

Permitting & Assistance Branch Staff Report

Modified Solid Waste Facilities Permit for

Tajiguas Sanitary Landfill

SWIS No. 42-AA-0015

January 21, 2014

Background Information, Analysis, and Findings:

This report was developed in response to the Santa Barbara County, Public Health Department, Environmental Health Services (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for Tajiguas Sanitary Landfill, SWIS No. 42-AA-0015, located in Santa Barbara County and owned/operated by the County of Santa Barbara. 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 December 5, 2013. A new proposed permit was received on December 27, 2013. Action must be taken on this permit no later than February 25, 2014. If no action is taken by February 25, 2014, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Project:

The proposed project is to allow for the acceptance and disposal of treated wood waste.

Other changes include updates to:

1. Section 4 (Specifications) of the SWFP to remove reference to the hours of operations for the work hours of the southeast corner modification project of the landfill, which has been completed;
2. Section 13 (Findings) of the SWFP to include the CEQA documentation for this proposed project;
3. Section 14 (Prohibitions) of the SWFP to clarify the list of unacceptable wastes;
4. Section 15 (Documents) of the SWFP to include the revised Joint Technical Document (JTD), and the CEQA documentation;
5. Section 17 (Conditions) of the SWFP to clarify permit conditions; and
6. The JTD to describe current operations of the facility.

Key Issues:

The proposed modified SWFP will allow for the acceptance and disposal of treated wood waste within the lined areas of the disposal facility. No other changes are proposed.

Findings:

Staff recommends concurrence in the issuance of the proposed modified 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 November 19, 2013.	<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 October 22, 2009. The LEA provided a copy to the Department on October 29, 2009.	<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 December 27, 2013.	<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 December 5, 2013, 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 December 17, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section found the Preliminary Closure/Postclosure Maintenance Plans Technically Adequate in a letter dated March 8, 2011 and subsequently approved in a letter dated October 20, 2011. Partial Final Closure/Postclosure Maintenance Plans were approved by CalRecycle on March 8, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The corrective action cost estimate is not due until October 22, 2014, the next permit review due date.	<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 letter dated August 1, 2013.	<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 letter dated August 1, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspection and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on September 11, 2013. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on December 5, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis 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 modified 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 September 11, 2013, and found the facility to be in compliance with applicable state minimum standards and permit conditions. The LEA also conducted a routine monthly inspection on December 23, 2013 and found the facility in compliance.

Based on the LEA's monthly inspection reports, the facility did not receive any violations of state minimum standards or permit conditions during the last five years.

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 on it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is required.

The Santa Barbara County Public Works Department, Resource Recovery and Waste Management Division, prepared a Notice of Exemption on September 23, 2013, in order to allow the Tajiguas Sanitary Landfill to accept and dispose of treated wood waste within the lined areas of the landfill. The Notice of Exemption was filed with the Santa Barbara County Clerk on September 23, 2013.

The LEA has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Department staff made the finding/determination through a Preliminary Review that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence of this modified SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities to be filed with

the State Clearinghouse after the Department's concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of the Lead Agency for its consideration of the proposed modified 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 modified SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified 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:

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on December 17, 2013 and January 21, 2014.