



January 12, 2021

Governor's Office of Planning & Research

Jan 13 2021

STATE CLEARINGHOUSE

Mr. David A. Garcia, Jr.
Solid Waste Program Manager
Nevada County Department of Public Works
950 Maidu Avenue
Nevada City, CA 95959

Subject: SCH No. 2020120228 –Initial Study/Mitigated Negative Declaration for
McCourtney Road Transfer Station Renovation Project – Nevada County

Dear Mr. David A. Garcia, Jr.:

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

The County of Nevada, acting as Lead Agency, has prepared and circulated a Notice of Completion (NOC) of an Initial Study/Mitigated Negative Declaration (IS/MND) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The proposed McCourtney Road Transfer Station Renovation Project is located at 14741 Wolf Mountain Road, approximately five miles southwest of Grass Valley in unincorporated Nevada County. The primary site entrance is from Wolf Mountain Road from McCourtney Road. The project site is approximately seven acres. The site is located within a rural area of unincorporated Nevada County that contains low-density, large-lot residences. The closed McCourtney Road Landfill is located adjacent and directly south of the project site.

The proposed project would include: the expansion of the site entrance road and installation of new scale facilities, construction of an approximately 48,000 square foot transfer station building, installation of approximately 170,000 square feet of new or repaved asphalt surfaces, increases in the permitted hours of operation and daily waste acceptance limits, increase in the permitted vehicle limit, and other operational changes.

Proposed project operations consist of the transfer and processing of MSW, recyclables, metals, organic materials, green materials (yard waste), and construction and demolition (C&D) materials. Operations would occur Monday through Sunday, seven days per week. The new hours of operation would be 7:00 a.m. to 5:30 p.m. for material receiving, material processing on-site, material transfer off-site, public material receiving, special events and visitors. The facility would continue to be closed on New Year’s Day, Fourth of July, Veterans Day, Thanksgiving Day, and Christmas. The proposed project includes increasing the current permit limit from 350 tons per day (TPD) to 1,675 TPD and increasing the daily traffic limit from 1,090 vehicles per day to 1,658 vehicles per day.

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 IS/MND, in addition to the specific location noted.

Comments for the IS/MND are summarized in the table below:

Chapter/Section	Page and Location	Comment
IS/MND Mitigation Measures	Page 3 and 3-16 Mitigation Measures AIR-5	<p>“The County shall develop and implement an Odor Impact Minimization Plan (OIMP) prior to repurposing the PRA as an organics building...”</p> <p>This mitigation measure does not specify which agency is responsible for its implementation and monitoring.</p> <p>Regulatory authority of odors from Transfer Stations fall under the jurisdiction of the air district. An OIMP as defined in Title 14 of the California Code of Regulations is only applicable to Compostable Material Handling Facilities and Operations. An OIMP as described in the manner above is not applicable to the transfer/processing regulatory tier nor is it enforceable by the Local Enforcement Agency.</p> <p>Furthermore, CEQA Guidelines Section 15040(b) states the CEQA does not grant</p>

Chapter/Section	Page and Location	Comment
		<p>an agency new powers independent of the powers granted to the agency by other laws.</p>
<p>IS/MND 1.3 Project Location</p>	<p>Bottom of page 1-1</p>	<p>The current Solid Waste Facilities Permit (SWFP) to operate indicates a facility area of seven acres, however the MND project description states the property is 142.</p> <p>Will there be an increase to the area for receipt and handling of solid waste beyond the currently permitted 7 acres? It is unclear from the project description.</p>
<p>IS/MND 2.2.4 Green Waste</p>	<p>Bottom of page 2-2</p>	<p>“The majority of the green waste is received over seven days per week, or 365 days per year.”</p> <p>Other sections of the MND calculate average tonnages based on 359 operating days. Calculations used for tonnage limitations should be consistent in the number of operating days.</p>
<p>IS/MND 2.2.4 Green Waste</p>	<p>Top of page 2-3</p>	<p>“The existing permit allows a chip and grinding activity of up to 65 tons per day. Chipping and grinding is conducted sporadically depending upon need. Although this operation is not currently being used, it has historically been conducted and is a permitted use that is assumed to be part of the baseline site conditions.”</p> <p>This tonnage limit for green waste was removed from the SWFP in 2020.</p>

Chapter/Section	Page and Location	Comment
IS/MND 2.2.5 Construction and Demolition Waste Area	Top of page 2-3	<p>“The majority of the C&D waste is received over five days per week, or 260 days per year.”</p> <p>Other sections of the MND calculate average tonnages based on 359 operating days. Calculations used for tonnage limitations should be consistent in the number of operating days</p>
IS/MND Tables 1 & 2	Page 2-9	<p>“These features, when combined with the necessary vehicle maneuvering areas, sum to the minimum facility design criteria identified in Table 2.”</p> <p>The total area of transfer station listed in Table 1 is 32,390 square feet. Table 2 lists the total maneuvering area as 23,474 (10,320 + 13,154) square feet. The total square footage in Table 2 is 46,024 square feet. Please ensure the total square footage for Table 2 is correct.</p>
IS/MND 2.5.2 Proposed Operations	Middle of page 2-17	<p>“The new Transfer Station would be sized to receive, store and loadout up to 890 tons per day of MSW and recyclables. The existing PRA would be repurposed to receive organic materials and would be sized to receive, store and loadout 370 tons per day. After the removal of the existing entrance scales, scale house, and administration trailer, the outdoor, paved area available for yard waste and C&D materials would be sized to receive, store and loadout 330 tons per day. The chipping and grinding operation would be relocated to the outdoor area, which is sized to receive, process and loadout 65 tons per hour. The existing metals area is sized to receive and load-out 20 tons per day.”</p>

Chapter/Section	Page and Location	Comment
		<p>Please consider redefining each of the material types and estimated tonnages by waste type throughout the MND.</p> <ul style="list-style-type: none"> • Tonnage estimates for each material type should be expressed in the same units (tons per day). Calculations for these tonnages should also be included in the new Transfer Processing Report. • Permitted maximums for daily tonnages should be categorized by waste type rather than by activity. For example, green material (yard waste) and construction and demolition (C&D) materials should be categorized separately. Wastes that will be received in the chipping and grinding area should be included in the green material tonnages. • Please define organic materials. Green materials, yard waste/trimmings, and food materials can all be considered organic, compostable materials. Please confirm if the repurposed PRA is only to accept food materials. • Please define recyclable materials which will be accepted at the transfer station. Wastes received at the Household Hazardous Waste Facility and buy-back area should not be counted towards the daily permitted maximum tonnage at the transfer station.

Chapter/Section	Page and Location	Comment
IS/MND Table 4	Top of page 2-18	<p>The chipping and grinding activity should be separate from the C&D processing activity.</p> <p>See previous comments about estimating tonnages by waste type rather than activity.</p>
IS/MND 3.3 Air Quality, Discussion (d)	Middle of page 3-15	<p>“Moving the acceptance of municipal solid waste into an enclosed building is expected to substantially reduce the odor generated from the handling of this waste in the site’s current open-sided PRA.”</p> <p>Other sections of the MND described the new transfer station as not being fully enclosed. Please confirm if the new transfer station building will be fully enclosed or open.</p>
IS/MND 3.3 Air Quality, Discussion (d)	Middle of page 3-15	<p>“The repurposed PRA would receive food waste and other organic from commercial vehicles to assist in compliance with SB 1383 and AB 1886. Self-haul customers may also participate in the food diversion program in the future.”</p> <p>For clarification, does this mean that no self-haul of food materials would occur at this time? It is recommended that it not be specified whether food material arrives via self-haul or commercial vehicle. .</p>
IS/MND 3.3 Air Quality, Discussion (d)	Bottom of page 3-15	<p>“Also, because the materials would be removed from the site within 24 to 72 hours, there would be a limited opportunity for waste decomposition to occur on the site, which is a primary generator of odors.”</p>

Chapter/Section	Page and Location	Comment
		Pursuant to CCR Title 14, Section 17410.1, all solid waste, including food and organic materials should be removed from the facility within 48 hours of receipt.
IS/MND 3.9 Hazards and Hazardous Materials, Discussion (b)	Middle of page 3-44	Other sections of the MND described the new transfer station as being fully enclosed. Please confirm if the new transfer station building will be fully enclosed.

Solid Waste Regulatory Oversight

The Nevada County Department of Environmental Health is the Local Enforcement Agency (LEA) for Nevada County and responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact the LEA at 530.265.1469 to discuss the regulatory requirements for the proposed project.

CONCLUSION

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

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

If you have any questions regarding these comments, please contact me at 916.341.6477 or by e-mail at kate.whitney@calrecycle.ca.gov.

Sincerely,

Kate Whitney, Environmental Scientist
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CalRecycle

cc: Patrick Snider, Supervisor
Permitting & Assistance Branch – Central Branch, North Unit

Sara Lyon, REHS
Nevada County Department of Environmental Health—LEA