 2040</p> <p><i>This permit does not release the operator from its responsibility under any other existing laws, ordinances, regulations, or statues of other government agencies.</i></p> |
| 7. Local Enforcement Agency Name and Address: | <p>Department of Health Services, Division of Environmental Health Services Court House 939 West Main Street EI Centro, California 92243</p> | <p>Imperial County Public Health Department Division of Environmental Health 797 West Main Street, Suite B EI Centro, California 92243</p> |
| 12. Legal Description of Facility | <p>APN 044-030-24-01</p> <p>Parcel Size: 170 acres</p> | <p>(See Drawing G02 of the JTD for Site Plan):</p> <p>The Imperial Landfill is located in the unincorporated area of Imperial County at 104 East Robinson Road, approximately 3 miles east-northeast of the City of Imperial, California. The legal facility boundary encompasses Tract 222 and portions of Tracts 197 and 223 within Section 9, Township 15 South, Range 14 East, San Bernardino Baseline and Meridian. Assessor Parcel Numbers: 044-030-006 and 044-030-024. Latitude 32°51' North and Longitude 115° 31.5' West</p> |
| 13. Findings | <p>a. This permit is consistent with the County Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50001. See pages 28 and 29 of the CIWMP.</p> <p>b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.</p> <p>c. The design and operation of the facility in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.</p> <p>d. The IMPERIAL COUNTY FIRE DISTRICT has determined that the facility is in conformance with applicable fire</p> | <p>a. This permit is consistent with the Imperial County Solid Waste Management Plan (CIWMP), which was approved by the California Integrated Waste Management Board (CIWMB) on May 23, 2000. (See pages 28 & 29 of the CIWMP). The location of this facility is identified in the Countywide Siting Element. Public Resources Code (PRC), Section 50001(a) (1).</p> <p>b. This permit is consistent with standards adopted by the California Department of Resources, Recycling and Recovery (CalRecycle, formerly CIWMB). Public Resources Code, Section 44010.</p> <p>c. The Local Enforcement Agency (LEA) has determined that the design and</p> |

| | | |
|-------------------------|--|---|
| | <p>standards as required in Public Resources Code, Section 44151.</p> <p>e. A Notice of Determination for the Allied Imperial Landfill Environmental Impact Report (EIR) dated June 14, 1996 was filed with the State Clearinghouse (SCH No. 95111054) as of September 4, 1996, pursuant to Public Resources Code, Section 21081.6. An Addendum to the FEIR was filed August 22, 1997 and January 24, 2000. Mitigated Neg. Declaration, February 13, 1999, SCH# 99011062. SCH# 200201001, April, 2002. The LEA finds the proposed permit in compliance with CEQA.</p> <p>f. The following authorization agent has made the determination that the facility is consistent with, and designated in, the applicable general plan: Jurg Heuberger, Planning Department. Public Resources Code, Section 50000.5(a).</p> <p>h. The Imperial County Board of Supervisors made a written finding on September 3, 1996 that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b).</p> | <p>operation of the facility is in compliance with State Minimum Standards for solid waste handling and disposal at this site. Public Resources Code, Section 44009.</p> <p>d. The Imperial County Fire Department has determined that the facility is in conformance with applicable fire standards. Public Resources Code, Section 44151.</p> <p>e. A Final Environmental Impact Report (FEIR) dated March 2010 was filed with the State Clearinghouse (SCH No. 2007121049) and certified by the Imperial County Board of Supervisors on September 21, 2010 in support of this Solid Waste Facility Permit. A Notice of Determination was filed with the State Clearinghouse on September 27, 2010.</p> <p>f. The Imperial County Board of Supervisors has made a determination that the Imperial Landfill is consistent with, and designated in, the Imperial County General Plan, and that the surrounding land use is compatible with the expansion of the facility as described herein. Public Resources Code, Section 50000.5.</p> |
| <p>14. Prohibitions</p> | <p>The permittee is prohibited from the disposal of the following items:</p> <p>a. Hazardous waste, as defined by CCR Title 22.</p> <p>b. Liquid waste (moisture content more than 50 percent). In the case of stabilized sewage sludge, 40% moisture content is the maximum allowed.</p> <p>c. White goods which are deemed to be recyclable.</p> <p>d. Biohazardous/Medical Waste.</p> <p>e. Designated wastes.</p> <p>f. Radioactive waste.</p> <p>g. Wastes which can cause corrosion/erosion or decay, or otherwise reduce or impair the integrity of containment structures.</p> <p>h. Waste which, when mixed or commingled with other wastes at the landfill, could produce chemical reactions</p> | <p>The permittee is prohibited from accepting the following wastes for disposal:</p> <p>a. Hazardous waste, as defined by Title 22 of the California Code of Regulations;</p> <p>b. Liquid waste (moisture content of more than 50 percent). In the case of stabilized sewage sludge, 40 percent moisture content is the maximum allowed;</p> <p>c. White goods which are deemed to be recyclable;</p> <p>d. Biohazardous / Medical Waste;</p> <p>e. Designated wastes;</p> <p>f. Radioactive waste; and</p> <p>g. Wastes requiring special treatment or handling, except as identified in the Joint Technical Document and as approved by the LEA, RWQCB, and other federal, state, and local agencies.</p> <p>Composting is also prohibited at the Imperial Landfill.</p> |

| | | |
|---------------------|--|--|
| | <p>that create heat or pressure, fire or explosion, toxic byproducts, or reactions which in turn: (1) Require a higher level of containment than provided by this landfill; or (2) Impair the integrity of the containment structure.</p> <p>i. Composting is prohibited.</p> | |
| 15. Documents: | <p>Report of Facility Information 06/96</p> <p>Amendment to RFI 4/99 – 1/02</p> <p>Conditional Use Permits #1189-95 9/3/96 #98-0021 5/6/99; amended 4/02</p> <p>EIR State Clearinghouse # 95111054 6/14/96 Certified by Board of Supervisors 9/3/96 Notice of Determination Recorded 4/25/02 Addendum to 1996 FEIR 1/24/00</p> <p>Mitigated Negative Declaration SCH No. 99011062, 2/99 SCH No. 2002011001, 136 tpd out-of-county waste, 4/2002</p> <p>Preliminary Closure/Post Closure Plan deemed complete for filing 11/5/96</p> <p>Closure Financial Responsibility Document, Financial Assurance Branch Letter 6/1/01</p> <p>Final Closure & Post Closure Maintenance Plan for 31 acre unit Approved 4/9/01</p> <p>Waste Discharge Requirements (WDR) #97-073 and #98-082 as amended 11/12/98</p> <p>Air Pollution Permits to Operate #2625 10/28/99</p> <p>NPDES Permit #91-13-DWQ amended by 92-12-DWQ</p> <p>USEPA I.D. No. CAC000748368</p> | <p>Joint Technical Document 05/11</p> <p>Conditional Use Permit (# 07-0027) 10/21/10</p> <p>Final EIR (SCH# 2007121049) 03/10</p> <p>Preliminary Closure/Post-Closure Maintenance Plan 05/11</p> <p>Final Closure Plan (31 Acre Unit) 04/01 (Final CQA Report and Closure Certification – March 2003)</p> <p>Waste Discharge Requirements (WDR# R7-2005-0093) 11/16/05 (WDR# R7-2011-0040) 09/15/11</p> <p>Imperial County APCD Permit to Operate (#2625B-2 and 3888A) 10/10</p> <p>Imperial County Ordinances Various</p> <p>Partial Final Closure Plan N/A</p> |
| 16. Self Monitoring | <p>A variety of monitoring activities shall be performed by the operator of the Allied Imperial Landfill. The various monitoring activities are included in permits and the environmental review documents for the landfills.</p> <p>The LEA will be responsible to monitor</p> | <p>A variety of monitoring activities shall be performed by the operator of the Imperial Landfill. The various monitoring activities are included as requirements in the referenced permits and the environmental review documents for the landfill. All required monitoring reports shall be sent to the Local Enforcement Agency as</p> |

| | | |
|---------------------------|--|---|
| | <p>only those items, which it has the authority to enforce.</p> | <p>described in the Joint Technical Document, including, but not limited to the following:</p> <p>a. Operator to perform quarterly landfill gas monitoring of the landfill perimeter and on-site structures and to submit monitoring reports to the LEA within 90 days of sampling.</p> <p>b. Operator to maintain daily tonnage logs of all waste received at the landfill and to submit tonnage reports to the LEA at least monthly within 15 days of the following month.</p> <p>c. Operator to maintain a record of the number of waste delivery vehicles entering the facility and to submit reports to the LEA at least monthly within 15 days of the following month.</p> <p>d. Operator to calculate the remaining capacity for the current operating cell on a quarterly basis using a combination of survey and tonnage inflow data and to submit the remaining capacity estimate to the LEA with the tonnage report.</p> <p>The LEA, under this permit, will enforce only those mitigation measures of the Mitigation Monitoring and Reporting Program (MMRP) that the LEA has the authority to enforce under the Public Resources Code, the California Code of Regulations, and other applicable regulations.</p> |
| <p>17. LEA Conditions</p> | <p>a. The operator shall comply State Minimum Standards for solid waste handling and disposal as specified in Title 27, California Code of Regulations (CCR). The operator shall not operate this facility without possession of all required permits/regulatory approvals. The operator shall inspect the site at a frequency sufficient to ensure compliance with all applicable standards/conditions/mitigations/regulations as are applicable to this facility.</p> <p>b. The operator shall comply with all applicable federal, state, and local requirements and enactments, including all mitigation and monitoring measures and all administrative/enforcement orders of all regulatory agencies with jurisdiction at this facility.</p> | <p>a. The operator shall comply with State Minimum Standards for solid waste handling and disposal as specified in Title 27 of the California Code of Regulations. The operator shall not operate this facility without possession of all required permits and regulatory approvals. The operator shall inspect the site at a frequency sufficient to ensure compliance with all standards, conditions, mitigations, and regulations applicable to this facility.</p> <p>b. The operator shall comply with all applicable federal, state, and local requirements and enactments, including mitigation and monitoring measures developed in accordance with any certified environmental documents filed pursuant to Public Resources Code (PRC) Section 21081.6, and administrative or enforcement orders of all regulatory</p> |

| | | |
|--|---|--|
| | <p>c. The operator shall maintain a complete copy of this SWFP, and all LEA/CIWMB regulatory inspection reports and enforcement actions on the premises. Such reports to be readily available to facility personnel, LEA staff and other appropriate regulatory personnel.</p> <p>d. Additional information concerning the design/operation of the facility shall be furnished upon request to the LEA and other regulatory personnel.</p> <p>e. The operator shall notify the LEA in writing of any proposed change in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any significant changes unless the operator first submits to the LEA a notice of said changes at least 150 days before said changes are undertaken. Any significant changes as determined by the LEA would require a revision of this permit.</p> <p>f. The LEA reserves the right to suspend and/or modify applications at this facility when deemed necessary due to any emergency, potential health hazard, and/or public nuisance.</p> <p>g. A log of special occurrences shall be maintained. The log shall contain but not limited to: fire, explosion, discharges, significant incidents of personnel injury, seismic events, accidents, and/or property damage. The log shall be maintained on the premises. Days without incidents shall be noted in the log with an appropriate negative entry.</p> <p>h. Personnel on-site shall have immediate access to telephone to reach the 911 emergency dispatcher via telephone maintained at the main office and the scale house.</p> <p>i. The operator uses a geomembrane blanket as alternative daily cover, however on Thursday or Friday of each week the work face is to be covered with a minimum of six inches of compacted earthen material. Therefore when ACD is used earthen soil shall be stockpiled for inclement weather. Greenwaste may be use as ADC in lieu of geomembrane blanket when available. These standards are subject to regulatory change and may be amended in the future. A shredder may be placed on premises for shredding</p> | <p>agencies with jurisdiction at this facility.</p> <p>c. The operator shall maintain a complete copy of the Solid Waste Facility Permit, Joint Technical Document (JTD), and all LEA/CalRecycle regulatory inspection reports and enforcement actions at the facility. All operating and disposal site records shall be readily available to facility personnel, LEA staff, and other appropriate regulatory personnel.</p> <p>d. Additional information concerning the design and operation of the facility shall be furnished to the LEA upon request and within the time frames specified by the LEA.</p> <p>e. The operator shall notify the LEA in writing of any proposed change in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any significant 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 changes as determined by the LEA would require a revision of this permit.</p> <p>f. The LEA reserves the right to suspend and/or modify applicable operations at this facility when deemed necessary due to any emergency, potential health hazard, and/or public nuisance.</p> <p>g. A daily log of special occurrences shall be maintained by the site operator at the facility. The log shall contain, but is not limited to: fires, explosions, discharges, flooding, seismic events, unusual or sudden landfill settlement, receipt or rejection of unpermitted wastes, significant incidents of personnel injury, accidents, and/or property damage. Days without incidents shall be noted in the log with an appropriate negative entry.</p> <p>h. The operator shall submit copies to the LEA of all written complaints regarding this facility and the operator's actions taken to resolve the complaints.</p> <p>i. On-site personnel shall have immediate access to radio or telephone communications in the event of an emergency.</p> <p>j. The site shall accept only non-hazardous solid wastes for disposal as authorized by</p> |
|--|---|--|

| | | |
|--|---|--|
| | <p>greenwaste. Maintain at least a 750 ft. property line setback. Any greenwaste stored longer than 7 days constitutes composting.</p> <p>j. The terms and conditions of this permit may change as a result of revision of applicable statutes or regulations.</p> <p>k. This permit does not release the operator from its responsibility under any other existing laws, ordinances, regulations, or statutes of other government agencies.</p> <p>l. The current RDSI or as it may be amended is a part of this permit.</p> <p>m. The operator shall maintain a high wind closure/reduced/or controlled operation policy and shall operate in accordance with condition 3.2.32 of the Conditional Use Permit. The operator shall provide adequate portable litter control fencing and an off site litter patrol to collect accumulated materials; if any.</p> <p>n. Operator is allowed approximately 136 tons per month of Out-of-County Municipal Solid Waste solely from Borrego Springs area.</p> <p>o. Operator shall compile daily tonnage and vehicle count, and submit to the LEA monthly within 15 days of the following month.</p> <p>p. Commercial vehicles operated by Valley Environmental Services traveling to this landfill from last pick up shall travel on paved roads only.</p> <p>q. Tonnage includes MSW, non-hazardous sewage sludge, and C&D wastes, and waste tires which have been appropriately altered. There is no practical means to prescribe a specific tonnage to each waste stream.</p> | <p>Waste Discharge Requirements, the Conditional Use Permit, and Title 27 of the California Code of Regulations, and as described in the facility JTD.</p> <p>k. The facility shall be closed to the public for waste acceptance on Sunday with the exception of receiving limited commercial loads under special contract for tipping on Monday as approved by the LEA and as described in the Joint Technical Document, such as the single load of waste currently received from Centinela State Prison.</p> <p>l. The operation of a household hazardous waste (HHW) collection facility at this site to collect and temporarily store household hazardous wastes for shipment offsite is authorized by this permit. The operator shall submit an RFI Amendment application and detailed Household Hazardous Waste Acceptance, Storage, and Offsite Transfer Operations Manual to the LEA for approval prior to initiating an HHW collection facility at the site.</p> <p>m. The operator is permitted to utilize processed green material, geosynthetic blankets, or non-hazardous ash as an Alternative Daily Cover (ADC) at the site. Soil cover shall be placed over the entire working face at the end of each operating week and at the end of any operating day preceding a period of time greater than 24 hours that the facility is closed. The LEA reserves the right to restrict or terminate the use of Alternative Daily Covers at the site if they become impracticable or contribute to conditions hazardous to public health and safety and the environment, particularly during inclement weather conditions.</p> <p>n. A shredder may be placed on premises for processing greenwaste or source separated wood waste. Any greenwaste or CDI debris processing shall occur in a designated location consistent with the Mitigation Monitoring and Reporting Program, and in a manner consistent with the JTD. No green material or wood mulch shall be stored on-site for more than 7 days.</p> <p>o. The operator shall maintain a high wind closure, reduced and/or controlled operation policy as described in the Conditional Use Permit to minimize nuisance impacts from windblown litter.</p> |
|--|---|--|

| | | |
|--|--|---|
| | | <p>The operator shall provide adequate portable litter control fencing and personnel to routinely collect and dispose of windblown litter. Any off-site litter shall be collected and disposed of daily.</p> <p>p. The operator shall make all reasonable efforts to require all vehicles transporting solid waste into the landfill to be properly covered or loads otherwise secured, as appropriate.</p> <p>q. Upon revision of this Solid Waste Facility Permit, the operator may conduct a large volume CDI debris processing operation at the site to process for recycling up to a maximum of 350 tons of CDI debris per day. A Medium Volume CDI Debris Processing Facility may be permitted by the LEA under a separate Registration Tier Permit.</p> <p>r. The operator shall submit a detailed phase expansion construction design to the LEA and RWQCB for review and approval no later than one year prior to reaching the estimated capacity of the current operating cell. Waste shall not be placed in any area of the waste management unit until a final construction certification report has been approved by the LEA and RWQCB.</p> <p>s. The terms and conditions of this permit may change as a result of revisions to applicable statutes or regulations.</p> <p>t. All permits or approvals referenced in this permit or its Joint Technical Document shall be maintained in force during the term of this permit. In the event any permit or approval is modified, is suspended, or revoked, or expires during the term of this permit, the operator shall notify the LEA within 30 days of the change and include copies of any renewed or modified permits or approvals.</p> <p><i>The LEA, under this permit, will enforce those terms and conditions under the authority of the LEA within the Integrated Waste Management Act in the Public Resources Code and the California Code of Regulations Title 14 and Title 27.</i></p> |
|--|--|---|

Findings:

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements

have been met to support concurrence. The findings are summarized in table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Department.

| 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 August 19, 2011. | <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 June 25, 2007, and provided a copy to the Department on August 23, 2011. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(3) Solid Waste Facilities Permit | The LEA submitted a proposed solid waste facilities permit on August 23, 2011. A different version of the permit was received on September 26, 2011 and October 14, 2011. | <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 August 23, 2011, provided a finding that the facility is consistent with PRC 50001 and Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Siting Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated, September 22, 2011. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards | The Closure and Facility Engineering Unit staff in the Engineering Support Branch found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated August 16, 2011. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b) (7) (A) Financial Assurances Documentation Compliance | The Financial Assurances Unit staff in the Permitting & Assistance Branch found the Financial Assurances Documentation in compliance as described in their memorandum dated August 1, 2011. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(7)(B) Operating Liability Compliance | The Financial Assurances Unit staff in the Permitting & Assistance Branch found the Operating Liability in compliance as described in their memorandum dated August 1, 2011. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(8) Operations Consistent with State Minimum Standards | WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 7, 2011. See compliance history below for details. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

| CCR Title 27 Sections | Findings | |
|---|---|---|
| 21685(b)(9) LEA CEQA Finding | The LEA provided a finding in their permit submittal package received on August 23, 2011, 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 | A Public Informational Meeting was held by the LEA on August 8, 2011. No written comments were received by the LEA. | <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. Permits staff has determined that the CEQA record can be used to support the Branch Chief'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 WEEB staff in the Inspections and Enforcement Agency Compliance Unit on June 7, 2011. No violations were noted.

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

In 2011 the LEA documented one violation of 20680 - Daily Cover, two violations of 20870 - Hazardous Wastes and one violation of 20830 - Litter Control.

In 2010 the LEA documented one violation of 20580 – Lighting and one violation of 20810 – Vector and Bird Control.

No violations were noted in 2009.

In 2008 the LEA documented one violation of 20580 – Lighting and one violation of 20686 – Beneficial Reuse.

In 2007 the LEA documented two violations of 20680 – Daily Cover and two violations of 20710 – Scavenging/Salvage/Storage.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed revised SWFP before the Department concurs on it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Imperial County Planning and Development Services Department 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 current landfill site is located on 170 acres with a disposal footprint of 73 acres that is nearing capacity. There are a few rural residences along the landfill's southern boundary and one residence approximately 520 feet northeast of the project site.

The landfill changes that will be authorized by the issuance of the proposed permit are supported by the following environmental document:

- Final Environmental Impact Report For The Imperial Landfill Plan, SCH No. 2007121049, March 2010

The proposed SWFP revision under consideration includes the following changes: the facility name will change from Allied Imperial Landfill to Imperial Landfill; permitted area will increase from 170 acres to 337 acres; permitted disposal area will increase from 73 acres to 162 acres; maximum elevation will increase from -32 feet to 50 feet mean sea level; waste tonnage limits will be increased from 1,135 to 1,700 tons per day; traffic limits will be increased from 274 to 400 vehicles per day, commercial operating hours will increase (Monday through Saturday from 4:30 a.m. – 4:00 p.m. to 4:30 a.m. – 7:00 p.m., and greenwaste/CDI processing 7:00 a.m. – 7:00 p.m.); a new public drop off area will be constructed; CDI processing limits will be increased from 25 to 50 tons per day; estimated closure date will change from 2012 to 2040; design and operation changes resulting from the facility expansion were made to the Joint Technical Document.

The Imperial County Planning and Development Services Department, acting as Lead Agency, prepared and circulated an EIR, State Clearinghouse No. 2007121049. It was circulated for a 45-day review period from December 24, 2009 through February 8, 2010. The EIR discussed the SWFP revisions included in the project description stated above as well as additional design and operation that is beyond the scope of this SWFP revision, but may be implemented in the future.

Mitigation measures were made a part of the project approval. No unavoidable significant impacts were identified. In addition to developing a comprehensive Mitigation, Monitoring, and Reporting Plan to accompany the project, the County modified the project description and design features in response to comments raised during the review process.

A Final EIR dated March, 2010, was certified by the Imperial County Board of Supervisors on September 21, 2010. The Notice of Determination was received by the State Clearinghouse on September 27, 2010. Because no unavoidable significant impacts that were identified, a Statement of Overriding Considerations was not necessary. Department staff reviewed the Imperial County Planning and Development Services Department's EIR and determined that the findings were appropriate.

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 Lead Agency for its consideration of the permit.

Department staff further recommends the EIR is adequate for the Branch Chief'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.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Environmental Impact Report certified by the Board of Supervisors, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised 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 SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 110). Census information indicates that the surrounding population is approximately 59.9 % white, 2.6 % black or African American, 0.6 % American Indian/Alaska Native, 1.1% Asian, 0.2% Native Hawaiian, 0.5% Pacific Islander, 31.2% "some other race" and 3.9% "two or more races". 60.3% of the total population described themselves as Hispanic or Latino. 10.1% 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:

The LEA held a public informational meeting at 1:00 p.m. on August 8, 2011 in the Board of Supervisors Chambers at the Imperial County Administration Building located at 940 Main Street, El Centro, CA. The LEA received no written comment in response to the posted public notice. Comments received at the public information meeting included questions regarding impacts to Dogwood Road; maximum vehicle counts and the potential impacts to the local elementary school; start-up plans for construction and demolition activities; cover soil availability; and upkeep to Neckel Road (gravel road). The LEA and operator responded to all questions and comments at the time of the meeting.

A comment summary was included in the proposed permit package. No public comments have been received by the Department staff. The Department provided an opportunity for public comment during the Monthly Public Meeting on September 20, 2011.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process and attended the public meeting where the project was discussed.