



January 27, 2020

Governor's Office of Planning & Research

**JAN 27 2020**

**STATE CLEARINGHOUSE**

Ms. Patricia Valenzuela  
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Imperial County  
Planning and Development Services Department  
801 Main Street  
El Centro, CA 92243

**Subject: SCH No. 2019120605** – Notice of Preparation for the Desert Valley Company Monofill Expansion Project, SWIS No. 13-AA-0022 – Imperial County

Dear Ms. Valenzuela:

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 Imperial, acting as Lead Agency, has prepared and circulated a Notice of Preparation (NOP) and Initial Study & Environmental Analysis (IS) for the Desert Valley Company Monofill Expansion Project Draft Environmental Impact Report (DEIR) 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 Desert Valley Company Monofill (DVCM) is located at 3301 West Highway 86, Brawley, California. The site consists of Assessor Parcel Number 019-100-004-001 and designated as Recreation and Open Space by the General Plan and zoned Open Space Preservation (S-2). The site is located north of Superstition Hills and south of State Route 86. The site is surrounded by the existing monofill to the east and open desert on the north, south, and west.

The proposed project is to expand the existing DVCM by approximately 80 acres for development of a new waste storage cell (Cell 4) and provide an additional 1.3 million cubic yards of disposal capacity. The design of Cell 4 would be consistent with the DVCM's existing permits and all aspects of the proposed project, such as operations, maintenance, monitoring, record keeping, and financial assurances would be consistent with those of the existing monofill. Cell 4 has a project lifespan of 28.6 years.

## **COMMENTS**

DVCM currently operates under a Solid Waste Facilities Permit (SWFP) issued by the Imperial County Environmental Health Services as the Local Enforcement Agency (LEA) for Imperial County on September 14, 2010. The facility is permitted as a Class II disposal facility that receives non-hazardous geothermal drilling muds and cuttings, geothermal filter cake, soils contaminated with geothermal materials, and incidental plastic sheeting (truck bed liners)/materials. As described in the IS, the aforementioned materials contain a number of substances, including arsenic, salts, metals, organic hydrocarbons, and naturally occurring radioactive materials (NORM).

Page 8 – The IS notes the project would occupy a surface area of approximately 50 acres, however, Cell 4A is identified as 24 acres and Cell 4B as 21 acres. The DEIR project description should be clear on what the proposed total disposal footprint expansion will be within the 80 acres. Page 18 indicates an increase in permitted disposal area from 28.9 acres to 74.3 acres (an increase of 45.4 acres). The DEIR should be consistent with the proposed acreage through the document.

Page 9 – Other Public Agencies Whose Approval is Required – In addition to the agencies listed, the California Department of Public Health (CDPH) should also be listed since the materials received include materials that are consider NORM and possibly TENORM (Technologically Enhanced NORM), which may require an exemption or license from CDPH.

Although the existing disposal facility operates under a SWFP issued by the solid waste local enforcement agency (LEA), it should be noted that CalRecycle and LEA only have authority over “solid waste” as defined in Division 30 of the Public Resources Code Section 40191. “Solid waste,” as defined, specifically excludes radioactive wastes that are regulated under the Radiation Control Law (Health and Safety Code Sections 114960 et seq.). NORM and TENORM are not subject to the regulatory authority of CalRecycle and LEAs and are instead regulated by CDPH.

Page 18 – The discussion for Item c) identifies an increase in the permitted disposal are from 28.9 acres to 74.3 acres and elevation of 20 feet and 30 feet above existing grades. Please note the current SWFP includes a maximum elevation of -59 feet mean sea level and a depth of 39 feet below ground surface. Any changes from the elevations in the SWFP should also be included in the project description and analyzed in the DEIR.

Page 19 – The discussion for Item d) identifies the existing hours are 6:00 am to 6:00 pm Monday through Sunday. Does this include ancillary and maintenance activities, including nighttime construction? For SWFP purposes, all operational activity hours (e.g., receipt of waste and ancillary/maintenance activities) should be identified and analyzed in the DEIR.

Page 27 – Hazards and Hazardous Materials – With the types of materials received, this section of the DEIR should also include a discussion and analysis of the potential impacts for the receipt and handling of NORM/TENORM, including radiation monitoring

and maximum radiation levels in the NORM/TENORM that is received for disposal at the facility.

Page 28- 29 – Item b) is listed as a Potential Significant Impact in the checklist on Page 28 and discussion on Page 29, however, the text in the discussion for Item b) notes that the environmental parameter is not proposed for further environmental analysis in the DEIR. Any potentially significant impacts should be analyzed in the DEIR.

CalRecycle staff noticed that several of the items checked in the checklist were not consistent with the discussion (e.g., Less Than Significant Impact checked in the checklist, but the discussion stated No Impact).

#### Solid Waste Regulatory Oversight

The Imperial County Environmental Health Services is the LEA for Imperial County and responsible for providing regulatory oversight of solid waste handling and disposal activities. Please contact the LEA, Jorge Perez, at 442.265.1888 to discuss potential solid waste permitting requirements for the proposed project.

#### **CONCLUSION**

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the NOP and IS and hopes that this comment letter will be useful to the Lead Agency preparing the DEIR 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 916.341.6413 or by e-mail at [jeff.hackett@calrecycle.ca.gov](mailto:jeff.hackett@calrecycle.ca.gov).

Sincerely,



Jeff Hackett, Manager  
Permits & Assistance South Section  
Waste Permitting, Compliance & Mitigation Division

cc: Benjamin Escotto, CalRecycle  
Jorge Perez, Imperial County Environmental Health Services, LEA  
Gonzalo Perez, California Department of Public Health