

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for the
Southern California Disposal Company Recycling and Transfer Station (SCD)
SWIS No. 19-AA-0846
March 29, 2024

Background Information, Analysis, and Findings:

This report was developed in response to the Los Angeles 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 modified Solid Waste Facilities Permit (SWFP) for the Southern California Disposal Company Recycling and Transfer Station (SCD), SWIS No. 19-AA-0846, located in Los Angeles County and owned and operated by Southern California Disposal Co., 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 initially received on February 26, 2024. New proposed SWFPs were received on February 27, 2024 and March 22, 2024. Action must be taken on this SWFP no later than May 21, 2024. If no action is taken by May 21, 2024, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes:

The following changes to the first page of the SWFP are being proposed:

Parameter	Current Permit (2011)	Proposed Permit
Name & Street Address of Facility	Southern California Disposal Company Recycling and Transfer Station 1908 Frank Street, Santa Monica, CA 90404	Southern California Disposal Company Recycling and Transfer Station (SCD) 1908, 1921, and 1927 Frank Street, Santa Monica, CA 90404
Permitted Hours of Operation	Receipt/Processing of Waste 5:00 am to 7:00 pm, Monday - Saturday	Receipt of Non-Hazardous Solid Waste: 5:00 am to 7:00 pm, Monday - Saturday
Permitted Maximum Tonnage	Permitted Tons per Operating Day: Total: 1056 Tons/Day Non-hazardous – Refuse, greenwaste 1056 Tons/Day	1056 tons per day (TPD) of non-hazardous solid waste

Other changes include: Updating the findings section, prohibition section, the documents that describe and/or restrict the operation of the facility section, the self-monitoring section, and the LEA conditions section.

Key Issues:

The proposed SWFP will allow for the following:

1. Updating the address of the facility on the SWFP from 1908 Frank St., Santa Monica, CA 90404 to 1908, 1921, and 1927 Frank Street, Santa Monica, CA 90404 (no expansion of permitted area, previous SWFPs did not include all the addresses that are part of the SWFP); and
2. Incorporation of an updated Transfer/Processing Report (TPR).

Background:

This is an existing transfer/processing facility that was issued their SWFP on March 11, 1992. This transfer/processing facility encompasses a 0.65 acre site located on the west side of Frank Street that is developed with a 13,628 square foot transfer station building (1908 Frank Street), and a 0.32 acre site located on the east side of Frank Street directly east of the transfer station site (1921 and 1927 Frank Street) that is used as a collection and transfer truck staging yard and will be used for tipping, storage and processing of Type A Inert materials. Incoming material at the transfer/processing facility includes municipal solid waste (MSW), source separated organics (SSO), and construction and demolition/inert (CDI) materials.

Findings:

Staff recommends concurrence in the issuance of the proposed modified 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 February 26, 2024.
21685(b)(2) LEA Five Year Permit Review	Acceptable: A Permit Review Report (PRR) was prepared by the LEA on March 24, 2021. The LEA provided a copy to the Department on March 24, 2021. The changes identified in the PRR are reflected in the proposed modified SWFP.
21685(b)(3) Solid Waste Facilities Permit	Acceptable: Staff received a proposed Solid Waste Facilities Permit on March 22, 2024.

27 CCR Sections	Finding
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on March 22, 2024, 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: Waste Evaluation and Enforcement Branch (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 March 6, 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 February 26, 2024, 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 was posted by the LEA on January 9, 2024. 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 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 modified SWFP.

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on March 6, 2024 and found that the facility was 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:

- 2024 (February) – 2021 (November) - No violations were noted.
- 2020 (October) - One violation of 27 CCR Section 21640 CalRecycle - Review of Permits.
- 2020 (September) – 2019 (February) - 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 Santa Monica Public Works, 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: updating the address of the facility on the SWFP from 1908 Frank St., Santa Monica, CA 90404 to 1908, 1921, and 1927 Frank Street, Santa Monica, CA 90404, and incorporating an updated TPR.

An Environmental Impact Report (EIR), State Clearinghouse No. 2017111053, was circulated for a 44-day comment period from October 2, 2018 to November 15, 2018. The Final EIR was certified by the City of Santa Monica Planning Commission on January 16, 2019.

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, State Clearinghouse No. 2017111053, was prepared by the City of Santa Monica Public Works, dated February 2022, and circulated for a comment period from February 4, 2022 to March 7, 2022. CalRecycle staff submitted comments in a letter dated March 7, 2022. CalRecycle staff’s comments were addressed by the Lead Agency. The Addendum was adopted on June 14, 2022 by the City of Santa Monica City Council.

The LEA has provided a finding that the proposed modified 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 EIR 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 modified SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the Addendum to the EIR adopted by the City of Santa Monica City Council, and other documents and materials

utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified 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 LEA posted a public informational notice on January 9, 2024. No comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on March 19, 2024. No comments were received by Department staff.

Attachment: Proposed Modified SWFP