

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Modification for the Blythe Sanitary Landfill
SWIS No. 33-AA-0017
January 19, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the Riverside 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 modification for the Blythe Sanitary Landfill, SWIS No. 33-AA-0017, located in Blythe and owned and operated by Riverside County Waste Management Department. 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 initially received on November 19, 2010. A revised version of the proposed permit was received on January 19, 2011. Action must be taken on this proposed permit no later than March 20, 2011. If no action is taken by March 20, 2011, 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 (1997 SWFP)	Proposed Permit
Permitted Hours of Operation	Monday through Saturday 8:00 a.m. to 4:30 p.m. and the first Sunday of each Month from 10:00 a.m. to 2:00 p.m. May change hours of operation to 6:00 a.m. to 8:00 p.m. Monday through Sunday with prior notification to the LEA. Closed New Years Day, Easter Sunday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day	Receipt of Refuse/Waste: 8:00 am to 4:00 pm, Monday-Friday and 1st Saturday each month. May change hours of operation to 6:00 am to 8:00 pm with proper Notification to LEA.* Closed New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day Ancillary Hours - see JTD
Permitted Capacity	3,402,000 cubic yards	6,034,148 cubic yards
Remaining Capacity		4,159, 388 cubic yards
Estimated Closure Date	May 2034	June 2047
15. Documents	Report of Facility Information May 1994 Amendments to RFI July 1996 Aug 1996 Oct 1996 March 1997 Negative Declaration December 1994 NOE	Joint Technical Document April 2010 Waste Discharge Requirements Jan. 2002 MND./EA (SCH #. 93022043) Dec. 1994 NOE 09-06 Oct. 2009 Preliminary Closure / Post Closure

	<p>June 1996</p> <p>Waste Discharge Requirements Dec 1993</p> <p>Preliminary Closure / Post Closure Maintenance Plan Nov 1994</p> <p>Closure Financial Responsibility Document Sept 1997</p>	<p>Maintenance Plan (PCMP) June 2008</p> <p>Closure Financial Assurance Documentation Jan. 2008</p> <p>Operating Liability Certification May 2007</p>
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Additionally, language has been added to the Joint Technical Document to clarify past practices in regards to ancillary hours. This is not an operational change.

*As indicated in the JTD, permitted hours of operation - may change hours of operation for receipt of waste to 6:00 am to 8:00 pm with proper Notification to LEA.

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 Permits and Certification Division.

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 November 10, 2010.	<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 May 29, 2008, and provided a copy to the Department on June 3, 2008.	<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 January 19, 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 November 19, 2010, 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 October 6, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
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 November 2, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b) (7) (A) Financial Assurances Documentation Compliance	Permitting & Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances Documentation in compliance as described in their memorandum December 23, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Compliance	The Permitting & Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance.	<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 December 8, 2010. 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 November 19, 2010, 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 the public notice dated September 24, 2010, regarding the proposed modified permit. No oral or written comments were received by the LEA or Department 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. Permits staff has determined that the CEQA record can be used to support the Branch Chief's' action on the proposed modified 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 December 8, 2010. No violations were noted.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports. The LEA noted the following violations of State Minimum Standards during the past five years:

- On April 29, 2005, September 14, 2005, October 26, 2005, and November 10, 2005, the LEA observed a violation of CCR 27 Section 20830 – Litter Control.
- On February 17, 2006, March 10, 2006, and July 10, 2006, the LEA observed a violation of CCR 27 Section 20830 – Litter Control.

- On June 15, 2006, the LEA observed a violation of CCR 14 Section 17355(c) - Storage/Disposal of Waste Tires for not complying with the tire storage requirements.
- On May 15, 2007, the LEA observed a violation of CCR 27 Section 20690 - Alternative Daily Cover for exposed waste.
- On July 26, 2007, the LEA observed a violation of CCR 27 Section 20830 - Litter Control.
- On September 14, 2007, the LEA observed a violation of CCR 27 Section 21600 - Report of Disposal Site Information for not updating the document to address changes in operations.
- No violations were noted in 2009 and 2010.

All previous 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 modified 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 Riverside 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 Blythe Sanitary Landfill currently operates under a SWFP, issued by the LEA on December 2, 1997. The proposed Modified SWFP under consideration is to update the estimated closure year from 2034 to 2047, clarification of remaining site capacity of 4,159,388 cubic yards, and to update the total capacity of the site based on current methodology, from 3,402,000 cubic yards to 6,034,148 cubic yards. This is not an increase in design capacity, waste footprint or elevation.

A Mitigated Negative Declaration, State Clearinghouse No. 1993022043 was originally circulated for a thirty day comment period from February 17, 1993 through March 19, 1993 and also from June 20, 1994 to July 20, 1994. The Mitigated Negative Declaration discussed a Solid Waste Facilities Permit revision to increase the tonnage, change the hours of operation, the use of clean green waste as alternative daily cover, and to provide operational measures for the protection of the Desert Tortoise. The Mitigated Negative Declaration indicated an increase in the average daily tonnage from 55 tons per day to 69 tons per day, and peak tonnage of 260 tons per day and a change in the operating hours to allow operations to begin at 6:00 a.m. and end at 8:00 p.m. (daylight hours only). The Mitigated Negative Declaration was adopted by the County of Riverside Board of Supervisors and a Notice of Determination was filed on December 21, 1994 with the County Clerk and on January 20, 1995 with the State Clearinghouse. The Riverside County Waste Management Department, operator of the landfill, filed a Notice of Exemption, No. 96-2 on January 5, 1996, to demonstrate and evaluate the use of Terrafoam as an alternative daily cover at the Blythe Sanitary Landfill. The Riverside County Waste Management Department, also filed a Notice of Exemption, No. 96-6 on June 25, 1996, to reflect an increase in the peak tonnage from 260 tons per day to 400 tons per day. A Notice of Exemption, No. 09-06 was filed on October 27, 2009, to reduce the hours of the site's Saturday operation from being open every Saturday to only the first Saturday of each

month. A Notice of Exemption, No.11-01 was filed on January 3, 2011 to clarify the ancillary hours.

The landfill is located on a 335 acre flat site at 1000 Midland Road, 6 miles north of the City of Blythe. Zoning designations in the vicinity of the site include N-A (natural assets), R-1 (one-family dwelling), and W-2 and R-R. Land uses existing within a 1,000 feet of the landfill boundary include vacant land, open space, agriculture, and sand and gravel operations.

The County of Riverside, Community Health Agency - Department of Environmental Health (LEA) has provided a finding that the proposed Modified Solid Waste Facilities Permit is consistent and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document as prepared by the Riverside County Waste Management Department 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 SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the County of Riverside Board of Supervisors. Department staff recommends the Mitigated Negative Declaration 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 Modified Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Mitigated Negative Declaration 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 Modified 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 459). Census information indicates that the surrounding population is approximately 51.2 % white, 5.7 % black or African American, 1.9 % American Indian/Alaska Native, 0.1% Asian, 0.1% Native Hawaiian & other Pacific Islander, 4.2% "two or more race", and 36.8% "some other race." 53.5% of the total population described themselves as Hispanic or Latino. 21.0 % 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 did not receive any comments from the posted public notice. No oral or written public comments have been received by the Department or LEA staff.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process. The Department provided an opportunity for public comment during the Monthly Public Meetings held on December 14, 2010 and January 18, 2011.

