

**Permitting & Assistance Branch Staff Report**  
 Revised Solid Waste Facilities Permit for the  
 Boron Sanitary Landfill  
 SWIS No. 15-AA-0045  
 May 27, 2014

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

This report was developed in response to the Kern County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Boron Sanitary Landfill, SWIS No. 15-AA-0045, located in Boron, California, and owned and operated by the Kern County Waste Management Department. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on April 9, 2014. Action must be taken on this permit no later than June 8, 2014. If no action is taken by June 8, 2014, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

**Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2001)	Proposed Permit
Permitted Area	20.53 a	120.21
Permitted Disposal Area	14 a	14.1
Permitted Hours of Operation	Monday through Sunday no earlier than 7:00 a.m. to no later than 5:00 p.m. The site is closed New Years Day, Easter Sunday, Independence Day, Thanksgiving Day and Christmas Day. The Report of Disposal Site (as amended) contains specific information regarding the hours of operation.	6:00 a.m. to 5:00 p.m. Monday through Sunday (Except for the following holidays: New Year's Day, Easter, Fourth of July, Thanksgiving and Christmas Day)
Estimated Closure Date	2037	2048
Maximum Depth	25 ft	2,446
Total Capacity (cubic yards)	1,002,819 cy	1,057,000

Other changes include:

1. Updated document references;
2. Updated language to some conditions.

**Key Issues**

The proposed permit will allow for the following:

- Increase the permitted facility boundary to 120.21 acres to include adjacent property acquired as a buffer to the active landfill. Also for use as a source of cover soil and ultimately converted to a drainage basin;
- Adjust the disposal footprint by 0.10 acres as a result of a waste study, which determined the actual disposal footprint to be 14.1 acres rather than the currently permitted 14 acres;
- Increase the maximum days and hours of operation to seven days per week, from no earlier than 6:00 a.m. (currently 7:00 a.m.) to no later than 5:00 p.m. (excluding county holidays);
- Increase in the permitted disposal capacity from 1,002,819 to 1,057,000 cubic yards; and,
- Change in estimated closure date from 2037 to 2048.

**Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), 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 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 Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR 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 April 8, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on May 25, 2011. The LEA provided a copy to the Department on June 1, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on April 9, 2014.	<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 April 9, 2014 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	Product & Compliance Unit found the facility is identified in the Countywide Siting Element, as described in the memorandum dated April 28, 2014.	
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated April 9, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities technically adequate as described in their memorandum dated April 8, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated March 25, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated March 25, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch and LEA staff found that the facility was in compliance with all operating and design requirements during an inspection conducted on April 16, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on April 9, 2014 that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<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 March 26, 2014. One written comment was received by the LEA. Oral comments were addressed by LEA staff. See Public Comments section below for details.	<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. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

Permitting and Assistance staff accompanied the LEA for a pre-permit inspection on April 16, 2014 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

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

- 2014 – No violations to date.
- 2013 (December) - One violation of 27 CCR Section 20830 – Litter Control.
- 2010-2012 - No violations were noted.

The violation was corrected to the satisfaction of the LEA.

### **Environmental Analysis:**

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP 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 Kern County Waste Management 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 changes that will be authorized by the issuance of the proposed permit include:

- Increase the permitted facility boundary from 20.53 to 120.21 acres to include landfill buffer areas.
- Increase the permitted disposal area from 14 to 14.1 acres;
- Increase total designed air space from 1,002,819 to 1,057,000 cubic yards;
- Increase the maximum days and hours to seven days per week, from no earlier than 6:00 a.m. (currently 7:00 a.m.) to no later than 5:00 p.m. (excluding county holidays); and
- Extend the permitted life span from 2037 to 2048.

These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 1997081087, was circulated for a 30 day comment period from July 15, 2013, to August 13, 2013. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was adopted by the Lead Agency on December 3, 2013.

The Kern County Environmental Health Division (LEA) has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as 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 proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, 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 SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. 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.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on March 26, 2014, at the Boron Recreation Building, in the City of Boron. Fourteen members of the public were in attendance. Twenty three general interest and project related questions were asked and addressed by the LEA and operator. One written (e-mail) comment was received from the local water provider regarding a water pipeline on the property.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on April 15, 2014 and May 20, 2014.