

## Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for  
Azusa Land Reclamation Company Landfill  
SWIS No. 19-AA-0013  
November 5, 2014

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

This report was developed in response to the Los Angeles County, Department of Public Health, Solid Waste Management Program'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 Azusa Land Reclamation Company Landfill, SWIS No. 19-AA-0013, located in Los Angeles County and owned and operated by Azusa Land Reclamation, Incorporated. 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 October 14, 2014. Action must be taken on this permit no later than December 13, 2014. If no action is taken by December 13, 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 SWFP (1996)	Proposed SWFP
Permitted Operations	"Landfill Disposal Site"	"Solid Waste Disposal Site" "Inert Debris Engineered Fill Operation" "Nonhazardous Petroleum Contaminated Soil Processing Operation"
Permitted Hours of Operation	Disposing of waste and refuse – 6:00AM to 8:00 PM, Monday through Saturday Open to Public – 6:00AM to 8:00PM, Monday through Saturday	Receipt of Materials – 6:00AM to 8:00PM, Monday through Saturday Contaminated Soil Processing and Ancillary Operations – 24 hours per day, 7 days per week
Permitted Daily Throughput (tons per day - TPD)	Non-hazardous Refuse – 6,500 TPD	8,000 TPD/39,000 tons per week (TPW) –See LEA Condition 17(C)(1)
Permitted Area (acres)	Total – 283 Disposal – 283	Total – 302 Disposal – 266
Remaining Capacity (cubic yards)	34,100,000	Total Design Capacity 80,571,760
Estimated Closure Date	Approx. 2010 @ 6,500 TPD	2045* (see page 6 part C, Specifications)

1. 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 programs," and "LEA Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying.

**Key Issues:**

The proposed permit will allow for the following:

1. The correction of the total permitted area from 283 acres to 302 acres.
2. The correction of the refuse disposal footprint from 283 acres to 266 acres.
3. Correction of the facility address from 1201 W. Gladstone Street, to 1211 W. Gladstone Street.
4. Clarification of the types of inert and beneficial use materials accepted at the landfill including soil for cover, concrete, asphalt, and other inert materials suitable for cover, internal roads, wet weather decks, erosion control, and other appropriate uses.
5. Increase the total amount of materials received at the facility from 6,500 tons per day to 8,000 tons per day (with a maximum of 39,000 tons per week).
6. Clarification of the disposal operations for waste tires and inert material.
7. Revision of the base grades for Zones III, IV, and V based on the continued mining operations in order to reflect the ongoing disposal of inert wastes and the prior elimination of municipal solid waste from the permitted waste stream.
8. An update to the remaining estimated site capacity and site life.
9. Revision to the Self-Monitoring program to include subsurface monitoring reporting and inert debris engineered fill operation reporting.
10. Revision/Update to the LEA permit conditions to address current design and operations.

**Background:**

Azusa Land Reclamation Company Landfill (Landfill) is located at 1211 W. Gladstone Street, in the City of Azusa and the City of Irwindale. The Azusa Land Reclamation Company owns and operates the site as a Class III landfill which receives waste tires, friable and non-friable asbestos containing waste, and other inert waste. In addition to disposal activities, the Landfill is operating as a mine reclamation project in conjunction with ongoing sand and gravel mining at the site. The Landfill consists of five (5) zones: Zone I which was used for the disposal of municipal solid waste until October 1996; Zone II, which is a lined area for the disposal of asbestos containing waste; Zones III and IV, which will continue to be used for the disposal of altered/shredded tires and inert debris; and Zone V, which will be utilized for the disposal of inert debris only (as an inert debris engineered fill operation) once mining activities conclude. In addition there is a non-hazardous petroleum contaminated soil processing facility located on the top deck of Zone I. A material recovery facility/transfer station is located within the SWFP boundary and is separately permitted as a large volume transfer/processing facility and conducts operations under SWFP No. 19-AA-1127 issued on August 19, 2013.

**Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the 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 October 14, 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 March 10, 2011. The LEA provided a copy to the Department on March 15, 2011. The changes identified in the review are reflected in this permit revision.	<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 October 14, 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 October 14, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated November 5, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	<p>Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure and Postclosure Maintenance Plans are consistent with State Minimum Standards as described in their memorandum dated November 27, 2013. Department staff found the document to be technically adequate and approvable as described in a letter dated December 17, 2013.</p> <p>Engineering Support Branch staff found the Partial Final Closure and Postclosure Maintenance Plans for a portion of Zone I to be consistent with State Minimum Standards as described in their memorandum dated June 20, 2013. Department staff found the document to be technically adequate as described in a letter dated July 9, 2013.</p>	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The 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 is approvable as described in their memorandum dated January 31, 2013. Department staff found the document to be acceptable and approvable as described in a letter dated February 11, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
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 October 30, 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 October 30, 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 October 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 October 14, 2014, in that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis section 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 16, 2014. Two members of the public were in attendance. Comments were addressed by LEA staff. No written comments were received by 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 Inspection and Enforcement Agency Compliance Unit conducted a pre-permit inspection on October 16, 2014 and identified the following violations: 1) PRC Section 44004 (a) – Significant Change; and 2) 27 CCR Section 21600 – Report of Disposal Site Information (RDSI). Significant changes in the design and operation of the facility have occurred since the governing SWFP was issued on June 28, 1996. A change in design and/or operation that is determined to be the basis to include further restrictions, prohibitions, terms, conditions or other measures necessary to adequately protect public health, safety and the environment and ensure compliance with State Minimum Standards in the SWFP is a significant change and requires a revised SWFP (27 CCR 21563 and 21665). The facility is no longer authorized to accept municipal solid waste for disposal (as of October 1996 per the Regional Water Quality Control Board) and only accepts inert wastes, asbestos containing waste, whole waste tires (altered/shredded prior to disposal) and altered waste tires for disposal (i.e., waste types accepted, handling). In addition, the estimated site life has been recalculated (based on current waste volumes), the base grade elevation for disposal of inert material (below 355 feet mean sea

level), and recalculated remaining site capacity (based on base grade elevations from mining and final elevation).

The facility was included on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards (Inventory) on March 7, 2013 for an ongoing violation of 27 CCR 21600 – RDSI. The LEA issued a compliance schedule to the operator on March 19, 2013, which required the operator to submit an updated RDSI by July 27, 2013 and obtain a revised SWFP by December 31, 2013 to incorporate the updated RDSI. On December 21, 2012, the operator submitted an application to revise the SWFP to the LEA. However, pursuant to Section 15111 of the CEQA Guidelines, the LEA halted the application timelines since additional environmental documentation was required prior to the issuance of a revised SWFP. On September 30, 2013, the operator submitted an updated RDSI, but was unable to obtain a revised SWFP by the required compliance date since additional environmental review was still in process. The compliance schedule was subsequently revised requiring the operator to obtain a revised SWFP by December 31, 2014. On August 6, 2014, the LEA resumed the SWFP application timelines due to the completion of the environmental document (see Environmental Analysis section below).

Permitting & Assistance Branch staff determined that the design and operations described in the submitted RDSI/Joint Technical Document (JTD), dated September 2013, as well as issuance of the revised SWFP, will remedy the violations and allow the facility to comply with State Minimum Standards and terms and conditions of the SWFP and thus allow the Department to concur in the issuance of the proposed SWFP under 27 CCR Section 21685.

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

- August 8, 2012 through September 11, 2014 – Public Resources Code (PRC) Section 44004(a) Significant Change – Significant changes in the design and operation of the facility have occurred since the governing SWFP was issued on June 28, 1996.
- August 8, 2012 through September 11, 2014 – 27 CCR Section 21600 Report of Disposal Site Information (RDSI) – The governing RDSI, dated June 1995, does not accurately reflect the current operations at the facility [e.g., the acceptance of municipal solid waste is no longer allowed and only inert wastes, asbestos containing waste, whole waste tires (altered/shredded prior to disposal), and altered waste tires can be accepted for disposal (i.e., waste types accepted, handling), estimated site life (based on current waste volumes), base grade change (below 355 feet mean sea level is the municipal solid waste limit), remaining site capacity (based on base grade elevation from mining and final elevation)].
- June 25, 2014 – PRC Section 44014(b) Operator Complies with Terms and Conditions – The operator reported on two days in the month of June 2014 that the total tonnage exceeded the permitted TPD.
- April 29, 2014 – PRC Section 44014(b) Operator Complies with Terms and Conditions – The operator reported on one day in the month of April 2014 that the total tonnage exceeded the permitted TPD.
- August 8, 2012 – 27 CCR Section 20921, Gas Monitoring and Control – The facility was in violation of landfill gas concentrations above five percent by volume in air.

- January 20, 2011 – PRC Section 44014(b) Operator Complies with Terms and Conditions – The operator reported on three days in the month of January 2011 that the total tonnage exceeded the permitted TPD.
- December 14, 2010 – PRC Section 44014(b) Operator Complies with Terms and Conditions – The operator reported on three days in the month of October 2010 that the total tonnage exceeded the permitted TPD.
- November 23, 2009 through May 19, 2010 – 27 CCR Section 20921, Gas Monitoring and Control – The facility was out of compliance since the installation of additional landfill gas boundary probes, as required by regulations, was incomplete.
- July 14, 2009 through October 28, 2009 – 27 CCR Section 21600, Report of Disposal Site Information – See previous comments regarding RDSI/JTD.
- July 14, 2009 through October 28, 2009 – 27 CCR Section 21640, Review of Permits – The operator did not submit a complete and correct application for permit review in a time frame as specified by the LEA.

The violation for PRC Section 44004 and 27 CCR Section 21600 will be corrected once the revised SWFP is issued. The violations for PRC 44014(b) and 27 CCR Sections 20921 and 21640 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 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 County of Los Angeles, Department of Public Health, 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 mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: increase the total amount of solid waste received at the facility from 6,500 tons per day to 8,000 tons per day (maximum of 39,000 tons per week); correct the total acreage of the facility from 283 acres to 302 acres; correct the disposal acreage from 283 acres to 266 acres; revision of the base grades for Zones III, IV, and V based on the mining operations in order to reflect the ongoing disposal of inert wastes and the prior elimination of municipal solid waste from the permitted waste stream; update the estimated remaining capacity from 34,100,000 cubic yards to 51,512,201 cubic yards (including the capacity for inert materials that were/are placed below 355 feet mean sea level, total design capacity of 80,571,760 cubic yards); clarify the types of inert and beneficial use materials accepted; and update the estimated closure date from 2010 to 2045. These changes are supported by the following environmental documents.

A Negative Declaration (ND), SCH# 1987111806, was circulated for public review from November 17, 1987 to December 17, 1987 to increase the permitted tonnage from 1,500 TPD to 6,500 TPD and up to 1,200 vehicles per day. The ND concluded that the project would not have a significant adverse effect on the environment with the implementation of mitigation measures. The Lead Agency adopted the ND in 1988.

Under CEQA Guidelines Section 15162, when an environmental impact report (EIR) has been certified or a ND adopted for a project, no subsequent environmental document shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or ND;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PRC Section 21068 defines “Significant effect on the environment” as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines Section 15382 further defines, a “Significant effect on the environment” as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A lead or responsible agency may prepare an addendum to a previously adopted ND if minor technical changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or subsequent ND have occurred, pursuant to Section 15164(b) of the CEQA Guidelines.

CEQA allows lead agencies that are considering subsequent discretionary approvals for a previously approved project to use current conditions at the time of project approval as the environmental “baseline.” Even if existing conditions or operations of a site exceed the scope of what was previously permitted or formally approved and analyzed under CEQA, a lead agency may recognize those activities or conditions as part of the baseline from which to consider the potential effects of future proposed project revisions.

Based on these considerations and after considering the evidence in the record, including evidence regarding actual historic levels of truck trips and waste and beneficial reuse/cover material received at the facility, the Lead Agency determined that the preparation of an Addendum to the previously adopted ND was deemed appropriate to comply with CEQA for purposes of this revised SWFP since the operator had realized peak tonnage of 8,000 TPD while remaining at an average tonnage of 6,500 TPD (or 39,000 tons per week). Approval of the revised tonnage in the SWFP would simply recognize existing baseline operations at the facility as supported by substantial evidence in the record. Thus, Section 15164(b) of the CEQA Guidelines provides that an addendum to a ND is the appropriate documentation when the lead agency has determined that none of the conditions described in CEQA Guidelines Section 15162 exist – specifically there are no new significant environmental effects as a result of the changed project given that approval of the project will not permit any changes beyond existing baseline conditions.

An Initial Study/Environmental Checklist and Addendum (Addendum) to the 1988 ND was prepared for the revised SWFP by the Lead Agency, dated May 2014. The Initial Study/Environmental Checklist and supporting documents were prepared to support the determination by the LEA that the 1988 ND and Addendum for the Landfill is sufficient for purposes of approval of the revised SWFP, and that no additional subsequent environmental review is required under CEQA.

The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND and Addendum 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 record and recommends the ND and Addendum are 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 ND and Addendum 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 September 16, 2014, at the Azusa Civic Auditorium located at 213 East Foothill Boulevard, in Azusa. Two members of the public were in attendance. One question was asked regarding the permit process, which was adequately addressed by the LEA. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on October 21, 2014. No comments were received during the Monthly Public Meeting.