

Permitting & Assistance Branch Staff Report
 Revised Solid Waste Facilities Permit for the
 Shafter-Wasco Recycling & Sanitary Landfill
 SWIS No. 15-AA-0057
 September 22, 2021

Background Information, Analysis, and Findings:

This report was developed in response to the Kern County 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 Shafter-Wasco Recycling & Sanitary Landfill, SWIS No. 15-AA-0057. The facility is located in Shafter, Kern County and is owned and operated by Kern County Public Works Department. 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 August 3, 2021. Action must be taken on this SWFP no later than October 2, 2021. If no action is taken by October 2, 2021, 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 SWFP are being proposed:

Parameter	Current Permit (2016)	Proposed Permit
Permitted Acreage	357.48	407.69
Permitted Hours of Operation	7:00 a.m. – 5:00 p.m. Monday - Sunday	Permitted hours for waste receipt are 7:00 a.m. -7:00 p.m. seven days per week Ancillary hours and facility operating hours are 24 hours per day 7 days per week
Estimated Closure Year	2059	2054

Other changes as described in the JTD include:

1. Updates to alternative daily cover and beneficial reuse materials.

Key Issues:

The proposed SWFP will allow for the following:

1. Increase the permitted facility boundary from 357.48 acres to 407.69 acres for an additional buffer area.
2. Increase the composting design capacity to 100,000 tons per year.
3. Increase the permitted hours of operation from 7:00 a.m. to 5:00 p.m. Monday through Sunday to 7:00 a.m. to 7:00 p.m. seven days per week.
4. Addition a transfer/processing activity.

Background:

Shafter-Wasco Recycling & Sanitary Landfill is an existing municipal solid waste disposal facility. Originally permitted in 1994, this facility is expanding composting operations with this permit revision to meet the requirements of SB 1383.

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
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 August 3, 2021.
21685(b)(2) LEA Five Year Permit Review	Acceptable: A Permit Review Report (PRR) was prepared by the LEA on February 16, 2021. The LEA provided a copy to the Department on February 16, 2021.
21685(b)(3) Solid Waste Facilities Permit	Acceptable: Staff received a proposed Solid Waste Facilities Permit on August 3, 2021.
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on August 3, 2021, 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 Countywide Siting Element), as described in their memorandum dated August 30, 2021.
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Acceptable: Engineering Support Branch staff in the Closure and Technical Support Section have found the Preliminary Closure/Postclosure Maintenance Plans consistent with State Minimum Standards as described in their memorandum dated July 20, 2021.
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Acceptable: Engineering Support Branch staff in the Closure and Technical Support Section have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is approved as described in their memorandum dated July 29, 2021.
21685(b)(7)(A) Financial Assurances	Acceptable: PAB staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and

27 CCR Sections	Finding
	corrective action in compliance as described in their memorandum dated July 19, 2021.
21685(b)(7)(B) Operating Liability Insurance	Acceptable: PAB staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated July 19, 2021.
21685(b)(8) Operations Consistent with State Minimum Standards	Acceptable: WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an audit and found the facility was in compliance with all operating and design requirements. 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 August 3, 2021, 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 June 23, 2021. No written comments were received by LEA or 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 revised SWFP.

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit desk audit inspection on August 27, 2021 and found that the facility in compliance with applicable state minimum standards and permit conditions.

No violations have been cited by the LEA during the past five years.

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 Kern County Planning and Natural Resources 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 SWFP include:

1. Increase the permitted facility boundary from 357.48 acres to 407.69 acres for an additional buffer area.
2. Increase the composting design capacity to 100,000 tons per year.

3. Increase the permitted hours of operation from 7:00 a.m. to 5:00 p.m. Monday through Sunday to 7:00 a.m. to 7:00 p.m. seven days per week.
4. Addition of a transfer/processing activity.

These changes are supported by the following environmental document.

A Supplemental Environmental Impact Report (SEIR), State Clearinghouse No. 2004111015, was circulated for a 45-day comment period from February 17, 2021 to April 5, 2021.

The Lead Agency determined that the proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards. Implementation of mitigation measures would reduce air quality impacts but cumulative operational emissions would be considered significant and unavoidable, even with implementation of mitigation measures. Despite the implementation of all feasible mitigation, the project will have localized cumulative impacts that are considered significant and unavoidable.

A Statement of Overriding Considerations (SOC) was prepared by the Lead Agency in accordance with CEQA Guidelines Section 15093. The Final SEIR was certified by the Lead Agency on June 22, 2021.

The SOC states that the benefits from the project will include:

1. Assist local and state governments in complying with California's mandate of reducing greenhouse gas emissions by diverting organic materials from being disposed of in landfills.
2. Facilitate the accomplishment of AB 341 which directs CalRecycle to increase statewide diversion to 75 percent.
3. Facilitate CalRecycle's statewide diversion goal of 75 percent recycling, composting, or source reduction of materials by 2025 established under SB 1383 by targeting agricultural material, food material, vegetative food material, manure, and other compostable, organic, and recyclable materials.
4. Implement an organic waste recycling program to divert organic waste consistent with the requirement of AB 1826, Mandatory Commercial Organics Recycling.
5. Assist in requirement of AB 32 (California Global Warming Solutions Act of 2006) to reduce GHG emissions to 1990 levels by 2020. In 2016, Legislature passed SB 32 and AB 197, which requires a 2030 GHG emissions reduction target of 40 percent below 1990 levels.
6. Construct and operate an efficient and cost-effective regional covered aerated static pile composting facility to accommodate the current and future needs of local municipal, commercial, business, and residential sources by diverting organic waste from landfills to reduce volatile organic compound and greenhouse gas emissions resulting from landfill operations.
7. Reduce outbound traffic volume of raw organic waste to off-site regional facilities, utilizing existing County-owned lands and existing local infrastructure to compost locally sourced organic waste.

8. Utilize portions of an existing County-owned and operated landfill for a composting facility and self-haul recycling operations to preserve prime farmland and minimize environmental impacts.
9. Manufacture high quality compost for use in sustainable agricultural practices, community garden and beautification projects, residential use, and other beneficial end uses.
10. Offer effective and enhanced solid waste disposal and diversion services to the residents of Kern County by providing additional hours for disposal and diversion.
11. Increase buffer area around the landfill and allow the inclusion of uses within the buffer area ancillary to landfill operations, as required by the policies and implementation measures of the Kern County General Plan.

Because all of the project's impacts cannot be avoided or substantially reduced, before concurring on the issuance of the proposed revised SWFP, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for overriding the adverse environmental effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by LEA to the extent the unavoidable significant environmental effects of the Project identified in the Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its Statutory Authority.

Department staff further recommends the Final SEIR, with all other CEQA documents adopted by the LEA, and with the inclusion of the Statement of Overriding Considerations, is adequate for the Branch Chief's environmental evaluation 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 Kern County Environmental Health Department has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

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 Addendum to the EIR approved 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 via Microsoft Teams on June 23, 2021 from 6:00 p.m. to 7:00 p.m. No members of the public attended. 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 August 27, 2021 and September 21, 2021. No comments were received by Department staff.