

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for
Sunset Environmental Material Recovery/Transfer Station
SWIS No. 30-AB-0336
June 21, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the Orange County Health Care Agency, Environmental Health Division, Local Enforcement Agency's (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 Sunset Environmental Material Recovery/Transfer Station, SWIS No. 30-AB-0336, located in Orange County, and owned and operated by Sunset Environmental, Inc., a wholly-owned subsidiary of Waste Management, Inc. 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 May 19, 2016. Action must be taken on this permit no later than July 18, 2016. If no action is taken by July 18, 2016, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

There are no proposed changes to the specifications (i.e., hours, tonnage, acreage, etc.) on the first page of the existing 2000 SWFP.

Changes include updates to the following sections of the SWFP:

1. "Legal Description of Facility," documents that describe and/or restrict the operation of the facility, and "EA Conditions," including rewording, additions, and deletions for the purpose of updating and/or clarifying operational requirements; and
2. Update the Transfer Processing Report to reflect minor changes in personnel, equipment and operations.

Key Issues

The proposed permit updates the existing 2000 SWFP and incorporates the updated Transfer Processing Report, dated February 2016.

Background

Sunset Environmental Material Recovery/Transfer Station is an existing indoor solid waste processing facility located at 16122 Construction Circle West, in Irvine, California. Sunset Environmental Material Recovery/Transfer Station has had numerous diversion activities occurring since 1984. Current activities include the receipt, storage, and recycling of the following materials: mixed municipal solid waste, commingled recyclables, and construction and demolition debris.

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 May 19, 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 September 25, 2015. The LEA provided a copy to the Department on September 25, 2015.	<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 May 19, 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 dated May 19, 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 Nondisposal Facility Element, as described in their memorandum dated May 27, 2016.	<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 June 15, 2016. 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 dated May 19, 2016; followed by a detailed e-mail dated June 9, 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

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Notice was posted by the LEA on April 12, 2016. 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 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 pre-permit inspection on June 15, 2016 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

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

- April 2011 – May 2016 - No violations were noted.

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 Orange County Environmental Management Agency, Environmental Planning Division, 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 modified permit include: updating of the permit and the incorporation of the updated Transfer Processing Report. There will be no changes to the operating days/hours, permitted area, or daily tonnage. The existing permit is supported by the following environmental document.

An Environmental Impact Report (EIR - SCH No. 83062910), and Negative Declarations (NDs - SCH Numbers 93041073 and 2000111036) sufficiently describe continued operation of the facility. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures.

The Orange County Health Care Agency (LEA) has provided a finding that the proposed modified SWFP is consistent with and supported by the cited environmental documentation.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the EIR and NDs 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. Department staff has reviewed and considered the CEQA record and recommends the EIR and NDs are adequate for the Branch Chief's approval of the proposed 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 SWFP and all of its components and supporting documentation, this staff report, the EIR and NDs 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 Ryan Egli, 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 posted a public notice on April 12, 2016 on the Orange County Health Care Agency, Environmental Health Division's website. 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 June 21, 2016. No comments have been received by Department staff.