

Permitting & Assistance Branch Staff Report
 Revised Solid Waste Facilities Permit for the
 Mountain View Organic Waste Processing Facility
 SWIS No. 56-AA-0178
 January 11, 2024

Background Information, Analysis, and Findings:

This report was developed in response to the Ventura County Resource Management Agency, Environmental Health Division, 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 Mountain View Organic Waste Processing Facility, SWIS No. 56-AA-0178, located in Ventura County and owned by Mt. View Investment Group, LLC and operated by California Wood Recycling, Inc., a California Corporation dba Agromin. 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 5, 2023. Action must be taken on this SWFP no later than February 3, 2024. If no action is taken by February 3, 2024, 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 (2019)	Proposed Permit
Name and Mailing Address of Owner	Sullenger Family Trust Attn: Arlene Sullenger 15 Carriage Square Oxnard, CA 93030	Mt. View Investment Group, LLC 201 Kinetic Drive Oxnard, CA 93030
Permitted Operations	Transfer/Processing Facility (MRF)	Transfer/Processing Facility (MRF) and Large Volume In-Vessel Digestion (IVD); Digestate Composted within Aerobic IVD Units
Permitted Maximum Tonnage	300 Tons per Day	300 Tons per Day (TPD) of which 100 TPD can be for the IVD
Permitted Area (in acres)	Total 1.49 Transfer/Processing 1.21	Total 1.49 Transfer/Processing 1.21 In-Vessel Digestion .28
Design Capacity (TPD)	Transfer/Processing 480	Transfer/Processing 480 In-Vessel Digestion 104

Other Changes include:

1. Updates to the legal description of the facility;
2. Updates to the findings and prohibitions;
3. Updates to the documents that describe and/or restrict the operation of the facility;
4. Updates to the self-monitoring requirements;
5. Updates to the EA conditions; and
6. Updates to the Transfer/Processing Report (TPR) with new In-Vessel Digestion Report (IVDR) included.

Key Issues:

The proposed SWFP will allow for the following:

1. Updating the name and mailing address of the owner;
2. Addition of a large volume in-vessel digestion facility activity;
3. Updating the permitted maximum tonnage to include 100 tons per day for the in-vessel digestion activity while maintaining the total maximum tonnage of 300 tons per day;
4. Updating the permitted area to include 0.28 acres for the in-vessel digestion activity while maintaining the total permitted area of 1.49 acres; and
5. Addition of a design capacity of 104 tons per day for the in-vessel digestion activity.

Background:

Mountain View Organic Waste Processing Facility has a full SWFP as a large volume transfer/processing facility. The facility was issued a full SWFP in October 2019, but has not been in operation and is currently under construction. The facility in its current state is fully paved, and has three existing warehouses, parking, and outdoor storage. The first warehouse will contain the aerobic in-vessel digestion operation and administrative and maintenance offices. The second warehouse will contain the food materials processing equipment, and the third warehouse will be demolished to provide more parking and access. The facility will receive and process food materials, organic wastes, and mixed materials from commercial solid waste collection routes.

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 permit submittal letter dated December 6, 2023.
21685(b)(2) LEA Five Year Permit Review	Acceptable: The SWFP was issued in October 2019 and a permit review is not due until October 2024.
21685(b)(3) Solid Waste Facilities Permit	Acceptable: Staff received a proposed Solid Waste Facilities Permit on December 5, 2023.
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on December 5, 2023 that the facility is consistent with PRC 50001. PAB staff found the facility is identified in the Nondisposal Facility Element.
21685(b)(8) Operations Consistent with State Minimum Standards	Acceptable: The facility is under construction and not operational. PAB staff have determined that the design and operations described in the Transfer Processing Report and In-Vessel Digestion Report will allow the facility to comply with State Minimum Standards. 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 5, 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 Notice and Meeting was held by the LEA on November 2, 2023. No written 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 facility is located within one mile of a disadvantaged community as defined pursuant to Section 39711 of the Health and Safety Code. However, the facility is not new or expanding.
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 revised SWFP.

Compliance History:

The LEA conducted a site visit on January 8, 2024, and informed PAB staff that the facility is still under construction and is not yet operational (no acceptance of solid waste). PAB staff have determined that the design and operations described in the

submitted Transfer Processing Report and In-Vessel Digestion Report will allow the 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 make a determination as to whether this revised SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The City of Oxnard Planning Division prepared a Notice of Exemption on April 11, 2023, pursuant to 14 CCR 15301 (Existing Facilities) and 15332 (In-fill Development Project), in order to update the name and mailing address of the owner; add a large volume in-vessel digestion facility activity; update the permitted maximum tonnage to include 100 tons per day for the in-vessel digestion activity while maintaining the total maximum tonnage of 300 tons per day; update the permitted area to include 0.28 acres for the in-vessel digestion activity while maintaining the total permitted area of 1.49 acres; and add a design capacity of 104 tons per day for the in-vessel digestion activity.

The LEA has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under Categorical Exemption, Class 1 – Existing Facilities and Class 32 – In-fill Development Projects. These Categorical Exemptions allow for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of existing or former use and characterized as an in-fill project respectively. A Notice of Exemption was filed with the Ventura County Clerk on May 11, 2023.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this revised SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR, Section 15301 – Existing Facilities and Section 15332 are adequate for the Department's concurrence of this revised SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" and meets the criteria as an In-Fill Development Project.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemptions for existing facilities and in-fill development projects, to be filed with the State Clearinghouse after the Department's concurrence of the revised SWFP in that the proposed SWFP is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing; and that the proposed project is consistent with local general plan and zoning requirements, is located within city limits and less than five acres, the site has no value as habitat for endangered, rare or threatened species, will not result in any significant effects relating to traffic, noise, air quality or water quality, and can be

adequately served by all required utilities and public services. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff further recommends the Categorical Exemptions are adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, 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 revised SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, 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 document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on November 2, 2023, at Oxnard Public Library – Main Library, in the City of Oxnard. No members of the public were in attendance. No verbal or written comments were received by the LEA or Department staff.

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

Attachment: Proposed Revised SWFP