

Permitting & Assistance Branch Staff Report
 Modified Solid Waste Facilities Permit for the
 Azusa Transfer and Material Recovery Facility
 SWIS No. 19-AA-1127
 November 22, 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 Azusa Transfer and Material Recovery Facility, SWIS No. 19-AA-1127, located in Los Angeles County and owned and operated by Azusa Land Reclamation, 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 October 21, 2024. Action must be taken on this SWFP no later than December 20, 2024. If no action is taken by December 20, 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 (2013)	Proposed Permit
Permitted Hours of Operation	24 hours a day, 7 days a week (See Page 6, C.1. for specification detail)	24 hours a day, 7 days a week (specific hours of operation are detailed in the approved Transfer Processing Report.)
Permitted Maximum Tonnage	3,800 tons per day (TPD) <ul style="list-style-type: none"> • Municipal Solid Waste 2,500 TPD • Recyclables 800 TPD • Greenwaste 500 TPD 	Maximum tonnage of 3,800 tons per day (TPD) includes: <ul style="list-style-type: none"> • Municipal Solid Waste • Recyclables • Greenwaste

Other Changes include: updating the legal description of the facility section, findings section, prohibitions section, the documents that describe and/or restrict the operation of the facility section, self-monitoring section, and LEA Conditions.

Key Issues:

The proposed SWFP will allow for the following:

- Updating the SWFP to remove the specific waste stream tonnages and incorporation of an updated Transfer/Processing Report (TPR).

Background:

This is an existing large volume transfer/processing facility that was first permitted on August 19, 2013. Azusa Transfer and Material Recovery Facility is located within the permitted property boundary of the Azusa Landfill (SWIS No. 19-AA-0013). This facility is designated to handle and process municipal solid waste, recyclables, and green material. The facility serves the City of Azusa and surrounding communities.

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 October 21, 2024.
21685(b)(2) LEA Five Year Permit Review	Acceptable: A Permit Review Report (PRR) was prepared by the LEA on August 18, 2023. The LEA provided a copy to the Department on August 18, 2023. 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 October 21, 2024.
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on October 21, 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: 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 November 12, 2024. See Compliance History below for details.

27 CCR Sections	Finding
21685(b)(9) LEA CEQA Finding	Acceptable: The LEA provided a finding in their permit submittal package received on October 21, 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 August 22, 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:

WEED staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on November 12, 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 – 2019 (October) – No violations were noted.

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 City of Azusa and LEA, each 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:

- Removal of the permitted tonnage limits associated with each waste stream received, while keeping the permitted maximum tonnage of 3,800 tons per day the same.
- Updating the TPR.

An Environmental Impact Report (EIR), State Clearinghouse No. 2010081010, was circulated for a 45-day comment period from March 24, 2011 to May 9, 2011. The Final EIR was certified by the City of Azusa City Council on July 5, 2011.

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. 2010081010, was prepared by the LEA, dated May 2024.

The LEA has provided a finding that the proposed modified 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 each 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 approved by the LEA as Lead Agency, 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 August 22, 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 November 19, 2024. No comments were received by Department staff.

Attachment: Proposed Modified SWFP