

Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for
Valencia Greenery
SWIS No. 30-AB-0470
September 13, 2023

Background Information, Analysis, and Findings:

This report was developed in response to the Orange County Health Care Agency 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, Compostable Materials Handling Facility Permit (SWFP), for Valencia Greenery, SWIS No. 30-AB-0470, located in Brea, CA and owned and operated by Orange County (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 July 24, 2023. Action must be taken on this SWFP no later than September 22, 2023. If no action is taken by September 22, 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
Name and Street Address of Facility	Valencia Greenery 1942 North Valencia Avenue Brea, CA 92823
Name and Mailing Address of Operator	OC Waste & Recycling 601 N. Ross Street, 5th Floor Santa Ana, CA 92701
Name and Mailing Address of Owner	OC Waste & Recycling 601 N. Ross Street, 5th Floor Santa Ana, CA 92701
Permitted Operations	Composting Facility (Green Material/Wood Waste/Agricultural Material/Manure/Vegetative Food Material/Food Material)
Permitted Hours/Days of Operation	Receipt of Feedstock: Monday – Saturday / 6:00 A.M. to 4:00 P.M. The facility is not open to the public. (Closed on six major holidays) Ancillary Operations/Facility Operating Hours: 24 hours per day/7 days a week (General Maintenance)

Parameter	Proposed SWFP
Permitted Maximum Tonnage	228 Tons per Day
Permitted Traffic Volume	Not Applicable
Permitted Area (in acres)	Total: 14.1 Composting: 9.0
Design Capacity (cubic yards)	Composting: 40,413
Waste Types	Green Material, Wood Waste, Agricultural Material, Manure, Vegetative Food Material, Food Material

Background:

Valencia Greenery started as a Composting Operation on one acre at the Olinda Alpha Landfill (OAL) with a 92 cubic yard single open windrow which operated under an Enforcement Agency Notification (EAN), SWIS Number 30-AB-0470, filed with the LEA in May 2018. A new EAN to allow operations in the northeastern limit of OAL and to allow for the maximum throughput of 12,500 cubic yards was filed with the LEA in February 2023. OC Waste & Recycling (OCWR) is proposing to expand the Composting Operation into a fully permitted Compostable Materials Handling Facility. The facility is proposed to be placed over a portion of the municipal solid waste landfill deck of the OAL.

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 July 24, 2023.

27 CCR Sections	Finding
21685(b)(2) LEA Five Year Permit Review	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 July 24, 2023.
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on July 24, 2023 that the facility is consistent with PRC 50001. Permitting & Assistance Branch (PAB) staff found that 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 September 8, 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 July 24, 2023, 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 22, 2023. Written and verbal comments received 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.
21570(g) Disadvantaged Community Public Meeting	Acceptable: PAB staff determined that the facility is not located within one mile of a disadvantaged community as defined pursuant to section 39711 of the Health and Safety Code.

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on September 8, 2023, and found that the operation is in compliance with applicable State Minimum Standards and the EAN. 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) and Odor Impact Minimization Plan (OIMP) 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 the OCWR, 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 proposed parameters that will be authorized by the issuance of the proposed SWFP include: the proposed facility will be a compostable materials handling facility; permitted hours of operation for receipt of feedstock, Monday through Saturday, 6:00 a.m. to 4:00 p.m. and for ancillary operations/facility operating hours, 24 hours per day, 7 days a week; permitted maximum tonnage of 228 tons per day; total permitted area of 14.1 acres; composting permitted area of 9.0 acres; and design capacity of 40,413 cubic yards. These proposed parameters are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2022020473, was circulated for a 30-day comment period from February 22, 2022 to March 23, 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 Orange County Board of Supervisors on June 7, 2022.

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

Orange County Board of Supervisors, 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 June 22, 2023, using the virtual platform Zoom. Thirty members of the public were in attendance.

The comments received and the LEA's responses to those comments are summarized below:

- 1) **Comment:** A few residents expressed their concern about the increased traffic and insisted that a traffic impact analysis should be conducted.
Response: The LEA responded that adding this new greenery facility would generate additional traffic but should not exceed 12 truck trips per day at maximum capacity. The LEA informed the residents that their responsibility is to approve the design and operation and to enforce solid waste regulations. A CEQA study was conducted by OCWR prior to submitting the permit application for the proposed greenery project and certified by the County Board of Supervisors in June 2022. It evaluated various environmental factors including traffic impact analysis, concluding that no mitigation was required. The City of Brea Transportation Impact Analysis Guidelines, dated September 2020, was used as the guidance document for the traffic impact analysis. The LEA also provided OCWR's CEQA contact person and city contact information.
- 2) **Comment:** A member of the public indicated that 90% of trash is from outside of Orange County.
Response: The LEA informed the resident that OCWR stated trash from outside the county is approximately 30%.
- 3) **Comment:** A resident was inquiring about: 1. What is the projected time to get the composting facility completed? And 2. Will the city be issuing a separate collection bin to homeowners for compostable items?
Response: The LEA responded that the compost pad for the facility has been built and composting is currently on-going in a small-scale operation with approval from the LEA. Regarding providing a separate collection bin, the resident should contact the City of Brea, Public Works and the City's waste hauler (Republic Services), as the County LEA does not deal with this directly.

- 4) **Comment:** A few residents expressed their concern about the increase in noise that the proposed SWFP will generate.
Response: The LEA informed the resident that green waste is already being received by the landfill. The landfill is now diverting the green waste and at full capacity, should only generate a maximum of 12 new two-way truck trips per day as per the traffic analysis.
- 5) **Comment:** OC Parks personnel requested assessor parcel number (APN) information to verify the exact location. They also asked whether the proposed location is within the footprint of the existing landfill.
Response: The LEA provided the OC Parks personnel with the requested APN and informed them that the footprint of the proposed Valencia Greenery is within the existing landfill.
- 6) **Comment:** Residents expressed concerns about traffic, noise, air quality, and potential risk to ground water.
Response: The LEA stated that there should be not a significant increase in traffic based on the MND, the compost is graded at 2% to the retention pond, which is lined to prevent groundwater contamination, and the operation operates in accordance with South Coast Air Quality Management District (AQMD). The LEA also responded that the project will be implemented and monitored in two phases, which will reach a maximum of 228 tons per day, a significant reduction from past incoming green material which was over 700 tons per day in 2020.
- 7) **Comment:** The City of Brea submitted a letter opposing issuance of the SWFP due to burden from noise, water usage, odor, truck traffic, etc. The letter also stated that the mitigation measures in the MND does not sufficiently protect the city residents.
Response: The LEA response letter summarized the timeline for the MND to be challenged per the CEQA Guidelines for Implementation (14 CCR, Division 6, §15112), Statutes of Limitations. It also stated to provide more details on how issues concerning odor, noise, water usage, etc., are of concern related to the composting permit application and to submit comments to the LEA by July 14, 2023. The letter also stated that the Cooperative Agreement was executed between OCWR (landfill operator) and the City of Brea, and not with the LEA.
- 8) **Comment:** Resident is concerned about the significant trash left by haulers in the surrounding areas.
Response: The LEA informed the resident that OCWR (specifically staff at OAL) will be notified by the LEA to execute litter control beyond Lambert Street. The LEA also informed the resident that Valencia Greenery is accepting green waste already coming into the landfill for disposal and therefore is not “generating” additional trash to cause more track out.

- 9) **Comment:** A few residents questioned if the proposed greenery can be located somewhere else, that it should be located farther away from a populated area and that the only option is to call a hotline for odor complaints. They wanted to know if it will smell more than what is currently at the landfill.

Response: The LEA stated that there is an RCSI and OIMP in place and odors are taken into design consideration. Monthly inspections are conducted for odors and complaints are documented by OCWR, as well as the LEA, and are investigated. The start of the greenery will be done in phases and monitored; there will not be 228 tons per day right away in Phase 1. The greenery operation will be 1.2 to 1.4 miles from the closest residential community. Manure can't be more than 20% of total compost per AQMD Rule. In Phase 1B, the compost will be covered as covered aerated static piles (CASP) and then manure will be added. The LEA also stated that OAL is the last of the three in the county to have a greenery operation. Prima Deshecha and Frank Bowerman landfills both have full permits. Current state regulations mandate that organics are to be diverted from the landfill, which is another reason for the creation of the greenery operations.

- 10) **Comment:** A resident of Olinda Village commented why is this the first time he has heard of this, why weren't the residents notified?

Response: The LEA noted that a mailing was done to all residents within 1.5 miles of the landfill, informing of the proposed greenery as well as this public meeting.

- 11) **Comment:** A resident questioned whether there has been an Environmental Impact Report (EIR) done to look at the stormwater run-off coming from the compost operation.

Response: The LEA responded that yes, there was a review of stormwater discharge; it is included in the CEQA document and that the project has already received a waste discharge (WDR) permit from the regional water quality control board (RWQCB). The LEA also stated that there is a runoff capture basin specific to the compost operation.

- 12) **Comment:** A resident questioned if the proposed greenery would affect property values in their area.

Response: The LEA responded that it's not within their purview to predict changes to real estate values.

- 13) **Comment:** A resident asked if the manure could be stopped from coming to the site. Another resident asked how the manure (from composting) will impact the water basin.

Response: The LEA responded that once in the second phase of the project there will be a CASP and that the amount of manure can only be up to a maximum of 46 tons out of the 228. The amount could be lower, but 46 tons at maximum. The LEA responded that the site will have a dedicated stormwater

run-off basin that is lined so there shouldn't be any impacts on the water basin or groundwater.

14) **Comment:** A resident asked how long will the (composting) site remain open?

Response: The LEA responded that the landfill is projected to close in 2036 and at this time, there is not an end date known for the composting operation.

15) **Comment:** A member of the public asked if the meeting's PowerPoint presentation will be available online. Another member of the public commented on why the application isn't online and why he has to go to Santa Ana to view it; asking for full disclosure to view it.

Response: The LEA responded that the PowerPoint will be posted on their website for access. The LEA also responded that yes, currently one can review the application by coming to their office; due to the large file size, the document cannot be emailed or accessed via the LEA website. During the meeting the link to the CalRecycle website, via Zoom Chat, was provided, where the document can be viewed online.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on August 15, 2023. No comments were received by Department staff.

Attachment: Proposed New SWFP