



South Coast  
Air Quality Management District

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E-MAILED: DECEMBER 9, 2010

December 9, 2010

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City of Irvine  
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**Draft Mitigated Negative Declaration (Draft MND) for the Proposed Tierra Verde Industries (TVI) EcoCentre (Interim Use Permit #0049873-PPA and #00498874-PUD)**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final CEQA document.

In the project description, the lead agency proposes the approval of an interim use permit to allow expansion of the existing composting and recycling facility located at the former El Toro Marine Base. Based on the project description and information from the CalRecycle data base, the AQMD has comments concerning the compliance with several AQMD rules that apply to the proposed project activities. The applicable rules are included as an attachment to this letter. Compliance with these rules should be included in the Final MND document. Further clarification is also requested in the Final MND regarding different throughput amounts and to what extent building requirements would apply under AQMD Rule 410.

Please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. The SCAQMD staff would be available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments. Questions pertaining to project activity permit requirements can be directed to AQMD staff at (909) 396-2317.

Sincerely,

A handwritten signature in black ink that reads "San V. Mize".

Mr. Darrel Chin, AICP, PTP,  
Associate Planner

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December 9, 2010

Ian MacMillan  
Program Supervisor, Inter-Governmental Review  
Planning, Rule Development & Area Sources

Attachment

IM:DJ:GM

ORC101109-01  
Control Number

### **AQMD Rules**

1. According to the CalRecycle data base, proposed project site TVI EcoCentre (TVI), has a Composting Category Permit for 500 tons per day, which includes chipping and grinding as an activity, but this data base does not show a permit for transfer and processing. In addition, in the Draft MND the lead agency references an Odor Management Plan (OMP), which is required under Rule 410 for facilities with a permitted throughput of more than 100 tons per day of municipal solid waste. Pursuant to AQMD Rule 410 – Odors from Transfer Stations and Material Recovery Facilities, if the facility commences new transfer operations with a throughput greater than 1,000 tons per day, the facility must conduct tipping, sorting and transfer operations within the confines of an enclosure that meets various rule requirements including limitations on air ingress and ventilation specifications.

However, in calculating the throughput in order to assess the OMP and enclosure requirements, construction and demolition debris (C&D) is not counted if the Local Enforcement Agency (LEA) specifies a separate limit for C&D on their permit. This might also apply to e-waste if it is a separate stream of waste. Further, greenwaste that is subject to any of the requirements of AQMD Rule 1133 - Composting and Related Operations-General Administrative Requirements; and Rule 1133.1- Chipping and Grinding Activities (rules dealing with greenwaste chipping and grinding or composting), would not be applicable to the throughput calculation.

Also, in lieu of the enclosure requirements, the facility may demonstrate that the transfer operation is located greater than 1,000 feet from any property zoned for residential or mixed land use, or designated as a site for a school or a school under construction.

Finally, it is not clear from the Draft MND what the amounts of C&D, greenwaste, and e-waste would be in relation to solid waste, curbside recycling and food-waste. Upon review of the photos and maps in the Draft MND, it is also not clear what the distances and zoning are from the maps and photos. Therefore, it is not clear from the Draft MND to what extent various sections of AQMD Rule 410 would apply including building enclosure requirements. AQMD staff recommends that the lead agency provide additional information regarding how the project will specifically comply with Rule 410 in the final CEQA document.

2. The facility will be also subject to requirements pursuant to AQMD Rules 1133 and 1133.1 to register and annually update information about the material and throughput of the composting operation, and to chip, grind, use on-site or remove greenwaste and food waste within certain time periods.

3. Permits are also required under AQMD Rule 201- Permit to Construct and Rule 203 – Permit to Operate for equipment that can or may emit air contaminants. These requirements include enclosures subject to Rule 410 and for screening equipment that might be used for composting. An AQMD permit or registration with the California Air Resource Board (CARB) is also required for any portable engine over 49 horsepower.
4. Solid waste transfer and processing facilities are documented by AQMD to cause a disproportionate number of odor complaints from nearby businesses and residents. Composting operations are also a potential source of odor complaints and odor complaints from permitted composting operations are forwarded by the AQMD to the Local Enforcement Agency (LEA) for compliance investigation, pursuant to the California Health and Safety Code. Since the beginning of 2008, the AQMD has received eight (8) complaints alleging odors from individuals located in proximity to the TVI facility. AQMD Rule 402 - Nuisance prohibits air emissions which cause a nuisance or annoyance to any considerable number of persons or the public. AQMD staff encourages the lead agency to provide additional information in the final CEQA document that describes how the proposed increased activities at the project site will comply with AQMD Rule 402 given the recent complaint history for the current smaller operation.
5. In the Draft MND, the lead agency has included AQMD Rule 403 – Fugitive Dust in Appendix A of the Draft MND. The lead agency is reminded that complying with a rule, regulation, law, etc., should not be considered as mitigation if it is required. Instead, the lead agency should include the specific mitigation measure that will be implemented from Rule 403 in the Final MND. These measures should be part of the project description and incorporated into the project-specific impact calculations.