



California Integrated Waste Management Board



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Post-It® Fax Note	7671	Date	2-25-05	# of pages	8
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STATE CLEARING HOUSE

Subject: State Clearinghouse (SCH) No. 2005012112 - Proposed Mitigated Negative Declaration (MND) for the establishment and operation of a Construction and Demolition and Inert Debris (CDI) Recycling Program at the Devlin Road Transfer Station (DRTS), Solid Waste Facility Permit (SWFP) No. 28-AA-0027, Napa County.

Dear Ms. Pahl:

Permitting and Inspection (P&I) Branch staff of the California Integrated Waste Management Board (CIWMB or Board) have reviewed the proposed MND for the proposed project cited above. Following is P&I Branch staff's understanding of the project [for Board staff's referral] as the proposal applies to the CIWMB permitting and regulatory oversight process; the CIWMB's role as a responsible agency and comments intended by P&I Branch staff to assist the lead agency in the preparation of a complete and adequate MND for decision-makers having approval(s) on the project. If the following project description varies substantially from the project as understood by the lead agency, P&I Branch staff request that any significant differences be identified and brought to the attention of P&I Branch staff.

PROJECT DESCRIPTION

The Napa-Vallejo Waste Management Authority, the lead agency carrying out the project proposal, proposes to expand operations at the DRTS located in south Napa County by commencing operation of a CDI diversion and recycling program. Phase one of the project will be located on an existing 2.6-acre asphalt pad behind and adjacent to the transfer station utilizing mobile equipment to sort, crush, and recycle CDI material diverted from the general municipal solid waste (MSW) stream that currently is taken from the DRTS to other facilities for ultimate disposal. A new approximately 5,000 square foot (sq. ft.) roadway will provide access to the CDI Recycling Program facility. Within two years, Phase two of the project will be the construction of a new 41,600 sq. ft. metal building, adjacent to the current DRTS building, in

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order to fully enclose all CDI recycling activities. Phase two will also add an additional 24,000 sq. ft. of asphalt for the new building, including building aprons and additional roadway.

The CDI diversion and recycling activities will add an additional 6 to 10 employees. The proposed project (Phase one and Phase two) will not generate additional truck trips as the CDI recycling aspect will be the further processing of material that would have been mixed into the general waste stream at the DRTS. However, the project proposal is anticipated to generate an additional 20 vehicle trips per day at full operating capacity with the addition of 10 new employees. The project proposes the use a variety of large tractors to move, sort and crush clean wood, metal fiber and sheet rock to be processed by grinding for use in secondary markets. The CDI recycling project only includes the processing and transfer of clean wood, metal fiber and sheetrock waste types. The project does not include the outdoor use of grinding or crushing equipment that is designed specifically for wood grinding or rock/sheetrock crushing.

The proposed project site is located in a semi-urbanized area approximately 2 miles east of the Napa River Estuary. The transfer station and future building for the CDI Recycling Program/project are within a developing industrial park and adjacent to a fully developed general industrial area. The proposed project site has been previously disturbed and developed as part of the permitted DRTS Facility, no additional land disturbance is proposed for this project. The proposed CDI Recycling Program at the DRTS is located in close proximity to the Napa County Airport, and is subject to the requirements of Compatibility Zone D of the Napa County Airport Compatibility Plan. The proposed project will be located within the Industrial Park: Airport Compatibility Zone that includes general commercial/industrial uses. Surrounding land use includes general industrial uses and manufacturing operations north of the proposed site, a variety of warehouse buildings to the east, and farmlands with seasonal grasses to the south and west of the proposed project site.

AGENCY BACKGROUND INFORMATION

Criteria for California Environmental Quality Act (CEQA) Compliance Disclosure

CEQA compliance is required for the establishment, expansion, or change in operation(s) of a solid waste facility (SWF) requiring the issuance or revision of a SWFP. P&I Branch staff's review of the proposed MND is to help decision-makers: (1) identify potential impacts from proposed projects, (2) determine whether any such impacts are significant, and (3) ascertain whether significant impacts can be mitigated to a level of insignificance in compliance with the CEQA statute and guidelines. In order for the CIWMB to ascertain that the proposed MND is complete and adequate for our use in the SWF permitting process, the proposed project should be described in sufficient detail and the potential environmental impacts must be identified clearly in the environmental assessment and analysis. Mitigation to reduce potentially significant environmental impacts should be incorporated into the project, when feasible, in order to avoid potentially significant effects from project implementation. If documentation is incorporated by reference into the environmental document, the sections or pages should be cited and pertinent information to the decision-making process should be included in its entirety or in a summarized version of the critical information to support project analysis and evaluation.

CIWMB Role as a Responsible Agency

The CIWMB operates in cooperation with local government to assure protection of the public health and safety and the environment from the potentially detrimental effects of improper solid waste management. The CIWMB concurs in the issuance of new or revised SWFPs with Local Enforcement Agencies (LEAs) to assure that solid waste facilities (SWFs) operate in a manner consistent with all applicable solid waste laws and regulations. The CIWMB will be a responsible agency involved in the discretionary approval process for the proposed operation of the CDI recycling program. P&I Branch staff will perform an environmental review and analysis for this project using the final MND developed by the lead agency as required in CEQA Guidelines, Title 14, California Code of Regulations (CCR), Section (§)15096.

P&I BRANCH STAFF'S QUESTIONS and COMMENTS

Project Consultation with Responsible Agencies and Trustee Agencies

Prior to the preparation of the MND, the lead agency did not consult with CIWMB staff which is required by the following statute:

Public Resources Code §21080.3. Consultation with responsible and trustee agencies; assistance by Office of Planning and Research

- (a) Prior to determining whether a negative declaration or environmental impact report is required for a project, the lead agency shall consult with all responsible agencies and trustee agencies. Prior to that required consultation, the lead agency may informally contact any of those agencies.

Consequently, the project proposal in the MND does not disclose and analyze the specific project design and operational regulatory parameters in order for the LEA and CIWMB to: (1) identify potential impacts from proposed projects, (2) determine whether any such impacts are significant, and (3) prepare and approve Report of Station Information (RSI) amendments and/or a new or revised SWF permit(s).

The project proposal/description in the MND did not propose the number of vehicles/trucks, the daily tonnage, or the project site capacity in cubic yards/tonnage for the CDI Recycling Program facility. The project description also does not clearly describe the separation of current operational activities from those in Phase one and proposed activities for Phase two.

The CEQA Guidelines allow for "New information [that] is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration" and "New project revisions [that] are added in response to written or verbal comments on the project effects identified in the proposed [mitigated] negative declaration which are not new avoidable significant effects" without recirculation of the MND prior to its consideration of adoption, 14 CCR §15073.5(c)(4) and (2), respectively. CIWMB staff requests that the responses to our comments and answers to our questions be incorporated into the 'final'

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MND by the lead agency prior to consideration of adoption of the proposed MND. If the lead agency needs assistance from CIWMB staff to update/complete the MND, staff will be available upon request made to Sue O'Leary, Supervisor, CIWMB, at telephone number (916) 341-6334 or in via e-mail at soleary@ciwmb.ca.gov.

CIWMB Permits

The project as proposed in the MND did not indicate the CIWMB as an agency whose approval is required under #10. of the *Initial Study Checklist*. Information provided in the MND will be used by the LEA and the Board to process a RSI Amendment(s) and/or a SWF permit for the proposed project.

The 'Impact Discussion' in Section XV.d of the *Environmental Checklist Form* of the MND *Initial Study* states that "The project will operate within the framework of the existing waste transfer station." The 'Impact Discussion' in Section XVI.f-g of the *Environmental Checklist Form* of the MND *Initial Study* states that "The current project site is located on the waste transfer station property and has been designed to handle additional growth." The Board will use the MND for permitting of the proposed CDI Recycling Program operation/facility and thus, will presume that no expansion of use beyond the currently permitted transfer station acreage, tonnage, waste types, length of waste storage, vehicle count, and hours of operation for the DRTS (SWFP No. 28-AA-0027) is proposed in the MND in order to establish the proposed CDI Recycling operation/activity.

The proposed [separate] 'activity' (e.g. operation of a CDI Recycling Program at the DRTS) will need to be defined more clearly in the 'final' MND in order to establish the design and operational parameters both for Phase one and Phase two of the proposed project and for the relationship to the remaining transfer station (TS) activities. The final MND should indicate how the project proponent intends to permit the CDI Recycling program; either under a separate SWF permit for the CDI Recycling facility, or if this operation will be incorporated into the existing SWFP for the DRTS (SWFP No. 28-AA-0027).

Tonnage

Solid waste received at the CDI processing facility is defined in Public Resources Code (PRC) Section 40191 and is counted as waste through the gate until it is processed into a beneficial reuse or recyclable material. Unless the CDI facility is permitted separately and has its own boundary, separate from the TS boundary, the incoming tonnage and other permitted limits for the CDI facility will be considered a subset (or counted against) the total permitted TS station tonnage and other TS limits. What is the maximum or peak daily tonnage for the proposed CDI processing/transfer facility.

Proposed CDI 'Facility' Acreage

What is the area, in acres, for CDI storage of both processed and unprocessed materials, as well as, the area required for the processing of CDI materials for both Phase one and Phase two of the

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project proposal? What is the maximum length of time that both processed and unprocessed CDI materials will be stored on site?

The Project Description states that "The first phase of project will be located on an existing 2.6-acre paved area immediately adjacent to the transfer station..." in addition, the project description identifies 5,000 sq. ft. of a compacted low permeable road surface that will be built in Phase one and that an additional 24,000 sq. ft. of asphalt for additional new roadway for the new building aprons and additional roadway will be built (it appears) in phase two. The site plan map does not identify the current TS boundary, the proposed Phase one and Phase two CDI Recycling facility boundary, the location of the 2.6-acre paved area for Phase one, the addition of 5,000 sq. ft. roadway, the location of 24,000 additional sq. ft. of asphalt, or a new 41,600 sq. ft. building. Please include this information on a site plan map to scale. What is the acreage for each facility within each Phase? For example: Does the Phase one CDI facility include the 2.6 acres asphalt pad and a 5,000 sq. ft. roadway? What is the acreage for the Phase two project? Neither Phase one or Phase two of the project proposal in the MND proposes an increase in the boundary for the DRTS.

Will the Phase two project require additional environmental review and analysis to accommodate an increase in the waste types and/or waste stream to be processed at the CDI Recycling facility?

Waste Storage

Please note that the DRTS SWFP Section 7.B.2. specifies that "Storage of waste at the Transfer Station will not exceed 48 hours."

Transportation/Traffic

The 'Impact Discussion' in Section XV.a of the *Environmental Checklist Form* of the MND *Initial Study* states that "The addition of this processing facility will not generate additional truck trips beyond what exists currently [at the DRTS]." The only proposal in the MND to increase vehicles to the DRTS is attributed to the proposed addition of 6 to 10 new employees, 12 to 20 average daily trips, respectively.

If the operator chooses to not incorporate the proposed project into the existing permit for the DRTS (SWFP No. 28-AA-0027) the maximum daily truck/vehicle count for the CDI Processing facility will count against the SWFP for DRTS. If a separate permit is issued for the CDI Recycling facility, the DRTS SWFP may be required to be revised to reflect the changes. What is the maximum or peak daily tonnage for the new CDI Processing facility?

CDI Material Types and Operational Features

It is not clear in the MND if the CDI materials are limited to clean wood, metal fiber and sheet rock, or how these materials will flow through the DRTS and the CDI Recycling facility. What specific CDI materials will be accepted/processed/transferred at the CDI facility? The 'Impact Discussion' in Section VII.a-c of the *Environmental Checklist Form* of the MND *Initial Study*

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states that "...metal fiber...[is] to be processed..." What is metal fiber? Will the loads go the transfer station (TS) building initially with loads or parts of loads being diverted to the outdoor CDI processing/transfer area or will loads go directly to the CDI processing/transfer area? How will non-CDI material be handled at the CDI processing/transfer area? Will co-mingled MSW be removed from the CDI load at the TS or the CDI Recycling operations area?

CDI Recycling Facility/Program Potentially Significant Impacts Not Considered

Noise, Dust, and Light and Glare

The hours of operation for the CDI Recycling Program were not proposed in the MND. The MND does state however that "The project will operate within the framework of the existing waste transfer station." The DRTS operates within a closed building; the proposed CDI Recycling facility proposes to operate outdoors for at least the first two years (Phase one) of operation. P&I Branch staff considers the proposed Phase one outdoor CDI Recycling Program to be outside of the framework of the existing DRTS and therefore has the potential for significant impacts in the areas of noise, light and glare, and air quality (dust emissions and odor). Therefore, it is P&I Branch staff's proposal that the following mitigation measure be incorporated into the MND:

Operation of equipment for Phase one at the CDI Recycling Program facility are restricted to daylight hours only until either it can be shown that the facility is/will be in compliance with local noise ordinances or the proposal for a new building to house the CDI recycling operations is implemented.

Are there any previous noise studies performed for the siting of the DRTS and/or the industrial park? The proposed CDI Recycling building should enclose the CDI operations enough to mitigate for project noise, PM₁₀ emissions from dust, and nighttime glare from lighting for Phase two.

The MND states that the operations at the proposed CDI Recycling facility will process material by crushing and grinding; however, the equipment necessary to crush and grind CDI material is not clearly identified in the MND. The 'Impact Discussion' in Section XI.a-d of the *Environmental Checklist Form* of the MND *Initial Study* states that "The project will increase noise levels and generate a minor level or ground vibration due to the equipment involved. The applicant will be using a variety of large tractors to move, sort and crush the wood and other construction debris." If new equipment is acquired to specifically crush and grind CDI material at the proposed facility, the potentially significant impacts of this equipment may alter or increase the noise analyzed in Section XI. of the *Environmental Checklist Form* of the MND *Initial Study* and require additional impact analysis in an environmental document (MND). In addition, misters should be employed on crushing and grinding equipment to significantly reduce PM₁₀ emissions from dust that may result upon project implementation. It is the CIWMB's experience that PM₁₀ emissions from crushing sheetrock by running equipment over it are considerable. Also, sheetrock when wet has the potential to emit 'off gasses' of sulfur compounds such as hydrogen sulfide. CIWMB staff proposes the following requests that mitigation measure be incorporated into the MND:

Sheetrock will be excluded from the Phase one CDI processing/transfer area until such time that the material may be processed/crushed inside of the proposed new CDI facility building.

Worker Health and Safety

The MND states under #8. of the *Initial Study Checklist* that "The new project will add an additional 6 to 10 employees." P&I Branch staff assumes that some of these employees will be assigned to sort and process CDI materials. An Injury Prevention Plan (IPP) will be required for either the combined facilities or one IPP for facility if the facilities are permitted separately.

Mitigation Reporting or Monitoring Program (MRMP)

As required by PRC Section 21081.6, the lead agency should submit a MRMP at the time of local certification of the final MND. This should identify the environmental impacts associated with the proposed project, identify mitigation measures to reduce impacts to a less than significant level, identify agencies responsible for ensuring the implementation of the proposed mitigations, and specify a monitoring/tracking mechanism. PRC Section 21080 (c)(2) requires that mitigation measures "...avoid the effects or mitigate the effects to the point where clearly no significant effect(s) on the environment would occur." The MRMP is also required to be made a condition of project approval. Section 21081.6(b) also requires that "A public agency shall provide the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures."

The MRMP should also indicate that agencies designated to enforce mitigation measures in the proposed MND have reviewed the MRMP and agreed that they have the authority and means to accomplish the designated enforcement responsibilities.

The MND proposes a mitigation measure during Phase one to build an interceptor to collect runoff. According to MRMP attached to the MND, it is to be completed prior to commencement of Phase one activity. It is not clear in the MND if the size and location of this interceptor will be adequate for the Phase two portion of the project where 24,000 sq. ft. of asphalt and 41,600 sq. ft. of building will be contributing to surface runoff to be collected in the interceptor. In addition, it is not clear if a National Pollutant Discharge Elimination System (NPDES) permit would be required for Phase two of the proposed project by the Regional Water Quality Control Board (RWQCB).

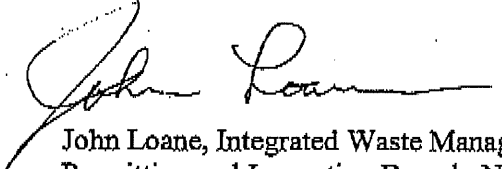
CONCLUSION

P&I Branch staff have no further comments on the project as proposed at this time. We encourage the lead agency to consider and incorporate P & I Branch staff's comments and suggestions into the MND. CIWMB staff is willing and able to assist you upon request.

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In addition, P&I Branch staff requests that the CIWMB be noticed ten days in advance of the date, time and location of any public hearings regarding the project proposal in the proposed MND and noticed immediately upon the adoption of the MND by the decision-making body of the lead agency. Thank you for the opportunity to comment on this proposed MND. If you have any questions regarding these comments, please contact me at 916.341.6327, by facsimile at 916.319.7213 or e-mail me at jloane@ciwmb.ca.gov.

Sincerely,



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