

**Permitting & Assistance Branch Staff Report**  
 Revised Solid Waste Facilities Permit for the  
 West Miramar Sanitary Landfill  
 SWIS No. 37-AA-0020  
 November 25, 2014

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

This report was developed in response to the City of San Diego Solid Waste 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 West Miramar Sanitary Landfill (WMSL), SWIS No. 37-AA-0020, located in the City of San Diego, owned by United States of America Department of Navy and operated by the City of San Diego. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff’s analysis, findings and recommendations.

The proposed permit was initially received on September 22, 2014. A new proposed permit was received on October 29, 2014. Action must be taken on this permit no later than December 28, 2014. If no action is taken by December 28, 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 (2008)	Proposed Permit
Name and Address of Owner	United States of America Department of Navy Marine Corps Air Station Miramar Post Office Box 45007 San Diego, CA 92145	United States of America Department of Navy Marine Corps Air Station Miramar Post Office Box 452007 San Diego, CA 92145
Permitted Hours of Operation	Mon - Fri 7:00 AM – 4:00 PM Sat - Sun 7:30 AM – 4:00 PM (See LEA Condition 17a.)	Seven days a week: 7AM – 4:30PM
Disposal Area (acres)	476.14	476.297
Estimated Closure Year	2017	2025

Other Changes include:

- Revisions to the following sections of the SWFP: “Findings,” “Prohibitions,” documents that “describe and/or restrict the operation of the facility”, “Self-Monitoring” and “LEA Conditions” including rewording, additions and/or deletions for the purpose of updating and/or clarifying; and
- Updates to the Joint Technical Document (JTD), dated April 2014, including to the Preliminary Closure and Post-Closure Maintenance Plans (PCMP), Landfill Gas Monitoring Plans, Landfill Gas Remediation Plans, Corrective Action Cost Estimates, and Financial Assurances.

**Key Issues:**

The proposed permit will allow for the following:

1. Change in hours of operation from Monday through Friday, 7:00 a.m. to 4:00 p.m., and Saturday/Sunday, 7:30 a.m. to 4:00 p.m., to seven days a week, 7:00 a.m. to 4:30 p.m.;
2. Change the estimated closure year from 2017 to 2025 due to updated remaining capacity survey information and a decrease in disposal tonnages;
3. Adjust the size of the disposal footprint due to more accurate measurements (the current SWFP says 476.14 acres, the proposed SWFP says 476.297 acres, and the 2007 EIR analyzed for a disposal footprint of 476.34 acres);
4. Incorporate landfill gas monitoring probes into the SWFP through a boundary agreement with the land owner for the purpose of maintenance and monitoring for methane gas migration;
5. Correct the owner’s P. O. Box address from 45007 to 452007; and
6. Update the Joint Technical Document, dated April 2014.

**Background:**

The West Miramar Sanitary Landfill is an existing landfill that operates on an 801.445 acre site and is permitted to accept 8,000 tons per day of solid waste. This permit revision will also allow for more efficient waste handling, staffing and equipment changes; along with standardizing the hours of operation to everyday 7:00 a.m. – 4:30 p.m. (except for being closed on four major holidays), and updated the estimated closure date. There will be no changes in the permitted boundary or daily tonnage.

**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 September 19, 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 January 28, 2013. The LEA provided a copy to the Department on February 7, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed revised Solid Waste Facilities Permit on October 29, 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 September 22, 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 their memorandum dated September 29, 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 October 8, 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 17, 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 in compliance as described in their memorandum dated November 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 November 25, 2014.	<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 September 30, 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 September 22, 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 September 9, 2014. No members of the public were in attendance. No written comments were received by the LEA or Department 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:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an inspection on September 30, 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 - January through November – Six violations of 27 CCR 21600 - Report of Disposal Site Information; one violation of Public Resources Code (PRC) Section 44014(b) - Terms & Conditions; two violations of 27 CCR 20921 – Gas Monitoring and Control
- 2013 – Six violations of 27 CCR 20921 – Gas Monitoring and Control; five violations of PRC 44014(b) - Terms & Conditions
- 2012 – Five violations of PRC 44014(b) - Terms & Conditions; one violation of 27 CCR 20937 - Reporting and Control of Excessive Gas Concentrations
- 2011 – One violation of 27 CCR 20921 – Gas Monitoring and Control
- 2010 – Twelve violations of 27 CCR 20921 – Gas Monitoring and Control
- 2009 – Three violations of 27 CCR 20921 – Gas Monitoring and Control; two violations of 27 CCR 20690 - Alternative Daily Cover; one violation of 27 CCR 20700 – Intermediate Cover

All violations were corrected to the satisfaction of the LEA.

### **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 SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this revised SWFP is categorically or statutorily exempt or if additional CEQA analysis is necessary.

The City of San Diego, Development Services Department, Solid Waste Local Enforcement Agency (LEA) acting as Lead Agency, prepared a Notice of Exemption on October 15, 2014, in order to:

1. Change hours of operation from Monday through Friday, 7:00 a.m. to 4:00 p.m., and Saturday/Sunday, 7:30 a.m. to 4:00 p.m., to seven days a week, 7:00 a.m. to 4:30 p.m.;
2. Change the estimated closure year from 2017 to 2025;
3. Adjust the size of the disposal footprint due to more accurate measurements (the current SWFP says 476.14 acres, the proposed SWFP says 476.297 acres, and the 2007 EIR analyzed for a disposal footprint of 476.34 acres).

The City of San Diego, Development Services Department, LEA, acting as Lead Agency, determined that pursuant to 14 CCR Section 15031, a Categorical Exemption – Existing Facilities, is adequate to fulfill CEQA requirements for this proposed SWFP revision. The Notice of Exemption (NOE) was filed with the Office of the County Clerk on October 15, 2014. The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the existing cited environmental documentation.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this revised SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities is adequate for the Department's concurrence of this revised SWFP. 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" because facility operating hours are only increasing by a total of 2.5 hours per week without any associated expansion in permitted tonnage or traffic as a result of the project. 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 revised SWFP.

Based on the above considerations, staff recommends that the Department prepare its own NOE to be filed with the State Clearinghouse after the Department's concurrence of the revised SWFP.

Department staff further recommends the Categorical Exemption 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 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 revised SWFP and all of its components and supporting documentation, this staff report, the Notices of Exemption, 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 Sturges, 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 September 9, 2014, at the Environmental Services Department Building located at 9601 Ridgehaven Court, in the City of San Diego. No members of the public were in attendance. No oral or written comments were received by the LEA.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on October 21, 2014 and November 18, 2014. No comments have been received by Department staff.