

**Permitting & Assistance Branch Staff Report**  
 New Solid Waste Facilities Permit for  
 Recycling Industries, Inc.  
 SWIS No. 34-AA-0237  
 February 1, 2023

**Background Information, Analysis, and Findings:**

This report was developed in response to the Sacramento County 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) for Recycling Industries, Inc., SWIS No. 34-AA-0237, located in North Highlands in Sacramento County and owned by SM Watt, LLC and operated by Recycling Industries, Inc. 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 December 15, 2022. Action must be taken on this SWFP no later than February 13, 2023. If no action is taken by February 13, 2023, 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	Recycling Industries, Inc.
Owner	SM Watt, LLC
Facility Type	Transfer/Processing Facility
Proposed Hours/Days of Operation	24 hours, 7 days per week – See TPR Holidays – See TPR
Proposed Maximum Tonnage	400 tons per day (tpd)
Proposed Traffic Volume	190 vehicles per day (vpd)
Proposed Area (acres)	7.94 acres
Design Capacity (tpd)	735 tpd
Waste Types	Commercial & residential source separated recyclables, Inert

**Background:**

Recycling Industries, Inc. is located at 4741 Watt Avenue in North Highlands, CA. Recycling Industries, Inc. currently operates under a medium volume transfer processing facility permit. The facility currently accepts up to 99 tons per day of commercial and residential source separated recyclables and inert materials. The new proposed permit would allow the facility to accept up to 400 tons per day of the same material types. The proposed permit prohibits acceptance of green waste and municipal mixed waste from non-source separated collection programs.

**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 December 15, 2022.
21685(b)(3) Solid Waste Facilities Permit	Acceptable: Staff received a proposed Solid Waste Facilities Permit on December 15, 2022.
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on December 15, 2022 that the facility is consistent with PRC 50001. Permitting & Assistance Branch (PAB) staff found the facility is identified in the Nondisposal Facility Element.
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 February 1, 2023. 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 December 15, 2022, that the proposed SWFP is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.

27 CCR Sections	Finding
21650(g)(5) Public Notice and/or Meeting, Comments	Acceptable: A Public Informational Meeting was held by the LEA on November 15, 2022. No written or oral comments were received by LEA or Department staff. See Public Comments below for details.
21570(g) Disadvantaged Community Public Meeting	Acceptable: The proposed new facility is located within 1 mile of a disadvantaged community (DAC) as defined pursuant to Section 39711 of the Health and Safety Code. The operator satisfied the regulatory requirements by using the LEA's joint public notice to distribute to the DAC and attending the joint public meeting.
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 February 1, 2023 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:

- 2022 (January & February) – Two violations of PRC 44014(b) Operator Complies with Terms & Conditions.
- 2021 (February-October, December) – Ten violations of PRC 44014(b) Operator Complies with Terms & Conditions.
- 2021 (June) – One violation of 14 CCR 17410.1 Solid Waste Removal.
- 2020 (January-July, October) – Eight violations of PRC 44014(b) Operator Complies with Terms & Conditions.
- 2019 (September-December) – Four violations of PRC 44014(b) Operator Complies with Terms & Conditions.
- 2019 (July-August) – Two violations of 14 CCR 17403.6 Medium Volume Transfer/Processing Facility-Registration Permit Required.

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 Sacramento County Planning and Environmental Review, 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: increase in the maximum daily tonnage from 99 tons per day to 400 tons per day, and increase in traffic volume from 100 vehicles per day to 190 vehicles per day. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2022030782, was circulated for a 30 day comment period from March 29, 2022 to April 28, 2022. 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 13, 2022.

The Sacramento County (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 and operator held a joint public informational meeting on November 15, 2022. The meeting was broadcasted virtually via Zoom Video/Teleconference. Zero members of the public were in attendance. No written comments were received by the LEA or Department staff.

Department staff provided opportunities for public comment during the CalRecycle Monthly Public Meetings on December 20, 2022 and January 17, 2023. No comments were received by Department staff.

Attachment: Proposed New SWFP