

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for the
Shafter Wasco Recycling & Sanitary Landfill
SWIS No. 15-AA-0057
February 24, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the Kern County 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 Shafter Wasco Recycling & Sanitary Landfill, SWIS No. 15-AA-0057, located in Kern County, owned and operated by Kern County Public Works Department. 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 January 29, 2016. New proposed permits were received on February 18 and February 24, 2016. Action must be taken on this permit no later than April 24, 2016. If no action is taken by April 24, 2016, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2010)	Proposed Permit
Estimated Closure Date	2053	2059
Composting (acres)	0	20

Changes include: Indicate an acreage allotment for the already permitted composting activity (not currently actively composting); increase in estimated closure year from 2053 to 2059; updated operating documents' dates; removal of permit conditions that are obsolete or duplicative of existing regulations and/or the monitoring program; new condition requiring an RFI Amendment Application prior to conducting composting activities.

Key Issues

The proposed permit will allow for the following:

1. Change the estimated closure date from 2053 to 2059.

Background

Shafter Wasco Sanitary Landfill is a county owned and operated disposal facility serving the waste disposal needs of Kern County. The permit was last revised in 2010.

Findings:

Staff recommends concurrence in the issuance of the proposed modified 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 January 29, 2016.	<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 4, 2015. The LEA provided a copy to the Department on October 13, 2015. 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 February 24, 2016.	<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 February 1, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in the memorandum dated February 11, 2016	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the Preliminary Closure/Postclosure Maintenance Plan consistent with State Minimum Standards as described in their memorandum dated January 5, 2015.	<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 have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is approved as described in their memorandum dated January 5, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their memorandum dated January 26, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated January 26, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
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 November 19, 2015. 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 January 29, 2016 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	The permit modification was properly noticed. No comments were received by LEA or CalRecycle 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. 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 Inspections and Enforcement Agency Compliance Unit conducted a joint inspection with the LEA on November 19, 2015, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

No violations have been noted at the Shafter Wasco Sanitary Landfill during the past 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 in the proposed permit. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Kern County Planning 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 changes that will be authorized by the issuance of the proposed permit include increasing the estimated closure year by 6 years from 2053 to 2059. These changes are supported by the following environmental document.

An Environmental Impact Report (EIR), State Clearinghouse No. 2004111015, was circulated for a 45 day comment period from May 27, 2009 to July 10, 2009. The EIR did not identify unavoidable impacts. The Final EIR was certified by the Lead Agency on September 29, 2009.

The Kern County Environmental Public Health Services Department has provided a finding that the proposed modified SWFP is consistent with and supported by the cited environmental document. In addition the LEA has verified the Planning Department has determined no further environmental review is necessary based upon Final Environmental Impact Report which states "The current closure date is an estimate subject to annual review based upon such factors as fill rate, waste settlement, and regional growth rates."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final Environmental Impact Report 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 modified SWFP.

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 Final Environmental Impact Report 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 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. 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 February 16, 2016.