

Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for the
Bee Canyon Greenery
SWIS No. 30-AB-0469
December 9, 2020

Background Information, Analysis, and Findings:

This report was developed in response to the Orange County Health Care Agency, Environmental Health, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed New Solid Waste Facilities Permit (SWFP), Compostable Materials Handling Facility Permit, for the Bee Canyon Greenery, SWIS No. 30-AB-0469, located in Orange County and owned and operated by OC Waste & Recycling. A copy of the proposed SWFP is attached. This report contains Permitting & Assistance Branch (PAB) staff's analysis, findings, and recommendations.

The proposed SWFP was received on October 13, 2020. Action must be taken on this SWFP no later than December 12, 2020. If no action is taken by December 12, 2020, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

The following are the key design parameters of the proposed project:

Parameter	Proposed SWFP
Operator	OC Waste & Recycling 601 N. Ross Street, 5 th Floor Santa Ana, CA 92701
Owner	OC Waste & Recycling 601 N. Ross Street, 5 th Floor Santa Ana, CA 92701
Facility Type	Composting Facility (Wood Waste/Green Material/Chip & Grind)
Proposed Hours/Days of Operation	Receipt of Feedstock: Monday – Saturday / 7:00AM to 5:00PM Ancillary Operations/Facility Operating Hours: 24 hours/7 days
Proposed Maximum Tonnage	437 Tons per Day
Proposed Traffic Volume	Not Applicable
Proposed Area (acres)	30

Parameter	Proposed SWFP
Design Capacity (cubic yards)	130,000
Waste Types	Green Material, Wood Waste and Agricultural Material

Background:

The Bee Canyon Greenery's (BCG) origins are as a pilot composting operation on one acre at the Frank R. Bowerman (FRB) Landfill, SWIS No. 30-AB-0360, with a 92 cubic yard single open windrow which operates under an Enforcement Agency Notification filed with the LEA on May 15, 2018. Subsequent Enforcement Agency Notifications were filed on September 9, 2020 and September 25, 2020 for operations on 17 acres with a capacity of 12,500 cubic yards of material on-site. OC Waste & Recycling (OCWR) is proposing to expand the composting operation and up-tier to a fully permitted Compostable Material Handling Facility. In support of the targets set by the state of California to reduce the level of statewide disposal of organic waste, OCWR has decided to pursue the proposed BCG at the FRB Landfill, to aid in providing a facility within Orange County to process diverted organic waste. Additionally, FRB Landfill currently utilizes processed green material (PGM) as alternative daily cover; however, this operation will cease and the PGM will be processed at BCG.

Findings:

Staff recommends concurrence in the issuance of the proposed new 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
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	Acceptable: The LEA provided the required certification in their permit submittal letter dated October 13, 2020.
21685(b)(2) LEA Five Year Permit Review	Acceptable: This is a new facility and a Permit Review Report is not required.
21685(b)(3) Solid Waste Facilities Permit	Acceptable: Staff received a proposed Solid Waste Facilities Permit on October 13, 2020.

27 CCR Sections	Finding
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on October 13, 2020 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 October 23, 2020.
21685(b)(8) Operations Consistent with State Minimum Standards	Acceptable: WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the operation was in compliance with all operating and design requirements during an inspection conducted on December 8, 2020. See Compliance History below for details.
21685(b)(9) LEA CEQA Finding	Acceptable: The LEA provided a finding in their permit submittal package received on October 13, 2020, 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 Informational Meeting was held by the LEA on September 3, 2020. No written comments were received by Department staff. Written comments were addressed by LEA 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 new SWFP.

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on December 8, 2020 and found that the operation is in compliance with applicable state minimum standards. Based on the LEA's quarterly inspection reports, the LEA has not cited any violations at the site since operations commenced in 2018.

PAB staff have determined that the design and operations described in the submitted Report of Composting Site Information (RCSI) will allow the proposed facility to comply with state minimum standards.

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 Orange County Waste & Recycling, 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: composting facility that will receive green material, wood waste and agricultural material; permitted hours for receipt of feedstock will be Monday through Saturday, 7:00 a.m. to 5:00 p.m. and operating hours will be 24 hours a day, 7 days a week; permitted maximum tonnage will be 437 tons per day; permitted acreage will be 30 acres; and the design capacity will be 130,000 cubic yards. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2019099059, was circulated for a 30 day comment period from September 18, 2019 to October 21, 2019. 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 included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring and Reporting Program, was adopted by the Lead Agency on March 24, 2020.

The LEA has provided a finding that the proposed new 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 MND 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 new SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND 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 new SWFP and all of its components and supporting documentation, this staff report, the MND 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 new 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 September 3, 2020, utilizing the Cisco Webex video chat platform. Seventeen people were in attendance. No comments were received during the meeting.

Written comments were received by the LEA. A member of the public questioned how the diversion and compost of the waste will occur. The operator explained how they will be producing compost, that they will be diverting material that was previously received at the FRB Landfill and returning the finished product back into Orange County communities for beneficial reuse. Another member questioned what the short and long term consequences of the pollution are for the health of any nearby residents. The operator answered by indicating pursuant to CEQA, the MND identifies all environmental impacts associated with the project and mitigation measures that will be implemented to minimize those impacts, as well as the facility being regulated by various regulatory entities. Another comment explained concerns of the landfill operations expanding, vehicle traffic patterns, and public health. The LEA responded by explaining what the current proposed permit will allow, how conditions of the permit can better regulate the operation, how traffic patterns are outside of the LEA's jurisdiction and provided additional outlets to voice any concerns. Lastly, a member questioned if this permit will increase the acreage, vehicle trips, and waste received at FRB Landfill. The operator responded that the proposed BCG facility is its own facility, separate from the FRB Landfill, yet there will be no increase in acreage, traffic volume or permitted tonnage at the FRB Landfill.

No verbal or written comments were received by Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on October 20, 2020 and November 17, 2020. No comments were received by Department staff.

Attachment: Proposed New SWFP