



**(Letter Sent Via Email)**

November 5, 2019

Megan Emslander, Environmental Scientist  
Permitting & Assistance Branch – South Unit  
Waste Permitting, Compliance & Mitigation Division  
California Environmental Protection Agency  
California Department of Resources Recycling & Recovery  
1001 I Street  
Sacramento, CA 95814

**Subject: OC Waste & Recycling Responses to CalRecycle Comments on MND for Bee Canyon Greenery Composting Operation, Facility Number 30-AB-0469 – Orange County (SCH No. 2019099059)**

Dear Ms. Emslander:

The County of Orange, OC Waste & Recycling department (OCWR) has the following responses to your comment letter dated October 15, 2019 regarding the Mitigated Negative Declaration (MND) for the proposed Bee Canyon Greenery Composting Operation at the Frank R. Bowerman (FRB) Landfill.

**Comment 1:**

***Permitted Daily Throughput:*** Limited Scope Traffic Impact Analysis (Appendix G/Attachment 18) includes statements of the proposed project composting 595 tons of processed green material per day which is not consistent with the Initial Environmental Study (attachment 2) evaluation of receiving 437 TPD. Please clarify the discrepancy in the daily tonnage limits.

**Response 1:**

Since the time of the preparation of the traffic study for the project, OCWR's engineering consultant has refined the engineering layout for the project site, resulting in a reduced daily throughput. Since the traffic study analyzed the potential traffic impacts associated with a 595 TPD composting operation, this analysis is still valid for a smaller 437 TPD composting operation.

**Comment 2:**

The AB 52 Tribal Cultural Resources Consultation Letters (Appendix H/Attachment 19) dated October 10, 2018 and December 4, 2018 includes a notice of composting a maximum of 300 TPD of green waste and wood waste; will you be informing them of the increase in tonnage from 300 TPD to a maximum of 437 TPD, which is stated as the proposed project TPD?

**Response 2:**

As part of the mandatory AB 52 consultation for Tribal Cultural Resources, OCWR always notifies the four listed Native American Tribes in Orange County. On previous OCWR CEQA projects, only one of these Native American Tribes has responded to OCWR's request for AB 52 Tribal Cultural Resources consultation, which is the Gabrieleno Band of Mission Indians – Kizh Nation. On past OCWR projects, Mr. Andrew Salas of the Gabrieleno Band of Mission Indians – Kizh Nation, indicated that he will only consider OCWR CEQA projects for their potential to impact Tribal Cultural Resources, if those projects are not located on either existing or former landfilling areas (i.e., as they are located on refuse). This is why OCWR did not receive a request for consultation from the Gabrieleno Band of Mission Indians – Kizh Nation on the MND for the proposed Bee Canyon Greenery composting operation at the FRB Landfill. Although OCWR's consultation letter to all four Native American Tribes did indicate an estimate daily tonnage of 300 TPD for the proposed composting operation, and the daily tonnage has now increased to 437 TPD, OCWR does not feel that providing additional notification to all four Native American Tribes is necessary, since the proposed development footprint for the composting operation has not changed, nor will it extend into previously undeveloped areas at the landfill site. The project will still be located on a soil stockpile that is located on top of the Phase V-D landfill area.

**Comment 3:**

Permitted Traffic Volume: Limited Scope Traffic Impact Analysis (Appendix G/Attachment 18) states that the project would generate an average of 60 daily traffic counts versus the Initial Environmental Study (Attachment 2) which states that additional traffic generated would be 22 vehicle trips. Please clarify this discrepancy in traffic volume.

**Response 3:**

Since the time of the preparation of the traffic study for the project, OCWR's engineering consultant has refined the engineering layout for the project site, resulting in a reduced daily throughput. Since the traffic study analyzed the potential traffic impacts associated with a 595 TPD composting operation, which would have resulted in 60 one-way trips per day, or 30 two-way trips per day, this analysis is still valid for a smaller 437 TPD composting operation, which will result in 44 one-way trips per day, or 22 two-way trips per day.

**Comment 4:**

The Orange County, Environmental Health Division is the Local Enforcement Agency (LEA) and is responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact the LEA, Kathy Cross, at (714) 433-6270 to discuss the regulatory requirements for the proposed project.

**Response 4:**

OCWR will continue to coordinate with Kathy Cross and her staff with the Orange County Solid Waste Local Enforcement Agency regarding the proposed Bee Canyon Greenery composting operation project at the FRB Landfill.

**Comment 5:**

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 preparing the MND 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 documentation 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 requests 10 days advance notification of the date of the adoption and proposed project approval by the decision-making body.

**Response 5:**

OCWR will comply with this comment.

Please let me know if you would like to discuss any of the responses above. OCWR looks forward to working with CalRecycle during the permitting phase of this project. I can be reached at (714) 834-4107 or by email at [john.arnau@ocwr.ocgov.com](mailto:john.arnau@ocwr.ocgov.com).

Sincerely,



John J. Arnau  
CEQA Manager

## **Arnau, John [OCWR]**

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**From:** Emslander, Megan@CalRecycle <Megan.Emslander@calrecycle.ca.gov>  
**Sent:** Wednesday, November 6, 2019 3:31 PM  
**To:** Arnau, John [OCWR]  
**Cc:** Cross, Kathryn; Tieu, David [OCWR]; Arbour, Jeff [OCWR]  
**Subject:** RE: OCWR Response Letter to CalRecycle Comment Letter on MND for Bee Canyon Greenery Composting Operation

Thank you very much John for your prompt responses to my comment letter on the subject project. I do not have any further comments or questions on the responses provided.

Thank you,

**Megan Emslander**  
Environmental Scientist  
Permits and Assistance South Section  
Waste Permitting, Compliance and Mitigation Division (WPCMD)  
Department of Resources, Recycling & Recovery (DRRR/CalRecycle)  
1001 I Street, P.O. Box 4025 Sacramento, CA 95814  
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[www.calrecycle.ca.gov](http://www.calrecycle.ca.gov)

**From:** Arnau, John [OCWR] <john.arnau@ocwr.ocgov.com>  
**Sent:** Tuesday, November 5, 2019 1:26 PM  
**To:** Emslander, Megan@CalRecycle <Megan.Emslander@calrecycle.ca.gov>  
**Cc:** Cross, Kathryn <kcross@ochca.com>; Tieu, David [OCWR] <david.tieu@ocwr.ocgov.com>; Arbour, Jeff [OCWR] <jeff.arbour@ocwr.ocgov.com>  
**Subject:** OCWR Response Letter to CalRecycle Comment Letter on MND for Bee Canyon Greenery Composting Operation

Megan, in response to CalRecycle's October 15, 2019 comment letter on OC Waste & Recycling's Mitigated Negative Declaration for the Bee Canyon Greenery Composting Operation, Facility Number 30-AB-0469 – Orange County (SCH No. 2019099059), attached is OCWR's response letter. Please feel free to call me at (714) 834-4107 if you would like to discuss any of my responses in greater detail.



**John Arnau**  
Manager, OC WASTE & RECYCLING



601 N. Ross., 5th Floor  
Santa Ana, CA 92701  
Office: 7148344107



Department of  
Resources Recycling and Recovery

Jared Blumenfeld  
Secretary for  
Environmental Protection  
Scott Smithline  
CalRecycle Director

October 15, 2019

Governor's Office of Planning & Research

John Arnau, CEQA Manager  
OC Waste & Recycling  
601 N. Ross Street, 5th Floor  
Santa Ana, CA 92701

**OCT 15 2019**

**STATE CLEARINGHOUSE**

**Subject: SCH No. 2019099059** – Mitigated Negative Declaration for Bee Canyon Greenery Composting Operation, Facility Number 30-AB-0469 – Orange County

Dear Mr. Arnau:

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 Orange, OC Waste and Recycling (OCWR) Department, acting as Lead Agency, has prepared and circulated a Mitigated Negative Declaration (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.

OCWR proposes to implement a green waste composting operation at the Frank R. Bowerman (FRB) Sanitary Landfill (Facility No. 30-AB-0360) called the Bee Canyon Greenery (proposed project). The proposed project will receive a maximum of 437 tons per day (TPD) of processed green waste and agricultural material. The composting operation will be located on a 30-acre area of the landfill that is completely disturbed. These green wastes are already being received on a daily basis at the FRB Landfill. The proposed project will allow OCWR to assist Orange County cities and the county unincorporated area in meeting state recycling mandates for the recycling of organic waste materials.

The 725-acre FRB Landfill site is located in unincorporated Orange County north and within the sphere of influence of the City of Irvine and approximately 2.3 miles east of the intersection of Portola Parkway and Bee Canyon Access Road. The street address for the FRB Landfill is 11002 Bee Canyon Access Road, Irvine which is currently zoned as exempt and designated as Public Facilities and Landfill Site per the General Plan. The project site is surrounded primarily by open space, with some light industrial and residential development.

Beginning in March 2018, OCWR implemented a demonstration pilot project tiered as an Enforcement Agency Notification (EAN) Green Material Composting Operation on an existing landfill area of the FRB Landfill. The EAN is located on an approximate 1-acre area within the eastern limits of the Phase VI landfill area. This area of the landfill is not currently being used for active landfill disposal. Material feedstocks that have been composted include source separated residential curbside green waste, commercial green waste, processed green waste and wood waste. The pilot project will continue at FRB Landfill, so that OCWR can continue to learn about composting, until such time as the proposed project is fully permitted and operational.

### **COMMENTS**

CalRecycle staff's comments on the proposed project are included below. Please ensure the comments will be addressed throughout all sections of the MND.

#### **Permitted Daily Throughput**

Limited Scope Traffic Impact Analysis (appendix G/attachment 18) includes statements of the proposed project composting 595 tons of processed green material per day which is not consistent with the Initial Environmental Study (attachment 2) evaluation of receiving 437 TPD. Please clarify the discrepancy in the daily tonnage limits.

The AB 52 Tribal Cultural Resources Consultation Letters (appendix H/attachment 19) dated October 10, 2018 and December 4, 2018 includes notice of composting a maximum of 300 TPD of green waste and wood waste; will you be informing them of the increase in tonnage from 300 TPD to a maximum of 437 TPD, which is stated as the proposed project TPD?

#### **Permitted Traffic Volume**

Limited Scope Traffic Impact Analysis (appendix G/attachment 18) states that the project would generate an average of 60 daily traffic counts versus the Initial Environmental Study (attachment 2) which states that additional traffic generated would be 22 vehicle trips. Please clarify this discrepancy in traffic volume.

#### **Solid Waste Regulatory Oversight**

The Orange County, Environmental Health Division is the Local Enforcement Agency (LEA) and is responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact the LEA, Kathy Cross, at 714.433.6270 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 preparing the MND 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.

MND for Bee Canyon Greenery Composting Operation at FRB Landfill  
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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 916.341.6363 or by e-mail at [Megan.Emslander@calrecycle.ca.gov](mailto: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

Kathy Cross, Supervisor  
Orange County LEA