

California Integrated Waste Management Board

Board Meeting

January 21, 2009

AGENDA ITEM 1 (Revision 2)

ITEM

Consideration Of A Full Solid Waste Facilities Permit For The Willits Solid Waste Transfer And Recycling Center, Mendocino County

I. ISSUE/PROBLEM STATEMENT

1. The Mendocino County Local Enforcement Agency (LEA) received a solid waste facility permit (SWFP) application package for the Willits Solid Waste Transfer and Recycling Facility on June 30, 2008. On August 18, 2008, the LEA found the package complete and correct and accepted the application for filing. On September 9, 2008, the operator waived the time frames for the permit action to allow for the City of Willits to amend the Non-Disposal Facility Element (NDFE) to include this facility.
2. Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur with or object to the issuance of a revised Solid Waste Facilities Permit. The LEA submitted the proposed permit which was received by the Board on November 24, 2008. Board staff received a revised proposed permit with minor changes on December 17, 2008. The last day the Board could act is January 23, 2009. When the permit package was received it did not contain the finding that the facility was compliant with the NDFE as required by Title 27 CCR, Section 21685.

II. ITEM HISTORY

1. The Board last concurred on a revised permit issued for the facility on September 19, 2000.
2. Compliance History: 2005-2008 (November) – No violations noted

III. OPTIONS FOR THE BOARD

Board may decide to:

1. Concur in the issuance of the proposed SWFP as submitted by the LEA; or
2. Object to the issuance of the proposed SWFP as submitted by the LEA; or
3. Take no action on the proposed SWFP as submitted by the LEA. If the Board chooses this option, the Board shall be deemed to have concurred in the issuance of the proposed permit 60 days after the Board's receipt of the SWFP.

IV. STAFF RECOMMENDATION

Board staff recommends that the Board adopt Option 1, concur with the issuance of the proposed permit as submitted by the LEA ~~if the site is found in conformance with the Nondisposal Facility Element and consistent with state minimums standards.~~

V. ANALYSIS

A. Key Issues and Findings

Facility Facts

Name: Willits Solid Waste Transfer and Recycling Facility

Facility Type: Large Volume Transfer Station and Material Recovery Facility

Location: 350 Franklin Avenue, Willits

Current Permitted Area: 6.5 acres

Proposed Permitted Area: 10.5 acres

Setting: Light Industrial

Operational Status: Permitted, Active

Hours of Operation: Receipt of refuse: Public 9:00 a.m. to 4:00 p.m., Tuesday through Saturday; commercial traffic and site maintenance 6:00 a.m. to 6:00 p.m. Monday through Saturday

Current Permitted Tonnage: 150 tons per day peak

Proposed Tonnage: 150 tons per day daily average; 180 tons per day maximum

Owner/Operator Name: Solid Waste of Willits, Inc.

LEA: Mendocino Environmental Health Division
John Morley, Director

Background

The Willits Solid Waste Transfer and Recycling Facility is located in the City of Willits in northern Mendocino County. The site accepts mixed municipal refuse and inert waste. No liquid or hazardous wastes are accepted. The site has been in operation for the past 11 years. The operator has constructed a new building for a materials recovery operation.

Key Issues

Issuance of this proposed permit will allow for the following:

- Set permitted tonnage of 150 tpd as an annual average with 180 tpd maximum;
- Increase acreage for waste handling activities from 6.5 to 10.5 acres to allow for the newly constructed material recycling building.

LEA Findings

The LEA provided the following determinations:

- The permit application package for this facility is complete and correct;

- The Report of Facility Information (RFI) meets the requirements of 27 CCR Section 21600; and Title 14, Section 18221.6.
- The proposed permit is consistent with and is supported by existing CEQA documentation.

Staff Analysis

The following table summarizes Board staff's review and analysis of the proposed permit application package:

23-AA-0038 Summary of Findings	Accept-able	Unaccept-able	To Be Deter-mine-d	Not Applic-abl-e	See Details in Agenda Item
CIWMP Conformance (PRC 50001)	X		X		1
Consistency With State Minimum Standards	X				2
California Environmental Quality Act	X				B
RFI Completeness	X				3

1. CIWMP Conformance: Public Resources Code (PRC) Section 50001 requires the location of any new or expanded nondisposal facility to be identified in the applicable jurisdiction's Nondisposal Facility Element (NDFE) in order for the proposed SWFP to be found in conformance with PRC Section 50001. The facility is not currently identified in the NDFE. The Jurisdiction Compliance and Audit Section (JCA) staff has reviewed the Conformance Finding Request for SWFP No. 23-AA-0038 and relevant documents to make a determination. At this time, based on the available information, JCA is unable to determine a Conformance Finding. ~~The jurisdiction has amended the NDFE to include the facility. The amendment has been received by Board staff and it is being processed to coincide with the Board's consideration on this proposed permit. The amendment package is not yet complete. The Mendocino County Local Task Force approved the amended NDFE on October 22, 2008. The City of Willits and the Mendocino County Board of Supervisors are scheduled to consider the amended NDFE sometime between the CIWMB's January, 2009 Permitting and Compliance Committee and Board Meeting. Once the amended NDFE is received from the County it will be processed for review and action by the Executive Director. Board staff will provide updated information regarding compliance with the NDFE at the Permitting and Compliance Committee meeting. The location of Willits Solid Waste Transfer and Recycling Center is identified in the Mendocino County Integrated Waste Management Plan. The Jurisdiction Compliance and Audit Section has reviewed the NDFE for Mendocino County and has determined the proposed permit to be conformant with the NDFE and the facility sufficiently identified in the aforementioned document.~~
2. Consistency with State Minimum Standards (SMS)
PRC Section 44009 (a)(2) provides that the Board shall not concur on a proposed SWFP if the permit is not consistent with SMS. Staff have reviewed the proposed SWFP and other permit documents and have determined that the permit is consistent with SMS. In addition, as the Board shall ensure the facility is operating consistent with SMS [(27 CCR, 21685 (b)(8)], Board staff will conduct a pre-permit inspection of the facility and provide that

information at the Permitting and Compliance Committee meeting. conducted an inspection of the facility on December 30, 2008 and found the site in compliance with all state minimum standards.

3. RFI Completeness Board staff have reviewed the Report of Facility Information (RFI) dated July 22, 2008 and determined that the RFI meets the content requirements of Title 27 CCR 21600 and Title 14, Section 18221.6.

B. Environmental Issues

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 Mendocino County Planning and Building Services, acting as Lead Agency, have prepared the following environmental documents for a revised permit for the Willits Solid Waste Transfer and Recycling Center, Solid Waste Facility Permit Number 23-AA-0038.

A Negative Declaration, State Clearinghouse No. 2008032054 was circulated for public and responsible agency review from March 17, 2008 through April 15, 2008, and is consistent with the following operational limits for the proposed permit:

- Traffic: Maximum of 290 vehicles per day;
- Tonnage: Average of 150 tons per day, 180 tons per day maximum;
- Maximum annual tonnage shall not exceed 46,950 tons per year, and
- Hours: 7 a.m. to 6 p.m., and will be limited to hours with natural lighting only.

The Negative Declaration was certified by the Mendocino County Board of Supervisors on October 8, 2008. A Notice of Determination was filed with the State Clearinghouse on November 12, 2008.

The Local Enforcement Agency, the County of Mendocino Division of Environmental Health has provided a finding that the proposed Solid Waste Facility Permit is consistent with and supported by the environmental document cited above.

Board staff recommends the environmental document cited above, as adequate for the Board's environmental evaluation of the proposed project for those project activities which are within the Board's expertise and/or powers, or which are required to be carried out or approved by the Board.

C. Program/Long Term Impacts

Based on available information, staff is not aware of any program or long-term impacts related to this item.

D. Stakeholder Impacts

Based on available information, staff is not aware of any stakeholder impacts related to this item.

E. Fiscal Impacts

Based on available information, staff is not aware of any stakeholder impacts related to this item.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

Community Setting

The zoning for the surrounding land uses are designated as Planned Development Commercial. Existing land uses in the vicinity are light industrial.

US Census Bureau Data Census 2000 Mendocino County	All Ages	
	Number	Percent
White	66,528	89.4%
Black or African American	690	0.8%
American Indian & Alaska Native	4486	5.2%
Asian	1,208	1.4%
Native Hawaiian & Other Pacific Islander	259	0.3%
Some Other Race	1,201	1.4%
Two or More Races	1,300	1.5%
Total Population	86,265	100%

The 2000 Census indicates that of the total Mendocino County population, 19.7 % identify themselves as Hispanic or Latino origin. The 2000 Census indicates that the median household income of the county is \$36,624. The 2000 Census indicates that 14.4 % of the families live below the poverty level.

Community Outreach

An informational hearing was held in Willits on August 26, 2008 at 6:00 P.M. at the facility. One member of the public attended and was concerned that there would be more traffic. The LEA responded that there will actually be less traffic from the site than from the current business located on the new parcel. The LEA received no written comments. The notice of the public informational meeting was published in the Willits News and the Ukiah Daily Journal. The Notice was also posted at the site and mailed to 34 neighboring residents and interested parties.

Environmental Justice Issues

Based on available information, Board staff is not aware of any environmental justice issues.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Location Map
2. Site Plan
3. Proposed Permit No. 23-AA-0038

4. Resolution Number 2009-10 (~~Revised~~) (Revision 2)

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Reinhard Hohlwein

Phone: (916) 341-6344

B. Legal Staff: Michael Bledsoe

Phone: (916) 341-6058

C. Administration Staff: N/A

Phone:

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

B. Staff had not received any written support at the time this item was submitted for publication.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.