

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for the
U.S. Borax Inc, Gangue/Waste Pile
SWIS No. 15-AA-0278
July 8, 2025

Background Information, Analysis, and Findings:

This report was developed in response to the Kern County 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 modified Solid Waste Facilities Permit (SWFP) for the U.S. Borax Inc, Gangue/Waste Pile, SWIS No. 15-AA-0278, located in Boron, Kern County and owned and operated by U.S. Borax, Rio Tinto Minerals. 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 2, 2024. A new proposed SWFP was received on May 16, 2025. Action must be taken on this SWFP no later than July 15, 2025. If no action is taken by July 15, 2025, 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 1996	Proposed Permit
Estimated Closure Year	2023	2048

Key Issues:

The proposed SWFP will allow for the following:

1. An update to the Estimated Closure Date from 2023 to 2048.
2. Removal of permit conditions that are obsolete or duplicative of existing regulations and/or the monitoring program.
3. Updates to the Joint Technical Document pages and appendices to reflect the updated estimated closure date.

Background:

U.S. Borax Inc, Gangue/Waste Pile – Boron Operations is an existing solid waste landfill located on 60 acres and owned and operated by U.S. Borax, Rio Tinto Minerals at 14486 Borax Road Boron, CA 93516. The landfill has been operating under a full Solid Waste Facilities Permit issued by the LEA on July 16, 1996.

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 March 1, 2024.
21685(b)(2) LEA Five Year Permit Review	Acceptable: A Permit Review Report (PRR) was prepared by the LEA on May 13, 2025. The LEA provided a copy to the Department on May 13, 2025. 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 May 16, 2025.
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on May 16, 2025 that the facility is consistent with PRC 50001. Permitting and Assistance Branch (PAB) staff in the Permits and Assistance North Unit found the facility is identified in the April 1996 Countywide Siting Element for Kern County.
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Acceptable: Engineering Support Branch staff in the Closure and Technical Support Section have found the Preliminary Closure/Postclosure Maintenance Plans consistent with State Minimum Standards as described in their email dated February 5, 2025.
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Acceptable: Engineering Support Branch staff in the Closure and Technical Support Section have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is technically adequate as described in their letter dated February 5, 2025.
21685(b)(7)(A) Financial Assurances	Acceptable: PAB staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their memorandum dated May 20, 2025.

27 CCR Sections	Finding
21685(b)(7)(B) Operating Liability Insurance	Acceptable: PAB staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated May 20, 2025.
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 June 12, 2025. 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 May 16, 2025, 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 Notice was posted by the LEA on March 1, 2024. No written comments were received by LEA or Department staff. See Public Comments below for details.
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 June 25, 2024 and found that the facility is 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:

- May 2020 – May 2025 - 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 document prepared by the Kern County Planning 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:

- An update to the Estimated Closure Date from 2023 to 2048.

This change is supported by the following environmental document.

A Negative Declaration (ND), State Clearinghouse No. 1994122024, was circulated for a 30 day comment period from March 3, 1995 to April 3, 1995. The project analysis concluded there are no significant impacts. The ND was adopted by the Lead Agency on April 28, 1995.

The Kern County, Environmental Health Division (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 ND 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. Department staff has reviewed and considered the CEQA record and recommends the ND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, 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 modified SWFP and all of its components and supporting documentation, this staff report, the ND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the 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 project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA posted a public notice on March 1, 2024. No 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 May 21, 2024, June 18, 2024, July 16, 2024, August 20, 2024, September 17, 2024, October 15, 2024, November 19, 2024, December 17, 2024, January 21, 2025, February 18, 2025, March 18, 2025, April 22, 2025, May 20, 2025 and June 17, 2025. No comments were received by Department staff.

Attachment: Proposed Modified SWFP