

Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for the
Otay Mesa Compost Facility
SWIS No. 37-AA-0988
January 3, 2024

Background Information, Analysis, and Findings:

This report was developed in response to the San Diego County Department of Environmental Health and Quality, 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 the Otay Mesa Compost Facility, SWIS No. 37-AA-0988, located in San Diego County and owned by International Industrial Park, Inc. and operated by Agri Service Recycling, 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 November 21, 2023. Action must be taken on this SWFP no later than January 20, 2024. If no action is taken by January 20, 2024, 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	Otay Mesa Compost Facility 434 Alta Road San Diego, CA 92154
Name and Mailing Address of Operator	Agri Service Recycling, Inc. 9081 Tujunga Avenue Sun Valley, CA 91352
Name and Mailing Address of Landowner	International Industrial Park, Inc. 5440 Morehouse Drive, Suite 4000 San Diego, CA 92121
Permitted Operations	Compostable Materials Handling Facility
Permitted Hours of Operation	6:00 AM – 6:00 PM, Monday – Sunday
Proposed Volume	500 Tons per Day
Permitted Area (acres)	7.13

Parameter	Proposed SWFP
Design (Site) Capacity (cubic yards)	30,000
Feedstocks	Food Material, Green Material, Agricultural Material, Vegetative Food Material, and Construction/Demo Wood

Background:

The Otay Mesa Compost Facility is an existing compost facility that operated under an EA Notification starting in 2014 and under a Registration Permit since 2021 for a Vegetative Food Material Composting Facility with up to 12,500 cubic yards on site. This facility is instrumental in helping the region reach its recycling and trash diversion goals, including AB 1826 and SB 1383. The Otay Mesa Compost Facility is in an area designated by the County of San Diego zoned for recycling and salvage yards. Prior to leasing from International Industrial Park Inc., the site was graded and compacted.

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 November 21, 2023.
21685(b)(2) LEA Five Year Permit Review	Acceptable: 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 November 21, 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 21, 2023 that the facility is consistent with PRC 50001. PAB staff found the facility is identified in the Non-Disposal Facility Element dated June 2020.

27 CCR Sections	Finding
21685(b)(8) Operations Consistent with State Minimum Standards	Acceptable: WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the operation was in compliance with all operating and design requirements during an inspection conducted on January 3, 2024. 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 November 21, 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 November 8, 2023. No comments were received by LEA or Department staff. See Public Comments below for details.
21570(g) Disadvantaged Community Public Meeting	Acceptable: PAB staff determined that the proposed facility is not located within one mile of a disadvantaged community as defined pursuant to Section 39711 of the Health and Safety Code.
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 January 3, 2024 and found that the operation was in compliance with applicable state minimum standards. Based on the LEA's quarterly and monthly inspection reports done under the EA Notification and Registration Permit, the LEA has not cited any violations at the site since operations commenced in 2014.

PAB staff have determined that the design and operations described in the submitted Report of Composting Site Information (RCSI) 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 documents prepared by the San Diego County Department of Planning and Land Use and the LEA, each acting as Lead Agency for their environmental document, 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: compostable materials handling facility that will receive food material, green material, agricultural material, vegetative food material, and construction and demolition (C&D) wood waste; permitted hours will be Monday through Sunday, 6:00 a.m. to 6:00 p.m.; permitted maximum tonnage will be 500 tons per day; permitted acreage will be 7.13 acres; and the design capacity will be 30,000 cubic yards.

An Environmental Impact Report (EIR), State Clearinghouse No. 1992101099, was circulated for a 45 day comment period from November 24, 1993 to January 7, 1994. The Final EIR was certified by the San Diego County Board of Supervisors on July 27, 1994.

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 certified EIR if some 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 EIR have occurred, pursuant to Section 15164(a) of the CEQA Guidelines.

Thus, Section 15164(a) of the CEQA Guidelines provides that an addendum to an EIR 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 EIR was prepared by the LEA, dated November 2023.

The LEA has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the EIR and Addendum as prepared by the San Diego County Department of Planning and Land Use and LEA respectively, 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 EIR certified by the San Diego County Board of Supervisors, the Addendum to the EIR approved by the LEA, 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 November 8, 2023, utilizing the Zoom video chat platform. No comments were received during the meeting.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on December 19, 2023. No written comments were received by the LEA or Department staff.

Attachment: Proposed New SWFP