

**Permitting & Assistance Branch Staff Report**  
New Solid Waste Facilities Permit for the  
City of Claremont Community Services Department  
SWIS No. 36-AA-0425  
December 14, 2023

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

This report was developed in response to the San Bernardino County Department of Public 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) for the City of Claremont Community Services Department, SWIS No. 36-AA-0425, located in the city of Claremont and owned and operated by City of Claremont Community Services 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The proposed SWFP was initially received on May 16, 2023, but later withdrawn. A new proposed SWFP was received on October 31, 2023 and November 9, 2023. Action must be taken on this SWFP no later than January 8, 2024. If no action is taken by January 8, 2024, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

**Proposed Changes:**

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

Parameter	Proposed SWFP
Name and Street Address of Facility	City of Claremont Community Services Department 1616 Monte Vista Avenue Claremont, CA 91711
Name and Mailing Address of Operator	City of Claremont Community Services Department 1616 Monte Vista Avenue Claremont, CA 91711
Name and Mailing Address of Owner	City of Claremont Community Services Department 1616 Monte Vista Avenue Claremont, CA 91711
Permitted Operations	Transfer/Processing Facility (MRF)
Permitted Hours of Operation	Receipt of Refuse/Waste: 6:00 AM – 5:00 PM Monday – Saturday CLOSED: New Year's Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day

Parameter	Proposed SWFP
Permitted Maximum Tonnage	184 Tons per Day
Permitted Traffic Volume	44 Vehicles per Day
Permitted Area (in acres)	Total: 1.39 Transfer/Processing: 1.39
Design Capacity (tons)	184
Waste Types	Three source-separated waste streams: municipal solid waste, recyclables, and organic material.

**Background:**

This site has an existing Registration permit that is up tiering to a full Solid Waste Facility Permit for a large volume transfer/processing facility (Material Recovery Facility; MRF). The site consists of 10 separate but adjoining parcels consolidated into a rectangular-shaped parcel to form the City Yard property. As part of an approved project, a lot line adjustment was proposed to create two separate properties: one unified property within Los Angeles County/City of Claremont and a unified property in San Bernardino County/City of Upland.

Based on specific location and configuration of the parcels, the transfer/processing activity and associated facilities, including the dumping floor, transfer ramp, and all solid waste transfer activities, occur in San Bernardino County (1.39 acres). The San Bernardino County portion of the project site is also utilized for supply and equipment storage. The Los Angeles County portion of the site (3.48 acres) contains the site's office buildings, maintenance storage, parking, and a fuel island. No solid waste materials are stored or transferred on the Los Angeles County portion of the site. The Los Angeles County portion of the site is not covered as part of this SWFP. While the sanitation trucks travel through the Los Angeles County portion of the Project site to access the transfer station, all transfer operations and activities occur in San Bernardino County.

Material is collected within the Claremont city-boundaries and delivered to the transfer facility in three source-separated waste streams: refuse (municipal solid waste), recycling, and organics. From the transfer station, refuse is hauled to Mid-Valley Landfill, recycling is hauled to Grand Central Recycling and Transfer Station, and organic material is hauled to American Organics.

**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 31, 2023.
21685(b)(2) LEA Five Year Permit Review	Acceptable: This is a new SWFP and a Permit Review Report (PRR) is not required.
21685(b)(3) Solid Waste Facilities Permit	Acceptable: Staff received a proposed Solid Waste Facilities Permit on November 9, 2023.
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on November 9, 2023 that the facility is consistent with PRC 50001. Permitting and 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 May 18, 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 October 31, 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 April 10, 2023. No oral comments were received by LEA or Department staff. Written comments were addressed by LEA staff. See Public Comments below for details.
21570(g) Disadvantage Community Public Meeting	Acceptable: The 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

27 CCR Sections	Finding
	public notice to distribute to the DAC and attending the LEA's public meeting. The LEA provided a combined summary (LEA and operator) of comments and responses that occurred during the 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 May 18, 2023, and found that the facility was in compliance with applicable state minimum standards and the Registration Permit.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2023 (November) – 2023 (July) - No violations were noted.
- 2023 (June) - One violation of 14 CCR Section 17403.6 – Medium Volume Transfer/Processing Facility – Registration Permit Required.
- 2022 – 2018 - No violations were noted.

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 City of Claremont 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 that will be authorized by the issuance of the proposed SWFP include: (1) the proposed facility will be a large volume transfer/processing facility (MRF); (2) permitted hours of operation for receipt of refuse/waste: 6:00 AM – 5:00 PM, Monday - Saturday, closed: New Year's Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; (3) permitted maximum tonnage of 184 tons per day; (4) permitted traffic volume of 44

vehicles per day; (5) total permitted area of 1.39 acres; (6) and a design capacity of 184 tons.

A Mitigated Negative Declaration (MND) was distributed for public review for a 20-day comment period from January 29, 2003 to February 18, 2003. The MND was adopted by the City of Claremont Planning Commission on February 18, 2003.

Under CEQA Guidelines Section 15162, when an EIR has been certified or a negative declaration (ND) adopted for a project, no subsequent environmental document shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or ND;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PRC Section 21068 defines "Significant effect on the environment" as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines Section 15382 further defines, a "Significant effect on the environment" as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A lead or responsible

agency may prepare an addendum to a previously adopted MND if minor technical changes or additions are necessary and none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent MND have occurred, pursuant to Section 15164(b) of the CEQA Guidelines.

Thus, Section 15164(b) of the CEQA Guidelines provides that an addendum to an MND is the appropriate documentation when the Lead Agency or a Responsible Agency has determined that none of the conditions described in CEQA Guidelines Section 15162 exist – specifically there are no new significant environmental effects as a result of the changed project.

An Addendum to the MND, was prepared by the City of Claremont Community Development Department, dated February 2022, and revised October 2023.

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 and Addendum 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.

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 Addendum to the MND prepared by the City of Claremont Community Development Department, 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 April 10, 2023, at the Alexander Hughes Community Center located at 1700 Danbury Road, in the City of Claremont and using the video conference platform of Microsoft Teams. No members of the public were in attendance. One written comment letter was received by the LEA. San Bernardino County Department of Public Works commented that the proposed SWFP addresses all major concerns, that the site is located adjacent to a flood control easement and that the site may require permits from other agencies if they propose to work within the flood control easement. The operator responded by indicating that there is no construction work proposed at this time, however the information has been noted for the future.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 20, 2023 and November 21, 2023. No comments were received by Department staff.

Attachment: Proposed New SWFP