



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

July 12, 2011

John McKenzie
San Luis Obispo County
976 Osos Streetm Rm 300
San Luis Obispo, CA 93408

Subject: Cold Canyon Ladfill Expansion (Corral de Piedras Land Co) Conditional Use Permit; DRC2005-00170
SCH#: 2006101173

Dear John McKenzie:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 11, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

[Handwritten signature]

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006101173
Project Title Cold Canyon Landfill Expansion (Corral de Piedras Land Co) Conditional Use Permit; DRC2005-00170
Lead Agency San Luis Obispo County

Type EIR Draft EIR
Description Note: Recirculated DEIR

Request to expand the Landfill footprint; increase permitted tonnage limits; increase Landfill disposal capacity; expand and relocate the Resource Recovery Park, Compost Operation, and the Materials Recovery Facility; change the hours of operation; add staff; and, construct a new entrance.

Lead Agency Contact

Name John McKenzie
Agency San Luis Obispo County
Phone 805-781-5452 **Fax**
email
Address 976 Osos Streetm Rm 300
City San Luis Obispo **State** CA **Zip** 93408

Project Location

County San Luis Obispo
City San Luis Obispo
Region
Lat / Long 35° 11' 4.95" N / 120° 35' 32.08" W
Cross Streets Hwy 227 & Price Canyon Rd
Parcel No. 044-171-014, et al
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 227
Airports
Railways
Waterways Tributary to Pismo Creek
Schools
Land Use Agriculture/Public Facilities

Project Issues Noise; Solid Waste; Toxic/Hazardous; Water Quality; Water Supply

Reviewing Agencies Resources Agency; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Air Resources Board, Major Industrial Projects; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; Department of Fish and Game, Region 4

Date Received 05/26/2011 **Start of Review** 05/27/2011 **End of Review** 07/11/2011



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

July 11, 2011

Mr. John McKenzie, Project Manager
County of San Luis Obispo
Department of Planning and Building, Environmental Division
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

Clear
7/11/11
e



Subject: Recirculated Draft Environmental Impact Report for the proposed Cold Canyon Landfill Expansion (SCH No. 2006101173), Solid Waste Facility Permit No. 40-AA-0004, San Luis Obispo County

Dear Mr. McKenzie:

Staff of the Department of Resources Recycling and Recovery (CalRecycle) has reviewed the Recirculated Draft Environmental Impact Report cited above and offer the following project description and analysis for the proposed project based on our understanding of the project. If the proposed project description varies substantially from the project as understood by the Lead Agency, CalRecycle staff requests clarification and incorporation of any changes in the Final Environmental Impact Report. Significant differences in the project description could qualify as "significant new information" about the project that could again require recirculation of the document before certification pursuant to CEQA Section 15088.5.

Project Description

The County of San Luis Obispo, Department of Planning and Building, Environmental Division, acting as Lead Agency, is proposing an expansion for the Cold Canyon Landfill to allow the following:

- Expand the disposal area footprint by approximately 46 acres;
- Increase the total facility allowable tonnage limit by 730 tons per day;
- Expand and relocate the Resource Recovery Park to the eastern corner of the site;
- Modify the Compost Operation by allowing additional materials to be composted;
- Expand and enhance the Materials Recovery Facility;
- Construct a new scale house and entrance approximately one-half mile south of the existing entrance on Highway 227;
- Increase the operating hours for the Resource Recovery Park, Compost Operations, and Materials Recovery Facility and make them more consistent with the Landfill operating hours;
- Add a second shift at the Materials Recovery Facility;
- Increase the staffing levels from 79 to 120; and,



- Other miscellaneous improvements (e.g., relocate fuel tanks, alter landscaping, and replace the equipment maintenance building).

The Recirculated Draft Environmental Impact Report focuses only on the following environmental impacts, where additional environmental information became available subsequent to the completion of the DEIR (March, 2009): hazards (odors), noise, and water.

On hazards, a health risk assessment was completed to further evaluate the Compost Operation, and includes new measures relating to worker protection and odors; on noise, a supplemental noise assessment was completed and includes additional measures relating to noise; and on water, additional water analysis was completed and additional measures are proposed to reduce on-site water consumption.

The Recirculated Draft Environmental Impact Report includes the following changes from the original project:

- Delete the reference of the expansion of the compost facility (currently permitted 300 tons per day limits would be retained);
- Remove the request to allow wastewater treatment plant sludge and/or biosolids as feedstock for the Compost Operation.

CalRecycle Staff's Comments

To assist CalRecycle staff's analysis and evaluation of this project, and aid in the determination of the adequacy of the Recirculated Draft Environmental Impact Report and related California Environmental Quality Act (CEQA) document(s), we request that the following comments and questions be addressed in the Final Environmental Impact Report.

In reference to your statement "The following description of the AD process is adapted from the CalRecycle's 2011 Draft Programmatic EIR for *Statewide Anaerobic Digester Facilities for the Treatment of Municipal Organic Solid Waste*:" The Final Programmatic Environmental Impact Report was certified by CalRecycle on June 22, 2011.

Closure Date

When Cold Canyon Landfill closes (estimated closure date 2040) will the Materials Recovery Facility and the Composting Operation continue operation or will they also be closed?

Hours of Operation

The environmental document indicates that the Compost Operation and the Materials Recovery Facility, could operate, on weekends, 7:00 a.m. to 5:00 p.m. for receipt of material, the Composting Operation could also process material during those same hours; the Material Recovery Facility could process material for 7:00 a.m. to 10:00 p.m. The document goes on further to state that "except in the case of the CO and MRF, which do not and would not involve significant weekend processing." Based on the preceding information; the

Composting Operation and the Material Recovery Facility would be open on weekends but would not be doing significant processing of material. Is the preceding sentence correct? If not please offer the correct information.

How many hours on Saturday and Sunday does the applicant expect to process material at the Composting Operation and Materials Recovery Facility? Green waste, wood waste, food waste and fibers received, theoretically, on a three day weekend, could sit unprocessed for up to 72 hours. How will odors, dust and vector emanating from that material be mitigated?

Permits

The obtaining of a Conditional Use Permit will not supersede the necessity of having separate Solid Waste Facilities Permits or a single consolidated or combined Solid Waste Facilities Permit for the operation of the landfill, the composting operation and the Material Recovery Facility.

The Conditional Use Permit will not be enforced by the Enforcement Agency (CalRecycle). Any enforcement of the Conditional Use Permit will be the duty of the issuing agency or authority.

Composting

It is indicated that food waste and natural fiber material will be used in addition to the previously approved feedstock types for the composting operation. What is the anticipated source of the food waste and specifically what is the makeup of the fiber material to be added as feedstock?

In the Introduction it is stated that the operator was removing the request to allow waste water treatment plant sludge also known as biosolids, as an approved composting feedstock (Page I-3). In the environmental document it mentions the addition of waste water treatment plant sludge as being added to the compost mix. Please clarify in the final environmental document what the previously approved feedstocks are and the proposed additions to the list of approved feedstocks (PageIII-25).

In the Introduction of the environmental document under Section C it clearly states that the applicant will not be seeking an expansion of the composting operation from the currently permitted 300 tons per day to the previously proposed 450 tons per day. Several times in the environmental document an expansion of the composting operation is mentioned (pages III-23, III-25, V-177, V-187, V-200 and V-207). Please review the document and make those corrections necessary to be consistent with Section C. If it is not the intent of the applicant to drop the proposed expansion of the composting operation please make a statement in the final environmental document to that effect.

On-Site Construction

Based on the environmental document there will be an expansion and enhancement of the Materials Recovery Facility and construction of a new scalehouse. Please refer to Title 27 California Code of Regulations Section 21190 regarding Postclosure Land Use; please pay particular attention to Section 21190(e) which discusses construction of structural improvements on top of landfilled areas and Section 21190(g) which discusses construction within 1000 feet of the boundary of any disposal area.

Complaints

Due to the number of verbal and written complaints received relating to Cold Canyon; CalRecycle staff suggest that in addition to the written complaints, complaints received orally also be recorded in the daily log book or file of special occurrences along with the resolution of the complaint.

Enforcement Agency

The environmental document states:

“The enforcing agency at the local level for the proposed project area is San Luis Obispo County Health Agency, Division of Environmental Health. At landfills, CalRecycle is the agency that synthesizes the various federal and state enforcement agencies, such as the Environmental Protection Agency [EPA] and the Regional Water Quality Control Board into a more cohesive set of regulations (Title 27).”
(Page V-179 – Regulatory Setting)

The current Enforcement Agency for landfills, transfer stations and composting operations in San Luis Obispo County is CalRecycle - CalRecycle does not synthesize or otherwise address, federal, state or local agency requirements other than those within its authority.

Off-Site Litter

State minimum standards regarding litter control state:

Litter at operations and facilities shall be controlled, and routinely collected to prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent possible given weather conditions (14 CCR 17408.1 – Transfer Stations).

Litter shall be controlled, routinely collected and disposed of properly. Windblown materials shall be controlled to prevent injury to the public and personnel. Controls shall prevent the accumulation, or off-site migration, of litter in quantities that create a nuisance or cause other problems (27 CCR 20830 - Landfills).

All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms (14 CCR 17867 – Composting). Litter needs to be controlled on site as required by state minimum standards and reasonable and feasible measures should be used to collect fugitive litter; that is litter blown off-site onto adjacent properties. CalRecycle has no minimum standard that require litter to be collected “that is found along the truck haul routes within five miles of the Landfill, as indicated in the environmental document on page V-187 – HAZ Impact 1.

Health Risk

According to the environmental document “the public which comes on-site to the CO, either to drop off greenwaste or pick-up finished mulch material for personal use, experiences greater exposure than on-site workers and hence the greatest health risks.”(Page V-193) This finding seems to be based on information in a draft report entitled “An Assessment of Potential Impacts to Public and Worker Health Posed by the Cold Canyon Landfill and Composting Facility San Luis Obispo County, Ca. Occupational Safety and Health Audit of the Composting Facility” (Appendix II). The draft report included several recommendations to reduce the potential hazard to users of the site (Page 6 of Appendix I). Please indicate why these recommendations have not been incorporated into the project or included as mitigations. A public education and outreach campaign and signage at the entrance to the site may be a feasible ways to implement the recommendations.

Compost Monitor

The environmental document discusses the retention of a Compost Monitor to provide oversight of the processing of green and wood waste brought on site for the life of the compost project. The document continues that this monitor must be available from 6:00 a.m. to 10:00 p.m., be within an hour of the compost project and hold regular neighborhood meetings. CalRecycle staff has a series of questions that we would like answered so that we can determine if our role as the Enforcement Agency will need to be adjusted in any manner:

- What are the specific minimum qualifications for this position, including education, training and certifications?
- What will this “oversight” consist of?
- Will the monitor be trained in noise, odor and visual attenuation?
- How many hours per day/week will the monitor be on-site?
- Can the monitor perform the duties of the position from off-site?
- Will the monitor have other non-monitor duties at the site?
- While the county will retain the monitor and the applicant will fund the position who will the monitor’s employer be and whom will the monitor report to?
- What authority will the monitor have to control the operation of the compost project?
- How often will the monitor hold the required regular neighborhood meetings?
- How will the monitor notice the meetings to the neighbors?

- If the neighbors do not attend; at what point will the meetings no longer be held?
- Will these meetings be just for the "neighbors" or will county wide attendance be acceptable?

Noise

Based on the environmental document, after mitigation, noise impacts would remain significant and unavoidable. Mitigation measure NS/mm-3 proposes noise barriers to provide relief to surrounding residences that can demonstrate noise levels of 50 decibels or more from ongoing landfill operations. Three options provided; the first to install approved on-site measure that are intended to substantially reduce noise at the residence to acceptable levels, the second to install well constructed noise barriers at the edge of the active outdoor area of the affected residence, the last, a onetime cash payment to the property owner of the cost of a "well constructed" noise barrier at the property owners request if they were to find option two undesirable.

CalRecycle staff recommends that the mitigation measure be modified to include something to the effect that once a cash payment is made; future owners of that property would be prohibited from making any additional claims for noise mitigation for that property and that there be a deed restriction to that effect on the property so it would be known to all future owners of that property that there is significant noise impact and that compensation is not available.

Would the mitigation measures of NS/mm-3 be available to surrounding residences that can demonstrate noise levels of 50 decibels or more from ongoing composting operations and/or Materials Recovery Facility operations?

Conclusion

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on this Recirculated Draft Environmental Impact Report.

Since there will be significant impacts resulting for the proposed project, CalRecycle staff request that a copy of the Statement of Overriding Considerations be forwarded along with the findings as required by 14 CCR Section 15091 and any related resolutions adopted by the decision making body.

CalRecycle staff requests copies of any subsequent environmental documents including, the Final Environmental Impact Report, the Report of Facility Information, copies of public notices, and any Notices of Determination for this project.

Please refer to 14 CCR, Section 15094 (d) that states: "If the project requires discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse]."

If the document is certified during a public hearing, CalRecycle staff request ten days advance notice of this hearing. If the document is certified without a public hearing, CalRecycle staff requests ten days advance notification of the date of the certification and project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.324.3753 or by email at Patrick.Snider@calrecycle.ca.gov.

Please note that the correspondence related to this letter and for staff of the Permitting and Assistance Branch should continue to be sent to 1001 I Street, P.O. Box 4025, Sacramento, CA 95812. All other correspondence should be sent to the address in the letterhead.

Sincerely,



Patrick Snider
Permits and Assistance Branch
Permitting and Certification Division
CalRecycle

cc: Virginia Rosales, Supervisor
Susan Markie, Manager
Permits and Assistance Branch
Permitting and Certification Division
CalRecycle

Randy Friedlander
Jeff Hackett, Supervisor
Waste Evaluation & Enforcement Branch
Compliance & Enforcement Division
CalRecycle

Lacy Ballard
Cold Canyon Landfill
Site Manager

