

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Eastlake Sanitary Landfill
SWIS No. 17-AA-0001
December 6, 2021

Background Information, Analysis, and Findings:

This report was developed in response to the Lake 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 Eastlake Sanitary Landfill, SWIS No. 17-AA-0001, located in Clearlake and is owned and operated by Lake County. 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 initially received on October 12, 2021. Action must be taken on this SWFP no later than December 11, 2021. If no action is taken by December 11, 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 (1998)	Proposed Permit
Permitted Area Total	80	74.6
Permitted Disposal Area	31	56.5
Permitted Capacity (cubic yards)	6,050,000	7,930,000
Estimated Closure Year	2027	2043

Key Issues:

The proposed SWFP will allow for the following:

1. A lateral expansion of the permitted disposal area from 31 acres to 56.5 acres.
2. A correction to the total permitted area from 80 acres to 74.6 acres to reflect the actual acreage of the landfill boundary.
3. An increase in permitted disposal capacity from 6,000,000 to 7,930,000 cubic yards; and
4. An update to the estimated closure date of the landfill from 2027 to 2043.

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 complete and correct letter dated October 1, 2021.
21685(b)(2) LEA Five Year Permit Review	Acceptable: A Permit Review Report (PRR) was prepared by the LEA on October 1, 2021 and included in their complete and correct letter. The LEA provided a copy to the Department the same day. The changes identified in the PRR are reflected in the proposed revised SWFP.
21685(b)(3) Solid Waste Facilities Permit	Acceptable: Staff received a proposed Solid Waste Facilities Permit on October 12, 2021.
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on October 12, 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 November 1, 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 memorandum dated December 6, 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 consistent with state minimum standards December 6, 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 December 1, 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 December 1, 2021.
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 October 28, 2021. 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 1, 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 July 1, 2021. Comments were addressed by LEA staff. See Public Comments below for details.
CEQA Determination to Support Responsible Agency's Findings	Acceptable: 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 inspection on October 28, 2021 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:

- 2021 (May) - One violation of 27 CCR Section 20291 – Gas Monitoring and Control.
- 2020 (January) - One violation of 27 CCR Section 20291 – Gas Monitoring and Control.
- 2016-2019 – None.

All violations were corrected to the satisfaction of the LEA.

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 Lake County Community Development 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 authorized by the issuance of the proposed SWFP include:

- A lateral expansion of the permitted disposal area from 31 acres to 56.5 acres;
- A correction to the total permitted area from 80 acres to 74.6 acres to reflect the actual acreage of the landfill boundary; and
- An increase in permitted disposal capacity from 6,050,000 to 7,930,000 cubic yards.

These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2020010546, was circulated for a 30 day comment period from 1/31/2020 to 3/2/2021. 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 approved by the Lead Agency on June 23, 2021.

The Lake County Local Enforcement Agency 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 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 revised SWFP.

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, to 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 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 documents availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on July 1, 2021, via Zoom. Approximately 10 members of the public participated in the

meeting. Several comments were received during the informational meeting. Additionally, the LEA received five emails and one letter regarding prior to submitting the proposed permit to the Department.

Department staff provided opportunities for public comment during the CalRecycle Monthly Public Meetings on October 19, 2021 and November 16, 2021. No comments were received by Department staff.

Below is a summary of the written and oral public comments received for the proposed project and the LEA and/or operator's responses to those comments.

LEA Informational Meeting

Comments: Commenters were concerned with potential property devaluation and asked if a landfill could be sited elsewhere.

Response: The Director of Lake County Public Services (operator) stated that alternative project locations were considered during the planning process and that it would be extremely difficult to site a new landfill elsewhere, and that lateral expansion of the landfill had been planned for at least a decade.

Comments: What is the process for residents to express concerns?

Response: The LEA provided instructions for submittal of written comments.

Comments: Concerns with potential odors, noise, aesthetics and why the adjacent BLM land wasn't considered for the expansion. Also, they expressed concern with the limitations of using landfill buffer for recreational uses, and why out of county waste was being accepted.

Response: The operator responded that potential impacts to odors, noise and aesthetics were considered during design and the California Environmental Quality Act impact analysis and associated mitigation measures and the operating standards will minimize impacts. BLM land isn't an option due to National Monument status and water ways. The land around the landfill isn't authorized for recreational purposes. Out of county waste is not received for disposal at Eastlake Landfill.

Comments: Three commenters requested information/maps to reflect distance between the landfill and their properties.

Response: The LEA stated that maps would be provided.

Comments: One commenter questioned why a transfer station couldn't replace the need for landfill expansion.

Response: The operator responded that construction of a landfill and hauling to alternative disposal site were considered and determined would be cost prohibitive and local rates would rise significantly.

Comments: One commenter asked what the deadline was for submitting comments to the LEA.

Response: Comments would be received for the next two weeks.

Comments: Comments were received asking about the proximity of the landfill to their property.

Response: The LEA provided their contact information and encouraged the commenters to contact the LEA for follow up.

Comments: One question regarding when the permitting process would be complete.

Response: The LEA explained the solid waste facility permitting timelines.

Emails and Letters

Email: Operator to LEA – regarding a citizen concerns with noise and the distance between the landfill and their property and a homeless encampment.

Response: The operator answered the questions and referred them to the LEA for further information.

Email: Resident to LEA – The resident questioned how much remuneration would he receive for selling his property for the landfill expansion.

Response: The County owns the land where the landfill is located and is not purchasing additional property for the project.

Email: A representative of 6 residential addresses expressed concern with decreased property values, odors, aesthetics and vectors. There are issues with homelessness in the area and the project will increase the encampments with associated issues of illegal dumping, firewood collection and illegal campfires, and dumping of sewage. They also requested more detailed maps.

Response: The LEA provided a map from the Landfill JTD and clarified that there is no proposed westward landfill expansion towards the referenced properties.

Email: Land owner to LEA -One email was concerned with decreased property values,

Response: The LEA responded stating that the objection will be made part of the record.

Email: Two citizens emailed the LEA requesting additional information and maps.

Response: The LEA provided the requested information

Letter: Addressed to the LEA objecting to the project due to environmental justice and contamination issues and impacts to public health and decreased property values.

Response: The LEA included the letter in the record.

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