

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Modification for Liberty Composting Inc.
SWIS No. 15-AA-0287
February 9, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the Kern County Local Enforcement Agency (LEA) request for Department of Resources Recovery and Recycling (Department) concurrence on the issuance of a proposed solid waste facilities permit modification for Liberty Composting Inc., Facility No. 15-AA-0287, located in the County of Kern and own and operated by Liberty Composting, Inc.. A copy of the permit is attached. This report provides Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was received on December 21, 2009. Action must be taken on this permit no later than February 19, 2010. If no action is taken by February 19, 2010, the Department will be deemed to have concurred with the issuance of the proposed modified permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (May 3, 1999)	Proposed Permit
Facility Name	San Joaquin Composting	Liberty Composting Inc.
Permit Reference Documents and Conditions	Reference documents have been updated and LEA conditions have been renumbered and clarifications have been made to several of the conditions.	

Findings:

Staff recommends concurrence with the issuance of the proposed modified permit. All of the required submittals and findings required by CCR, Title 27, Section 21685 have been made and the required California Environmental Quality Act (CEQA) findings have been made in support of concurrence. These 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 Program Director with this Staff Report and are permanently maintained in the facility's files maintained by the Waste Compliance and Mitigation Program.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Review on June 29, 2009, and provided a copy to the Department on July 1, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed solid waste facilities permit on December 21, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) or (B) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on December 21, 2009, provide a finding that the facility is consistent with PRC 50001 and WCMP staff in the Jurisdiction Compliance and Audit Section found the facility identified in the Non-Disposal Facility Element as documented in their memo dated January 14, 2010.	<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 January 21, 2009. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on December 21, 2009 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	The LEA posted a public notice on December 14, 2009, regarding the proposed modified permit. No written comments were received by the LEA 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 modified 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 January 21, 2010. No violations were noted.

A review of the LEA's inspection reports indicates that in 2006 there was one violation of the terms and conditions of the permit for receipt of liquid waste not allowed by the permit. In 2007, there were three State Minimum Standards violations noted for failure to update the Report of Facility Information. In 2009 the LEA noted one State Minimum Standard violation for exceeding pathogen levels and one for failure to provide records, in addition to one violation of the permit terms and conditions also related to records requirements. The violation was corrected the following month when the operator submitted the required records and an electronic submittal was established to prevent late records in the future.

Environmental Analysis

State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the proposal is categorically or statutorily exempt.

The Kern County Planning Department, acting as Lead Agency, prepared a Mitigated Negative Declaration (MND), State Clearinghouse No. 95032007 when the site was first sited. The design and operation of the facility has not changed. No additional CEQA is needed to support the concurrence on the issuance of the proposed modified permit.

Local Issues:

The California Environmental Quality Act record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the California Environmental Quality Act and Solid Waste Permit requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community. Census information indicates that the majority of the surrounding population identifies themselves as white (46%) or "some other race" (47%). In addition, 26% of the families were below the poverty level. Therefore, 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 in this item.

Public Comments:

The LEA did not receive any comments from the posted public notice.

CalRecycle Staff Action Summary:

On February 8, 2010, a public workshop was held to provide an update on the permitting process.