



January 2, 2024

Aimee Halligan
CEQA & Habitat Program Manager Compliance Support
Orange County Waste & Recycling
601 North Ross Street, 5th Floor
Santa Ana, CA 92701

Governor's Office of Planning & Research

January 2 2024

STATE CLEARINGHOUSE

Subject: SCH No. 2020019030 – Addendum No.1 to Mitigated Negative Declaration -
Modifications for Capistrano Greenery Composting Operation at the Prima
Deshecha Landfill – Orange County (SWIS No. 30-AB-0468)

Dear Ms. Halligan:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

Orange County Waste & Recycling (OCWR), acting as Lead Agency, has prepared and circulated an Addendum (ADM) to the 2020 Mitigated Negative Declaration (MND, SCH #2020019030) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

As part of the proposed project, OCWR will implement various operational modifications to the Capistrano Greenery Composting Operation to improve compliance with Senate Bill 1383 and Assembly Bill 1594. These changes include increasing the maximum daily tonnage received at the facility from 204 Tons Per Day (TPD) to 536 TPD of incoming feedstock including food waste and manure (note that due to the increase in daily tonnage, a proportional increase in acceptance of manure, which is already permitted, will also occur, limited to 107 TPD); use of additional feedstock materials (food waste limited to 5,000 tons per year); expansion of the facility by approximately 6.2 acres, from 18.6 acres to a total maximum of 24.8 acres to incorporate the existing facility side slopes in the permitted facility footprint; permit chipping and grinding activities on site; utilization of new composting technologies and processing methods to streamline the process, reduce processing times, increase throughput, and reduce environmental impacts; add stand-alone solar to power new composting technologies; and allow for compost give away events. The facility will operate under the same conditions and maintain the design capacity maximum on-site volume of materials of approximately 77,000 cubic yards on-site at any given time, consistent with the existing operation including the hours of operation (receipt of feedstock: Mon – Sat 7:00 AM – 5:00 PM; ancillary hours: 24 hours/7 days).

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COMMENTS

CalRecycle staff's comments on the proposed project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the ADM. Comments on the ADM are summarized below:

1. ADM No 1. Figure 4. Chip and Grind Buffer Zone – On this figure, the proposed areas for chip and grind operations will take place outside of the proposed Capistrano Greenery permit boundary and more so will take place within areas of the Prima Deshecha permitted landfill boundary. In order to add chip and grinding activities to the areas identified in figure 4, the Prima Deshecha Landfill permit (30-AB-0019) will need to be addressed since within the landfill permitted boundary and outside the Capistrano Greenery permit boundary. The operator should reach out to the LEA to discuss any permitting requirements based on this proposed change.
2. ADM No 1. Page 4. and Figure 5. Solar Location– On this figure, the proposed solar location is within the landfill permitted boundary and it is stated on page 4 of the ADM that “Placement of the solar field and associated piping will be located on previously disturbed areas of the landfill... Underground piping will connect the solar field with the Capistrano Greenery.” Prior to construction the operator should consult with the LEA if any of the changes to the landfill will require a separate permit action to the Prima Deshecha Landfill permit.
3. Proposed significant change(s) to the facility, as defined pursuant to 27 CCR 21563(d)(6), that require a permit revision, based on 27 CCR 21620(a)(4), can include, but are not limited to: increase in maximum amount of permitted tonnage of all waste received, and an increase in the permitted total facility area(s). Per the currently issued September 28, 2021, Compostable Materials Handling Facility Permit, Page 4, Section 17. Enforcement Agency Conditions, letter j., “Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of an RFI amendment, to the EA at least 180 days in advance of the change.” The operator should reach out to the LEA to discuss any permitting requirements based on the proposed changes for this project.

Solid Waste Regulatory Oversight

The Orange County Health Care Agency, Environmental Health Division, Local Enforcement Agency is responsible for providing regulatory oversight of solid waste handling and disposal activities, including inspections and permitting, at the Capistrano Greenery and Prima Deshecha Landfill. Please contact the LEA, Shyamala Rajagopal, at 714.433.6270 or by e-mail at SRajagopal@ochca.com to discuss solid waste regulatory requirements for the proposed project.

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the ADM and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

ADM to the MND for Capistrano Greenery (30-AB-0468)

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CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices, and any Notices of Determination for this proposed project.

If the environmental document is approved during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is approved without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the approval and proposed project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6363 or by e-mail at Megan.Emslander@calrecycle.ca.gov.

Sincerely,



Megan Emslander, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Ben Escotto, Supervisor
Permitting & Assistance Branch – South Unit

Shyamala Rajagopal, Supervisor
Orange County LEA