

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Mission Trail Transfer Station
SWIS No. 43-AO-0002
July 22, 2019

Background Information, Analysis, and Findings:

This report was developed in response to the County of Santa Clara, Department of Environmental Health 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 Mission Trail Transfer Station, SWIS No. 43-AO-0002, located in Santa Clara County and owned by Santa Clara Valley Industries and operated by Mission Trail Waste Systems. 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 June 11, 2019. Action must be taken on this permit no later than August 10, 2019. If no action is taken by August 10, 2019, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes:

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

Parameter	Current Permit (1998)	Proposed Permit
Permitted Hours of Operation	24 hours a day/seven days/week: Closed: New Year's Day, Memorial Day, July 4 th , Labor Day, Thanksgiving Day, Christmas Day	24 hours a day/seven days a week (see TPR) Closed: New Year's Day, Thanksgiving Day, Christmas Day

Other Changes include:

1. Removal of permit conditions that are obsolete or duplicative of existing regulations;
2. Updates to the Transfer Processing Report to reflect updated Facility Operating Hours as well as revised Site Plans to reflect current operations;
3. Updates to the Monitoring Reporting Period to reflect appropriate Title 14 California Code of Regulations (CCR) record keeping requirements.

Key Issues:

The proposed permit will allow for the following:

1. The proposed revised SWFP will remove July 4th, Memorial Day, and Labor Day from the list of days that the facility is closed. Upon issuance of this revised SWFP, the facility will be closed on New Year's Day, Thanksgiving Day, and Christmas Day.

Background:

Mission Trail Transfer Station is an existing permitted facility located at 1060 Richard Avenue, in the City of Santa Clara. A Full Solid Waste Facility Permit for the operation of a Large Volume Transfer/Processing Facility was issued by the County of Santa Clara LEA on September 21st, 1998. The existing SWFP allows the facility to receive a daily maximum of 375 tons of non-putrescible solid waste, with a permitted traffic volume of up to 250 vehicles per day. The permitted acreage of the facility is 2.81 acres.

Findings:

Staff recommends concurrence in the issuance of the proposed revised 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	Finding	Finding
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated June 11, 2019.	<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 July 6, 2018. The LEA provided a copy to the Department on July 6, 2018. 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 June 11, 2019.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA provided a finding in the permit submittal letter dated June 11, 2019, that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Finding	Finding
	identified in the Nondisposal Facility Element, as described in the memorandum dated June 28, 2019.	
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 18, 2019. 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 June 11, 2019, 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	A Public Informational Meeting was held by the LEA on May 22, 2019. 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 revised 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 18, 2019 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:

- 2019 – No violations were noted.

- 2018 – (February) – One violation of PRC Section 44002 – Operator Authorized by SWF Permit. (April) – One violation of PRC Section 44014 (b) – Operator Complies with Terms and Conditions. (May) – One violation of 14 CCR Section 18104.7 – Permit Review and Reissuance.
- 2017 – No violations were noted.
- 2016 (April) – One violation of 14 CCR Section 18221.6 – Transfer/Processing Reporting Requirements.
- 2015 – No violations were noted.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under California Environmental Quality Act (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 City of Santa Clara, 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:

- The proposed revised SWFP will add July 4th, Memorial Day, and Labor Day as regular operating days. Upon issuance of this revised SWFP, the facility will be closed on New Year's Day, Thanksgiving Day, and Christmas Day. These changes are supported by the following environmental document.

A Negative Declaration (ND), State Clearinghouse No. 1991073065, was circulated for a 30 day comment period from July 22, 1990 to August 21, 1990. The project analysis concluded there are no significant impacts. The ND was adopted by the Lead Agency on December 12, 1990.

In a letter dated September 19, 2018, the City of Santa Clara Planning Division made a finding that the proposed changes were consistent with the cited environmental document. In part, the letter states "modification of the Mission Trail Transfer Station Solid Waste Facility Permit to allow operations on three holidays, Memorial Day, 4th of July, and Labor Day has been reviewed for its conformance with CEQA and it has been determined that these operations are not substantially different from the existing operations; therefore, the expanded operations for these three holidays are in conformance with CEQA".

The County of Santa Clara, Department of Environmental Health Local Enforcement Agency (LEA), has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND 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 revised SWFP. Department staff has reviewed and considered the CEQA record and recommends the ND is adequate for the Branch Chief's approval 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 revised SWFP and all of its components and supporting documentation, this staff report, the ND 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 revised 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 held a public informational meeting on May 22, 2019, at 1060 Richard Avenue, in the City of Santa Clara. No members of the public were in attendance. 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 18, 2019 and July 16, 2019.