

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for the
Ben Lomond Transfer Station
SWIS No. 44-AA-0005
September 21, 2020

Background Information, Analysis, and Findings:

This report was developed in response to the Santa Cruz County Department of Public Works (Operator) request for the Department of Resources Recycling and Recovery (Department) issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the Ben Lomond Transfer Station, SWIS No. 44-AA-0005, located in Ben Lomond, Santa Cruz County and owned and operated by Santa Cruz County. The Department currently serves as the Enforcement Agency (EA) for Santa Cruz County. A copy of the proposed SWFP is attached. This report contains Permitting & Assistance Branch (PAB) staff's analysis, findings, and recommendations.

The application for a modified SWFP was accepted as complete and correct on August 4, 2020. Action must be taken on this SWFP no later than December 2, 2020.

Proposed Changes:

No changes to the first page of the SWFP are being proposed.

Changes to the SWFP include:

1. Updates to the following sections of the SWFP: "Findings," "Prohibitions," documents that describe or restrict the operation of the facility, "Self-Monitoring," and "Enforcement Agency (EA) Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying language that is no longer applicable.

Key Issues:

The proposed SWFP will allow for the following:

1. Updates to the following sections of the SWFP: "Findings," "Prohibitions," documents that describe or restrict the operation of the facility, "Self-Monitoring," and "Enforcement Agency (EA) Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying language that is no longer applicable; and
2. Incorporate the updated Transfer/Processing Report (TPR).

Background:

Ben Lomond Transfer Station is an existing transfer/processing facility located in Ben Lomond and owned and operated by the Santa Cruz County Department of Public Works. The facility has been in operation since 1991. The facility was constructed on the same parcel as the closed Ben Lomond Disposal Site (SWIS No. 44-AA-0003) which received closure certification in 1995.

Findings:

Staff recommends 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 issuance. 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
21685(b)(1) EA Certified Complete and Correct Report of Facility Information	Acceptable: PAB staff accepted the application package as complete and correct on August 4, 2020.
21685(b)(2) EA Five Year Permit Review	Acceptable: A Permit Review Report (PRR) was prepared by PAB staff on April 29, 2020.
21685(b)(3) Solid Waste Facilities Permit	Acceptable: PAB staff prepared a proposed Solid Waste Facilities Permit on September 10, 2020.
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: 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 September 9, 2020.
21685(b)(8) Operations Consistent with State Minimum Standards	Acceptable: 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 August 18, 2020. See Compliance History below for details.
21685(b)(9) LEA CEQA Finding	Acceptable: PAB staff finds that the proposed SWFP is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.
21650(g)(5) Public Notice and/or Meeting, Comments	Acceptable: A Public Notice was mailed to property owners within 1,000 feet of the facility on August 19, 2020, and posted at three public areas, the facility scale house, the facility's website, and CalRecycle's website. No written or oral comments were received by Department staff. See Public Comments below for details.
CEQA Determination to Support Responsible Agency's Findings	Acceptable: The Department is a responsible agency under CEQA with respect to this project. PAB staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an inspection on August 18, 2020, 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 EA's monthly inspection reports during the last five years:

- 2015 - 2020 – 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 issues it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by Santa Cruz County, 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 SWFP include: Updates to the following sections of the SWFP: "Findings," "Prohibitions," documents that describe or restrict the operation of the facility, "Self-Monitoring," and "Enforcement Agency (EA) Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying language that is no longer applicable, and incorporated the updated TPR. These changes are supported by the following environmental document.

A Negative Declaration (ND), State Clearinghouse No. 89070411, was circulated for a comment period from July 5, 1989 to August 4, 1989. The project analysis concluded there are no significant impacts. The ND was adopted by the Lead Agency on August 9, 1989.

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 modified SWFP. PAB 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 EA, the proposed modified 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 to issue or not issue 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. PAB staff mailed public notices to all property owners within 1,000 feet of the facility. The notice was also posted on the facility scale house, at three public locations near the facility, on the County website, and on CalRecycle's website. No written or oral comments were received by Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on September 15, 2020. No comments were received by Department staff.

Attachment: Proposed Modified SWFP