



Legislation Text

File #: PC 20-017, Version: 1

PUBLIC HEARING to consider amending use permit number U-11-09 (Amendment No. 2) of **Recology Hay Road** to allow the following: 1) the lateral expansion for municipal solid waste which would result in an increase of approximately 8.8 million cubic yards to the landfill disposal capacity; 2) modification of the peak tonnage from 2400 tons per day (tpd) maximum to 3400 (tpd) peak day limit with a 7 day average of 3200 tpd; 3) temporary storage of baled recyclables; 4) one (1) additional Landfill Gas Flare (LFG); 5) include portable equipment to be used in the construction and demolition (C&D) sorting operations, allow friable asbestos; and minor modifications to the existing borrow pit, boundaries of Jepson Prairie Organics and the footprint of disposal module number 1. The site is located at 6426 Hay Road, 5 miles southeast of the City of Vacaville in the "A-80" and "A-160" Exclusive Agricultural Zoning Districts, APN's: 0042-020-060, 280 and 020.

RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

Conduct a public hearing to consider use permit U-11-09, Amendment No. 2, and

- A. CERTIFY** the Final Subsequent Environmental Impact Report for Recology Hay Road; and
- B. APPROVE** Use Permit U-11-09 Amendment No. 2 subject to the findings and conditions of approval contained in the attached Resolution, including a Statement of Overriding Considerations, and **ADOPT** the Mitigation Monitoring and Reporting Program.

EXECUTIVE SUMMARY:

The land use permit amendments involves several components, 1) conversion of 24 acres of Recology property, earmarked for the Delta Ground Green Beetle mitigation site, into additional disposal area. The conversion would expand the disposal capacity by 8.8 million cubic yards, totaling 45.8 million cubic yards of landfill capacity; 2) modification of maximum amount of solid waste received from 2400 tons per day (tpd) maximum to 3400 (tpd) peak day limit with a 7 day average of 3200 tpd; 3) temporary storage of baled recyclables; 4) one (1) additional Landfill Gas Flare (LFG); 5) include portable equipment to be used in the construction and demolition (C&D) sorting operations, allow friable asbestos; and minor modifications to the existing borrow pit, boundaries of Jepson Prairie Organics and the footprint of disposal module number 1.

Approval of the amendments would allow additional disposal capacity for municipal solid waste, flexibility in receiving waste, temporary storage space for recyclables before transfer to another facility and minor operational changes that would allow the continued operation of the Recology Hay Road landfill.

ENVIRONMENTAL ANALYSIS:

The Public Draft Subsequent Environmental Impact Report (DSEIR) was circulated for a 45-day period of review and comment and identified potentially significant impacts in the areas of air quality, biological resources, cultural resources, and cumulative traffic. Mitigation measures are proposed to reduce the impacts to less than significant levels. A notice public hearing was held on January 16, 2020 to provide opportunity for public comment. No public testimony was received and comment period closed on January 23, 2020.

Comment letters were received from CalRecycle, Caltrans, Central Valley Regional Water Quality Board, California Fish and Wildlife and Recology. Responses which required clarification or modifications to the mitigation measures are noted in the Response to Comments and Mitigation Monitoring and Reporting Program (MMRP), in the Final Subsequent Environmental Impact Report.

It should be noted that new CEQA guidelines requiring the use of vehicle miles travelled as the measure of impacts were adopted in December 2018. The new guidelines were incorporated in to the California Code of Regulations 15064.3 with a provision that the new regulations would be effective statewide on July 1, 2020. However, due to recent court ruling, impacts and measures associated with automobile delays are considered no longer acceptable, mitigation measures related to fair-share contribution for State Highway 12, 113 and Midway Road recommended in the Public Draft SEIR were removed from the Final EIR and are considered to be no longer applicable. Detailed discussion is on page 2-57 of FSEIR.

The Planning Commission is requested to certify the Final Subsequent EIR prior to taking action on the proposed project applications. All mitigation measures, including the monitoring responsibilities, have been incorporated into the project as recommended conditions of approval and in the mitigation monitoring plan.

A. Applicant/Owner: Recology

B. Surrounding General Plan, Zoning and Land Uses:

	General Plan	Zoning	Land Use
Property	Agriculture	A-80 and A-160	Landfill/Compost Facility
North	Agriculture	A-160	Agriculture
South	Agriculture	A-160	Agriculture
East	Agriculture	A-160	Agriculture
West	Agriculture	A-160	Agriculture

C. ANALYSIS:

Background: The Recology Hay Road property is 640 acres in size, includes the landfill facility, Jepson Prairie Organics and the Recology Vacaville Solano Fleet maintenance facility. The property includes an 80 acre borrow pit and 200 acres of undeveloped land and 18-acre Bird Sanctuary Pond both currently being placed under conservation easement. Recology Hay Road is a Class II and III waste management facility and accepts non-hazardous solid waste, high liquid content waste, wastewater treatment plant sludge, designated waste, asbestos containing waste and waste requiring special handling. The landfill is currently authorized by a Solid Waste Facility Permit issued by County Local Enforcement Agency (LEA). Amendments to the Solid Waste Facility Permit is required following use permit approval.

Project Description: The land use permit amendment consists of the following components:

1. Landfill Lateral Expansion: Recology Hay Road proposes to convert a 24-acre triangular area south of the Jepson Prairie Organics area into additional disposal area. The 24-acre area would change the landfill footprint and result in an additional 8.8 million cubic yards of solid waste disposal capacity, increasing the total landfill capacity to 45.8 million cubic yards. The additional capacity would extend the life of the landfill to 2038. The maximum permitted height of a disposal module, 215 feet above mean sea level, is not proposed to change. Expansion in to the triangle,

would be part of the adjacent disposal module (no.8) and construction is anticipated in summer 2021. The existing groundwater and landfill gas monitoring network, and leachate collection system will be modified to include the expansion. Drainage and engineering review will be subject to Public Works, County LEA, CalRecycle and Central Valley Regional Water Quality Control Board's waste discharge requirements and approval.

The site was earmarked as mitigation area for the Delta Green Ground Beetle by the United States Fish and Wildlife Service (USFWS) and placed under conservation easement. In 2016, Recology reached an agreement with USFWS which resulted in a purchase of 2.06 acres of mitigation credits at Elsie Gridley Mitigation Bank in exchange for removal of the easement. This transaction allowed Recology to consider the landfill expansion and make formal application for a land use permit amendment.

In terms of impacts and nuisances, the additional disposal area has the potential to become a bird attractant; however, the impacts may be minimized by the current Bird Aircraft Strike Hazard (BASH) monitoring strategies required in conditions no. 25, 79 and 80 for all disposal modules within the landfill. Such strategies include limiting the size of the working face, use of frightening device to ward off birds, monitoring of wastes particularly attractive to birds, monthly and quarterly reports to Travis Air Force Base and Department of Resource Management.

Additional litter, windblown or by delivery vehicles, are mitigated by 25-feet high perimeter fencing and requirements for litter pickup by Recology, conditioned in the use permit and the Litter Management Plan monitored by County LEA.

Ground disturbance in the triangle area has the potential to impact cultural resources and sensitive biological species such as Giant Garter Snake, California Tiger Salamander, Vernal Pool Tadpole Shrimp and Vernal Pool Fairy Shrimp, Burrowing Owl, wetlands, Swainson Hawk and other avian species. Implementation of the conditions of approval and mitigation monitoring program shall minimize impacts to a less than significant level.

2. Modifications to landfill peak tonnage limits: Recology is proposing to modify the maximum allowable municipal solid waste stream for the landfill from 2400 tons per day (tpd) maximum, approved in 2012, to 3400 (tpd) peak day limit with a 7-day average of 3200 tpd.

Between 2016-2017, Recology exceeded the maximum tonnage and received several violations issued by County LEA. The increase in maximum allowable tonnage and including the 7-day average would reduce the number of waste diverted and allow flexibility. Currently, traffic trips are limited to a 7-day average of 620 vehicles per day for both the landfill and Jepson Prairie Organics. Recology does not anticipate exceeding the number of allowable trips for the facility; therefore, modifying vehicle trip limits is not proposed.

The project related truck traffic has the potential to increase nitrogen oxide (Nox) emissions and exceed the Bay Area Air Quality Management District's significance criteria of 54 lbs/day and 10 tons per year. In order to mitigate impacts, three options are outlined in the recommendation such as early compliance with California Air Resource Board's (CARB) Truck and Bus Regulation that is before January 1, 2023, which is CARB's deadline, purchase credits to the Third Party to offset Nox emissions or use of renewal diesel fuel. Within 60 days of Use Permit approval, Recology shall submit a detailed action plan to the Department of Resource Management that demonstrates compliance with one or combination of the options.

As stated earlier, mitigation measures related to fair-share contribution for State Highway 12, 113 and Midway Road recommended in the Public Draft SEIR were removed from the Final EIR and

are considered to be no longer applicable (page 2-57 of FSEIR). However, in order to address Caltrans' comments regarding fair share contribution to the needed improvements to the State Transportation Network, Planning staff recommends that Recology collaborate with Caltrans regarding fair share contribution to Highway 113 and 12 and provide a progress report on a quarterly basis until a resolution is reached (condition no. 31.b).

3. Baled Recyclable Materials: Recology is proposing to store baled single-stream recyclables, such as cans, plastics, paper and glass, within the landfill footprint. The storage area is located north of Jepson Prairie Organics and inside the existing recycling bunker, within a paved area. Each bale is approximately 3 x 3 x 5 feet and the bale stockpiles are approximately 40 feet wide by 105 feet long and 12 feet high. Stockpiles are setback 180 feet from the edge of Hay Road. The bales will be stored on pallets and covered with a tarp. The bales may be stored for a maximum of six (6) months before being transferred to another facility. Up to 20 truck trips per day are anticipated to be delivered to the site. Recology submitted a Recyclable Material Bale Management Operations Plan which was approved by the Local Enforcement Agency(LEA). The plan details procedures for bale management and includes Best Management Practices related to stormwater, vector, nuisance and odor controls. Compliance with the operations manual will minimize impacts. A copy of the operations plan is provided as Appendix B of the Draft Subsequent EIR.
4. Other minor modifications: Included in the application are requests for an additional landfill gas flare, use of portable equipment for the construction and demolition operations, allow friable asbestos disposal (i.e. materials such as thermal insulation and acoustic ceilings) and excavation depth of the borrow pit an additional 68 feet for the disposal module cover. The aforementioned modifications are necessary to continue the landfill operations. Minor modifications to the Jepson Prairie Organics acreage from 39 to 38 acres and boundaries for Disposal Module No.1 do not result in any substantive impacts to the land use permit and are intended to align with the Solid Waste Permit. Detailed information is provided in the Project Description section of the Subsequent EIR.

D. Travis Airforce Base Land Use Compatibility Plan:

The site is located within the Travis Airforce Base sphere of influence and according to the Travis Air Force Base Land Use Plan, a majority of the property falls within Zone C with a small part of the northwestern site is located within Zone B2. The project is required to assess the potential increased risk of wildlife strikes. A Wildlife Hazards Analysis report was prepared in April 2018 (Appendix I in the Subsequent EIR) and determined that the proposed expansion would modify existing wildlife attractants by relocating an existing drainage ditch and would not add new wildlife attractants. In addition, the existing Birds Aircraft Strike Hazards (BASH) program would continue to be implemented and minimize impacts. The BASH program is outlined in condition no. 25, 79 and 80.

Airport Land Use Commission staff reviewed the project and the Public Draft EIR, and determined that the project is consistent with the plan.

ATTACHMENTS:

- Attachment A - Project Location Map
- Attachment B - Draft Resolution and conditions of approval
 - Exhibit A - Statement of Overriding Considerations
 - Exhibit B - Mitigation and Monitoring Reporting Program
- Attachment C - Site Plan

Attachment D - Final Subsequent Environmental Impact Report