

CITY OF SAN JOSÉ, CALIFORNIA
 Planning, Building & Code Enforcement
 Plan Implementation Division
 200 East Santa Clara Street
 San José, CA 95113-1905

Hearing Date/Agenda Number
 P.C. 01/30/08 Item No. 4.b.2.
 C.C. 02/26/08 Item No.

File Number
 PDC06-120

Application Type
 Planned Development Rezoning

Council District: 4

Planning Area
 Alviso

Assessor's Parcel Number(s)
 015-30-071

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Suparna Saha

Location: 675 Los Esteros Road (between Los Esteros Road and Grand Boulevard)

Gross Acreage: 52.5 acres

Net Acreage: 52.5 acres

Net Density: N/A

Existing Zoning: A(PD) Planned Development Zoning

Existing Use: Landfill, Recycling facility

Proposed Zoning: A(PD) Planned
 Development

Proposed Use: Landfill, Recycling facility, construction of a 200,000 square foot
 materials recovery facility, expansion of use to 24 hours a day, 7 days per week.

GENERAL PLAN

Completed by: SS

Land Use/Transportation Diagram Designation
 Private Open Space/Designated Solid Waste Site

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SS

North: Wildlife refuge

A- Agriculture

East: Vacant

LI- Light Industrial

South: Water Pollution Control Plant (WPCP)

R-1-8 Single-family Residence

West: Vacant

LI- Light Industrial

ENVIRONMENTAL STATUS

Completed by: SS

Environmental Impact Report

Exempt
 Environmental Review Incomplete

FILE HISTORY PDC90-047

Completed by: SS

Annexation Title: Alviso Consolidation

Date: March 12, 1968

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: *January 24, 2008*

Approved by: *Susan Walton*
 Action
 Recommendation

OWNER/APPLICANT/ DEVELOPER

Zanker Road Resource Management,
 Ltd.
 625 Charles Street
 San José, CA 95112
Attn: Richard Christina

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SS

Department of Public Works

Please see attached memorandum.

GENERAL CORRESPONDENCE

See attached correspondences

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On November 12, 2006, the applicant, Zanker Road Resource Management, Ltd, (ZRRML) filed an application for a rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow continued use of an existing landfill, expansion of on-site resource recovery operations, construction of a 200,000 square foot building to be used as an indoor sorting and recycling facility, an increase in daily tonnage received from 1,250 tons to 5,000 tons per day (tpd), to allow acceptance transfer off-site, and to allow future screening and sorting of green/yard waste, municipal solid waste (MSW) and food waste, to relocate and expand the scale house and allow on-site operation to occur 24 hours per day, 7 days per week with ultimate closure of the existing landfill within fifteen years (by 2021) on a 52.5 gross acre site. There is no change proposed to the 200-foot wide strip of vacant marsh land along the site's northern boundary containing the Pacific Gas and Electric (PG&E) easement.

Surrounding Land Uses

The site is bordered on the east by the Alviso Ring Levee and the Water Pollution Control Plant outfall channel. Beyond the channel to the east are vacant lands and the Zanker Road Class III landfill. The Water Pollution Control Plant is located to the south across Los Esteros Road.

The project is surrounded by wetlands on the north and west. The San Francisco Bay National Wildlife Refuge is located adjacent to the site on the north, across Grand Avenue. The refuge consists primarily of wetlands and sloughs which drain to San Francisco Bay. A visitor center located within the refuge is staffed by the U.S. Fish and Wildlife Service and provides interpretive exhibits and educational programs. Grand Avenue runs along the northern boundary of the site and provides the vehicular and pedestrian access to the refuge. The PG&E easement area of the site, and the parcel adjacent to the site on the west, contain the same type of salt marsh habitat as the refuge.

Site History

The site has been in operation as a disposal site for manufacturing waste from the Owens Corning Fiberglass Corporation's Santa Clara plant since the early 1950s. Materials disposed at the site have included hazardous materials such as solvents and heavy metals, as well as inert manufacturing by-products and debris. The site currently receives only inert materials. The site has continued to operate since the annexation of Alviso to the City of San José in the 1960's without permits from the City.

The City has required the applicant to obtain all necessary permits to bring the site into conformance with City regulations and policies governing the operation of solid waste facilities. This includes obtaining a Solid Waste Management Facility Permit from the California Integrated Waste Management Board. The City's Department of Planning, Building and Code Enforcement is the Local Enforcement Agency for the Board. Before the Solid Waste Facility Permit can be issued, the site must comply with the General Plan and obtain a Planned Development Zoning and Planned Development Permit.

In 1989, the City Council approved a General Plan Amendment to add the Candidate Solid Waste Disposal Site overlay to the existing Private Open Space designation on the site. In adopting the amendment, the Council gave direction for Planned Development Zoning to include provisions for the following:

- Traffic, including truck haul routes
- Ultimate size, configuration and height of landfill
- Daily disposal rate
- Service life (to be as short as possible), closure procedures and closure schedule
- Prohibition of disposal of hazardous materials and household garbage
- Buffering adjacent lands

The existing Zanker Material Processing Facility (ZMPF) is a 46.1 acre waste management unit (WMU), situated on a 52.5 acre parcel, which is comprised of approximately 28 acres of in-place refuse fill and a 12-acre resource recovery area. The remaining 6.1 acres within the WMU are utilized for access roads and perimeter flood protection levees.

Proposed Project Description

Under the proposed project, the landfill area to the north would continue to be used for a mixture of landfill and resource recovery operations until it reaches capacity and is closed. At that time, resource recovery uses would intensify, with the addition of a 200,000 square foot materials recovery facility (MRF) building on the southern portion of the site. Following closure of the landfill (by 2021 at the latest), construction of a parking area for employees and haul trucks is proposed on approximately five (5) acres on top of the closed landfill and the MRF building would begin operation. The remainder of the top of the landfill (10.2 acres) would be used for storage of materials (such as crushed concrete and ground wood) and for retail sale of materials. The height of the stockpiles is proposed not to exceed 20 feet. The MRF building would be approximately 70 feet in height and would have large vehicle openings on the northwest and southeast sides of the structure. All waste tipping, handling, and processing would occur within this proposed materials recovery facility building. On-site resource recovery operations would be modified to include automated sorting equipment and processes. Trucks would enter the MRF building, tip their loads of materials, and exit. Storage stockpiles of processed non-putrescible material (such as concrete or soil) could be sorted outside the MRF building on the site. No tipping will occur outside the proposed MRF building.

The other components of the project include to:

- Increase the allowable peak daily tonnage from 1,250 to 5,000 tons.
- Allow the acceptance, transfer off-site, and the possible future screening and sorting of green/yard and municipal solid waste (MSW), including food waste, within the MRF building.
- Modify allowed hours of operation to 24 hours per day, 7 days per week. All receiving and indoor tipping, truck circulation and outside parking could operate 24 hours a day. All movement and handling of materials in the outdoor storage yard would only occur during the daytime hours.
- Relocate and expand the scale house facilities to include a total of five scales. Three of the scales would be for incoming trucks and the remaining two would be for outgoing trucks.
- After closure of the on-site landfill, use the top of the landfill for ancillary operations (such as employee parking, equipment/truck parking, temporary material storage, refueling operations, and a retail soil/materials yard).

ENVIRONMENTAL REVIEW

The environmental impacts of this project are addressed in the Final EIR entitled, "Zanker Material Recycling Facility Project", scheduled for certification prior to consideration of this rezoning by the Planning Commission on January 30, 2008.

The discussion below briefly summarizes significant environmental impacts identified and discussed within the text of the EIR and the identified mitigation measures proposed to avoid or reduce those impacts.

Air Quality – The proposed project could result in construction related air quality impacts from dust (PM10) and diesel exhaust from new emissions associated with increased vehicle trips and increased on-site trips.

Mitigation Measures - Would be implementation of measures recommended by BAAQMD and those listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. These include dust control measures, like watering all active construction areas at least twice a day, cover all hauling trucks, pave, apply water or apply soil stabilizers on all unpaved access roads, parking areas and staging areas, sweep daily all paved areas, hydroseed or apply soils stabilizers to inactive construction areas, enclose, cover water twice daily to exposed stockpiles, limit traffic speed to 15mph, replant vegetation in disturbed areas, suspend construction activities that cause dust plumes, removal of any asbestos or hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations. These measures will bring the proposed project to less than significant with mitigation measures.

Biological Resources – 1) The Burrowing Owl is listed under the California Department of Fish and Game as a Species of Special Concern. Although, Burrowing Owls have not been observed on the project site, but it is possible they could nest in the area in the future. Disturbance that causes nest abandonment, injury or mortality to Burrowing Owls would constitute a significant impact.

Mitigation Measures - The developer shall have a qualified biologist complete a survey and prepare a report not more than one month prior to construction activities to determine the presence of Burrowing Owls on the site. If owls are present on the site, a mitigation program shall be developed in conformance with the requirements of the California Department of Fish and Game and the U.S. Wildlife Service. If mitigation includes relocation, owls shall not be relocated during the nesting season (March through August). Prior to the issuance of any grading or building permits, the developer shall submit a biologist's report to the City's Environmental Principal Planner to the satisfaction of the Director of Planning indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies. This will bring the project to Less Than Significant with Mitigation.

Raptors - Construction activities such as tree removal and site grading, could disturb a nesting raptor on-site or immediately at adjacent to the site.

Mitigation Measures - If possible, construction shall be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be completed by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be completed no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be

disturbed by these activities, the ornithologist, shall, in consultation with the state of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The contractor shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner and the Director of Public Works prior to the start of construction. These mitigation will bring the project to Less Than Significant Level with Mitigation.

Geology and Soils - The proposed project could expose people, structures, and/or improvements to substantial geologic or soils hazards.

Mitigation Measures - A detailed, design-level geotechnical investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist, prior to approval of a PD Permit for any phase of the project. The geotechnical investigation shall identify and describe the specific engineering practices to be used to reduce or avoid all possible geologic hazards on the site, which shall be incorporated into the project design. It is anticipated that fill and waste under the building locations would be over-excavated. The specific approaches to be implemented will be based on additional site studies and final project design.

Hydrology and Water Quality - The proposed project will increase impervious surfaces on the site and may result in pollutants in post-project stormwater.

Mitigation Measures - When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of San José. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.

All post-construction Treatment Control Measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be stenciled in conformance with City requirements and cleaned out a minimum of once per year, prior to the wet season. The property owner/site manager shall keep a maintenance and inspection schedule and record to ensure that the TCMs continue to operate effectively for the and record to ensure that for the life of the project. These measures will bring the project to Less Than Significant with Mitigation Measures.

Run-Off - Construction of the proposed project could cause a significant temporary increase in the amount of contaminants in storm water runoff during construction.

Mitigation Measures - During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains. During construction, earthmoving or other dust-producing activities will be suspended during periods of high winds. During construction, all exposed or disturbed soil surfaces will be watered at least twice daily to control dust as necessary. During construction, stockpiles of soil or other materials that can be blown by the wind will be watered or covered. During construction, all trucks hauling soil, sand, and other loose materials will be covered and/or all trucks will be required to maintain at least two feet of freeboard. During construction, all paved access roads, parking areas, staging areas adjacent to the construction sites will be swept daily (with water sweepers). During construction, vegetation in disturbed areas will be replanted as quickly as possible. Prior to construction grading for the proposed land uses, the applicant will file a "Notice of Intent" (NOI) to comply with the General Permit administered by the Regional Board and will prepare a Stormwater Pollution Prevention Plan (SWPPP) which identifies measures that would be included in the amendment to minimize and control construction and post-construction runoff. The following measures would be included in the SWPPP:

Preclude non-stormwater discharges to the stormwater system. Effective, site-specific Best Management Practices for erosion and sediment control during the construction and of soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff. Perform monitoring of discharges to the stormwater system. The developer will submit a copy of the draft SWPPP to the City of San José for review and approval prior to construction on the project site. The certified SWPPP will be posted at the site and will be updated to reflect current site conditions.

Avoidance Measures

Avoidance measures have been included in the Environmental Impact Report relating to air quality, energy conservation, and vector control. Although none of these concerns rise to the level of a significant impact, project conditions will be added at the Planned Development permit stage to minimize potential concerns.

Air Quality

Nitrogen Oxides and Diesel Particulate Emissions – The proposed project implementation of an Adaptive Fleet management Plan in order to ensure that new emissions from the proposed project do not exceed the BAAQMD threshold of 80 pounds per day for NOx. As a condition of approval in the PD Permit, the plan will be provided to the City of San José's Environmental team by the project operator prior to project operation and updated every two years following. The plan would be prepared by a qualified air quality professional. The emission calculations will use the latest emissions model developed by CARB. The plan could use all or a combination of the strategies listed: 80 percent of their off-road equipment will meet CARB emission levels; the facility shall purchase a new truck fleet; enforce current state law idling restrictions for diesel-fueled trucks; maintain fleet equipment in good running conditions, and/or purchase alternatively fueled vehicles.

Energy - Design and Construction

The project shall have a waste management plan in place and operating from project inception for recycling of construction and demolition materials. Prior to the issuance of building permits for the recovery building, the City will review the plan. The plan shall be completed to the satisfaction of the Director of Environmental Services Department or Manager of the City's Construction & Demolition Recycling Program.

Vector Control Plan

A vector management plan (VMP) shall be developed for the Zanker Materials Processing facility and implemented during all material processing. The purpose of the VMP will be to minimize the degree to which nuisance species increases in the vicinity of the site as a result of materials processing activities. These nuisance species could adversely affect sensitive wildlife species elsewhere in the South Bay through predation or competition. The VMP will focus on minimizing accessibility of food waste to nuisance species so that these species are not attracted to the facility. Because of the adaptive nature of the VMP, specific measures to limit accessibility of waste to wildlife in the future may be implemented in the future that are not described below. Initial measures are as follows:

Minimization of Access of waste Materials to Wildlife – All materials to be processed (screening, sorting, baling, compacting) will be kept inside the processing facility unless temporarily stored in sealed containers.

Minimization of Refugia for Nuisance Species – Small voids within and around the facility, and around equipment and containers, will be filled or screened to minimize refugia for rodents.

Mammal Trapping – The operators will routinely trap small and medium-sized nuisance mammal species.

Monitoring and Adaptive Management – Monitoring of the Zanker Materials Processing facility by properly trained facility staff, biologists, or other trained personnel will be conducted to ensure that VMP is effective at preserving the facility from contributing substantially to local populations of nuisance species.

The proposed project would not result in significant unavoidable impacts. All of the potential environmental impacts are proposed to be mitigated by the project to a non-significant level through measures incorporated into the project.

GENERAL PLAN CONFORMANCE

The site is located within the Alviso Master Plan Area. The Alviso Master Plan, adopted in 1998, is incorporated into the San José 2020 General Plan as the Alviso Planned Community. Under the Master Plan, the land use designation of the ZMPF, including the PG&E easement, is *Private Open Space*, and is also has a *Candidate Solid Waste Disposal Site overlay*. The *Private Open Space* designation applies to privately owned lands for low intensity, open space activities. On properties within the Urban Service Area (the project site is located within the Urban Service Area and the Urban Growth Boundary) this designation is found on private vacant land north of Los Esteros Road. The *Candidate Solid Waste Disposal Site overlay* designation is applied to currently operating solid waste disposal sites in the Master Plan area. Landfill facilities may be either public or private enterprises, and may include related or ancillary activities such as recycling resources recovery or composting, that for sites located within the City's Urban Service and Urban Growth Boundary, may continue on a portion of the site after landfill closure. The underlying designation of *Private Open Space* is compatible with the *Candidate Solid Waste Disposal Site* designation.

ANALYSIS

The primary project issues are land use compatibility, geologic stability of the landfill, hazardous wastes, potential impacts on wetlands and endangered species, and conformance with the City's recycling goals.

Land Use Compatibility

The land use compatibility issues associated with the proposed project include visual impacts, the effects of the project activity, noise and nighttime lighting on the adjacent Wildlife Refuge and the community of Alviso, and increased truck traffic to and from the site 24 hours per day, seven (7) days per week.

The existing operations are concentrated towards the south side of the property and stockpiles of concrete rubble and other materials reaching a maximum elevation of 48 feet could be highly visible from the Refuge as well as from the residential neighborhood of Alviso located approximately 2,000 feet easterly of the site.

Visibility

The proposed plan and design improves the interface between the proposed project and the Refuge by locating the proposed permanent 200,000 square foot materials recovery facility to the south side of the site and completely screening this industrial operation with the mass of the rest of the landfill. All of the recycling operations will be indoors. The proposed design has a 10-foot high screening berm along the north side of the materials recovery facility, running roughly in a east-west alignment in the middle of the site, with screening trees and vegetation along the slope of the berm. This screening was necessary not only for the residents of Alviso, and the Refuge, but also to screen views of recycling activities served to accentuate the manmade contours in this generally flat and treeless bayland environment. In its finished state, the proposed landfill and recycling facility will appear from the refuge as a tree lined contour that is, although not natural in form, much less visually intrusive than the existing landfill with irregular stockpiles. In addition, the proposed project will

also improve views of the site from Alviso and the Refuge by increasing the height of the screening berm to 15 feet with trees planted on side of the slope to create dense vegetation screening especially around the truck parking and material storage area (adjacent to the Wildlife Refuge). The approximate width of the buffering berm at the base is 160 feet. In addition to the berm is the 200-foot wide PG&E easement area. Trees and shrubs are proposed all along the perimeter of the truck parking and outdoor material storage areas.

Noise

The proposed plan provides benefits in reducing noise by having the recycling operations within a covered building away from the Refuge and using the landfill mass and parking lot as a noise barrier. No significant noise impacts on sensitive uses in Alviso were reported for either the original or proposed project due to the approximately 2000-foot separation between the site and the nearest residence.

Lighting

The proposed project proposes night lighting around the periphery of the proposed parking lot, around working areas of the resource recovery site and future building, and the circulation path. The Wildlife Refuge raised concerns regarding truck headlights that could illuminate the facing wetland marsh, exposing wildlife in the marsh to predators or deterring wildlife from inhabiting the area. To address this issue, the applicant has agreed to raise the height of the screening berm from 10 feet to 15 feet with additional plantings of vegetation on either side of the berm slopes to create a double layer of buffering. Mitigations included in the project require that the lights be placed only in the work areas, and the light fixtures are of a full cut-off design, which prevents any light from being visible from above or behind fixtures. Staff is recommending that no night lighting be permitted on the landfill (as opposed to the MRF) and that all outdoor lighting conforms to the Outdoor Lighting Policy of the City.

Vectors

The Refuge, in a written correspondence, expressed concerns that although most of the operations will occur within the confines of the building, the containment of processing activities in a building does not guarantee a litter-free site. The Refuge's correspondence indicated that litter is likely to accumulate outside of the building. This litter and the introduction of food waste could attract nuisance wildlife (gulls, rats, raccoons, skunks, and feral cats), which could be detrimental to other sensitive wildlife species. Although there is not enough evidence in the record to indicate that this would be a significant impact, a Vector Management Plan (VMP) has been included in the Final EIR as an avoidance measure to deal with this concern from the Refuge. Moreover, the VMP will be reviewed and approved by City of San José's Local Enforcement Agency prior to handling Municipal Solid Waste (MSW) on the site. If the measures adopted in the management plan do not promptly control nuisance species, the acceptance of food waste and/or MSW may be restricted by the Local Enforcement Agency (LEA), or possibly eliminated, as necessary.

The proposed expanded resource recovery operations, 24-hour use, and increase of tonnage to the site will increase the number of daily trips to and from the site. The Alviso community has expressed concerns over the potential for increases in truck traffic through residential neighborhoods. In order to address this concern, the traffic for the proposed project would be required to take access from Zanker Road and State Route 237. The project has been designed to preclude trucks from entering or exiting the site from or to the west on Los Esteros Road. All truck traffic to and from the site will travel along Zanker Road to the east of the site.

Geology

The structural stability of the landfill is a primary issue for this project. In response to the comments on the DEIR from Integrated Waste Management Board, the following measure is included in the proposed project to reduce the effects of the geologic hazards: A detailed design-level geo-technical investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist, prior to the approval of a Planned Development Permit for any phase of the project.

The geotechnical report shall identify and describe the specific engineering practices to be used to reduce or avoid all possible geologic hazards on the site, which will be incorporated into the project design.

Traffic and Circulation

The Waste Management Board and members of the public raised concerns regarding the traffic and number of trips and access to the proposed project site. The City of San José's Public Works Department reviewed the traffic analysis for the subject project. The proposed development is projected to add 38 a.m. peak hour trips and 45 p.m. peak hour trips. Access to the site is from Los Esteros Road. Regional access is provided by State Route 237 from the Zanker Road interchange approximately 1.8 miles away. The project traffic impacts and transportation level of service (LOS) have been calculated using Traffix, the City of San José and Santa Clara County Congestion Management Program (CMP) approved software.

The traffic analysis identified a sight distance problem at Los Esteros Road and the project driveway. The analysis recommends the driveway be reconfigured such that it intersects Los Esteros Road at angle closer to 90 degrees.

The City's Department of Public Works concludes that the subject project is in conformance with the City of San José Transportation Level of Service Policy (Council Policy 5-3) and therefore a determination for a Negative Declaration can be made with respect to traffic impacts.

Recycling Goals

The proposed resource recovery operations are consistent with the City's goals of recovering the resource value of solid waste and fostering the establishment of facilities which constructively use and reinvest such resources in the local economy, as well as promoting recycling in the City. The resource recovery operations would not only help the City meet its waste diversion goals mandated by State Assembly Bill 939, and be consistent with the County's Integrated waste Management Plan, but would also enable the City to meet its more aggressive goal of 75 percent waste diversion by 2013, and a goal of Zero Waste by 2022. The City's Zero Waste program is described in a memorandum dated September 20, 2007 from the Director of Environmental Services, John Stuffelbean attachment to this staff report

Conclusion

The proposed project to allow continued use of the existing landfill with expanded on-site resource recovery operations provides for construction of a 200,000 square foot building to keep most sorting and recycling activities indoors, and also provides for improved landscaping and buffering of the site. The use at this location is important to the City's recycling goals. Working with staff, the applicant has modified the proposed project to include sufficient mitigation measures so that the project has no significant unmitigated environmental impacts, and staff recommends approval of this PD zoning to bring the facility into conformance with all required City and County regulations.

PUBLIC OUTREACH

An applicant sponsored a community meeting for the Zanker MRF. Planned Development Rezoning was held on October 29, 2007 at the Alviso Library. The meeting was well attended and the issues and concerns that were raised are those that are discussed in the Analysis portion of this staff report.

A notice of the public hearing was distributed to the owners and tenants of all properties located within more than 1000 feet of the project site and posted on the City website. A sign was posted on-site to notify neighbors of the proposed development. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's Website. Staff has been available to respond to questions from the public.

RECOMMENDATION

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram and supports several of the General Plan, City goals and policies.
2. The proposed zoning is compatible with existing uses on the adjacent and neighboring properties.
3. The proposed project is in conformance with the Industrial Guidelines.
4. The proposed project meets the goals and policies of the City of San José regarding Waste Management.

Attachments:

- Draft Development Standards
- Location Map
- Environmental Services Memorandum
- Fire Department Memorandum
- Public Works Memorandum
- Correspondence from other agencies
- Environmental Services Department Memorandum on Zero Waste Program
- Plan Set

ZANKER ROAD MATERIAL PROCESSING FACILITY – ZONING CONDITIONS

DRAFT DEVELOPMENT STANDARDS

Tonnage Limits

The facility shall accept a maximum of 5,000 tons of waste per day and shall landfill a maximum of 350 tons per day.

Height Limit

The maximum height of the landfill shall not exceed 48 feet above sea level (MSL). The maximum height of the baled stockpiles and (resource recovered) shall at no time exceed 20 feet.

Hours of Operation

The site may operate 24-hours per day, 7 days per week. It will be closed only on major holidays (New Year's Day, Easter, Thanksgiving and Christmas).

Landfill Closure

The landfill operation shall close by the year 2021. Monitoring of the landfill will continue for a minimum of 30 years after official landfill closure.

Permitted Uses for the Landfill After Closure

The top deck area of the closed landfill may be used for operations that are ancillary to the proposed MRF operations in the southern portion of the site. These ancillary operations would include 1) employee parking, 2) truck/equipment parking, 3) temporary material storage, 4) a fueling station for trucks and equipment, and 5) a recovered soils and materials yard.

Access

Modify the driveway so it intersects Los Esteros Road at an angle closer to 90 degrees to the satisfaction of the Director of Public Works.

WASTE STREAM

According to Waste Discharge Requirements (WDRs) for the site non-hazardous and non-decomposable waste would be landfilled at the site. Green waste, food waste and decomposable municipal solid waste would be transported to off-site approved composting facilities. No materials associated with the acceptance, screening handling, or transfer of yard/green wastes, food wastes, and MSW would be landfilled on-site at the ZMPF. The mixed wastes will consist primarily of demolition debris, concrete, asphalt, dirt, metal, glass and other materials such as wall board, wood, porcelain, etc. As defined by Title 14, garbage, hazardous wastes, infectious wastes, liquid wastes, friable asbestos and sludges will not be accepted.

ENVIRONMENTAL

Zanker MRF Mitigation Measures

Air Quality:

1. Implementation of the measures recommended by BAAQMD and those listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. Measures to reduce diesel particulate matter and PM2.5 from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.

Dust (PM10) Control Measures:

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- During renovation and demolition activities, removal or disturbance of any materials containing asbestos or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.

Biology:

1. The developer shall have a qualified biologist complete a survey and prepare a report not more than one month prior to construction activities to determine the presence of Burrowing Owls on the site. If owls are present on the site, a mitigation program shall be developed in conformance with the requirements of the California Department of Fish and Game and the U.S. Wildlife Service. If mitigation includes relocation, owls shall not be relocated during the nesting season (March through August). Prior to the issuance of any grading or building permits, the developer shall submit a biologist's report to the City's Environmental Principal Planner to the satisfaction of the Director of Planning indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.

2. If possible, construction shall be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be completed by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be completed no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the state of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The contractor shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner and the Director of Public Works prior to the start of construction.

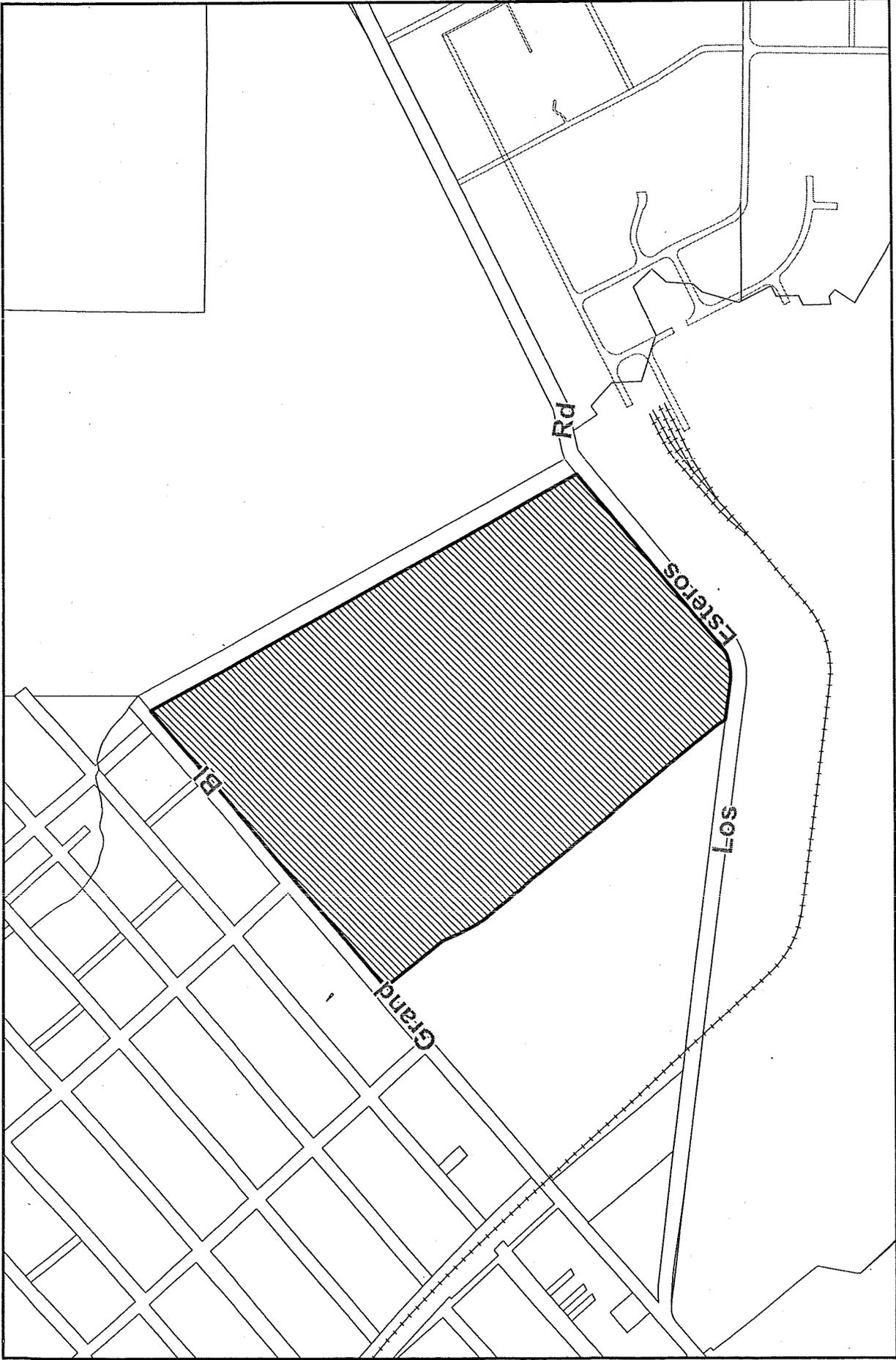
Geology and Soils:

- 1) A detailed, design-level geotechnical investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist, prior to approval of a PD Permit for any phase of the project. The geotechnical investigation shall identify and describe the specific engineering practices to be used to reduce or avoid all possible geologic hazards on the site, which shall be incorporated into the project design. It is anticipated that fill and waste under the building locations would be over-excavated. The specific approaches to be implemented will be based on additional site studies and final project design.

Hydrology and Water Quality:

1. Post-Construction Mitigation Measures

- When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of San José. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.
- All post-construction Treatment Control Measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be stenciled in conformance with City requirements and cleaned out a minimum of once per year, prior to the wet season

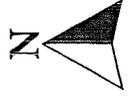


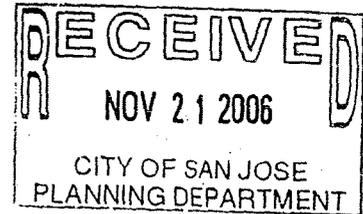
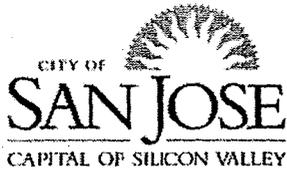
File No: PDC06-120

District: 4

Quad No: 20

Scale: 1"= 500'
Noticing Radius: 500 feet





Memorandum

ENVIRONMENTAL SERVICES (ESD)

TO: Jeff Roche
Department of Planning,
Building, & Code Enforcement

FROM: Matt Krupp
Environmental Services

SUBJECT: Response to Development
Application

DATE: Staff Review Agenda
November 16, 2006

APPROVED: *[Signature]*

DATE: 11/21/06

PLANNING NO. :	PDC06-120
LOCATION:	Between Los Esteros Road and Grand Blvd
DESCRIPTION:	Planned Development Re-zoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to expand existing use and to allow 24/7 operation on a 52.5 gross acre site
APN:	01530071

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 975-2578.

Green Building

Please consider the use of photovoltaic units on MRF building. Please contact Mike Foster at (408) 975-2601 for additional information.

Stormwater Runoff

The fueling island should be covered. All stormwater runoff must discharge directly to the sanitary sewer system.

Source Control

Industrial

The proposed development must conform to the City of San Jose (City) industrial waste discharge regulations¹. Industrial process flow and/or non-domestic wastewater discharge into the sanitary sewer system will require Source Control staff to review and approve the final plans. An Industrial Wastewater Discharge Permit may be required. Implementation of Reasonable Control Measures (RCMs) and Best Management Practices (BMPs) adopted by the City for specific industry groups may also be required.

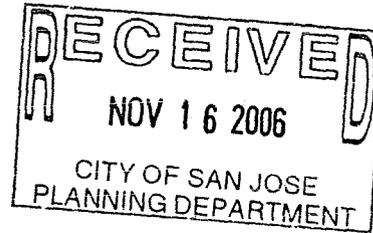
Contact Source Control staff at (408) 945-3000, if you have questions.

¹ In accordance with the San Jose Municipal Code, Chapter 15.14 - Industrial Waste Discharge Regulations

Memorandum

DATE: 11/8/06

TO: Suparna Saha
FROM: Nadia Naum-Stoian



Re: Plan Review Comments

PLANNING NO: PDC06-120

DESCRIPTION: Planned Development Re-zoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to expand resource recovery and recycling operations, to construct an approximately 200,000 square foot materials recovery facility building and to allow 24-hour operations on a 52.5 gross acre site.

LOCATION: between Los Esteros Road and Grand Blvd

ADDRESS: between Los Esteros Road and Grand Blvd (675 LOS ESTEROS RD)

FOLDER #: 06 032446 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on the following information from drawings dated 10/27/006 by Shaw Environmental

Largest building: 200,000 sq. ft.

Construction Type: V N (assumed)

Number of stories: 1

1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted:

- a) The plans do not indicate that the required fire flow of 4500GPM will be available at the project site. Please ask the applicant to immediately contact Tim Town of San Jose Municipal Water Service at 408- 277-3671 to get the water flow information.

- b) The plans do not show location of hydrants. The required fire flow shall be provided through 4 hydrants.

The Fire Apparatus Access as shown on the drawing looks compliant. Please confirm the requirements below.

2. Please advise the applicant to submit plans to the Fire Department that provide the following information:

- a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:
 - be at least 20 feet wide;
 - have an unobstructed vertical clearance of not less than 14 feet;
 - be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
 - have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
 - be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet; and
 - have a gradient less than or equal to 15%.
 - **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**
 - i) **Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked**
 - ii) **Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked**

b) Location of fire hydrants. The average distance between hydrants shall not exceed 250 feet.

All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections.

c) Available fire flow. Provide a copy of the letter from San Jose Municipal Water Service that indicates the water flow available.

Note: The plans shall be submitted to the Fire Department *by appointment only* (call Nadia Naum-Stoian) as soon as possible.



Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699

Memorandum

TO: Suparna Saha
Planning and Building

FROM: Amit Mutsuddy
Public Works

SUBJECT: SEE BELOW

DATE: 8/28/07

Approved



Date

8/31/07

SUBJECT: TRAFFIC IMPACT ANALYSIS FOR 200,000 SF EXPANSION OF ZANKER ROAD MATERIALS PROCESSING FACILITY
PW NO. 3-08315 (PDC06-120)

We have completed the review of the traffic analysis for the subject project. The project consists of construction of a new 200,000 square feet recycling facility building on a 52.5 gross acre site. The proposed development is located at 675 Los Esteros Road. The proposed development is projected to add 140 a.m. peak hour trips and 125 p.m. peak hour trips.

ACCESS

Access to the site will be provided by Los Esteros Road. Regional access will be provided by State Route 237 from the Zanker Road interchange approximately 1.8 miles away.

Vehicular access to the site will be provided by a driveway at Los Esteros Road.

ANALYSIS

Project traffic impacts and transportation level of service (LOS) have been calculated using Traffix, the City of San Jose and the Santa Clara County Congestion Management Program (CMP) approved software.

City of San Jose Methodology: Two (2) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the City of San Jose Level-Of-Service (LOS) Policy impact criteria. The results indicate no intersections are significantly impacted by the addition of the project traffic. The results of the analysis are summarized in the attached Table ES-1.

Sight Distance Analysis: A site distance analysis indicates a site distance problem at Los Esteros Road and the project driveway. The analysis recommends the driveway be reconfigured such that it intersects Los Esteros Road at an angle closer to 90 degrees.

Planning and Building

8/28/2007

Subject: Traffic Analysis for PDC06-120

Page 2

Project conditions:

- a) Modify the driveway so it intersects Los Esteros Road at an angle closer to 90 degrees.

RECOMMENDATION:

The subject project is in conformance with both the City of San Jose Transportation Level of Service Policy (Council Policy 5-3). Therefore, a determination for a negative declaration can be made with respect to traffic impacts.

If you have any questions, please call Karen Mack at 535-6816 or myself at 535-6828.



Amit Mutsuddy
Project Engineer
Transportation and Development Services Division

WP:KM:ew

C: Karen Mack
Lori Tanase
Traffic Consultant

Table ES-1
Intersection Level of Service Summary

Intersection	Peak Hour	Count Date	Existing		Background		Project Conditions			
			Average Delay (sec)	LOS	Average Delay (sec)	LOS	Average Delay (sec)	LOS	Incr. in Crit. V/C	Incr. in Crit. Delay (sec)
SR 237 and Zanker Road (N) *	AM	10/27/04	10.2	B	13.4	B	13.7	B	+0.009	+0.2
	PM	10/21/04	11.3	B	15.9	B	16.5	B	+0.030	+0.7
SR 237 and Zanker Road (S) *	AM	10/27/04	17.2	B	21.3	C	21.5	C	+0.010	+0.4
	PM	10/21/04	11.1	B	17.1	B	17.5	B	+0.020	+0.6

* Denotes CMP intersections.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
San Francisco Bay National Wildlife Refuge Complex
9500 Thornton Avenue
Newark, California 94560

Michael Rhoades
City of San Jose Planning Division
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113-1905

OCT 15 2007

SUBJECT: Comments regarding the Draft Environmental Impact Report for the Zanker
Materials Recycling Facility Planned Development Rezoning

Dear Mr. Rhoades:

The Don Edwards San Francisco Bay National Wildlife Refuge (Refuge) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Zanker Material Recycling Facility Project. We have substantial concerns with the potential impacts of the project and do not believe the DEIR has adequately assessed the impacts addressed below.

- *Trash impacts.* While we understand that most of the operations will occur within the confines of the building, the containment of processing activities in a building does not guarantee a litter-free site. Given the truck traffic and open building doors, there is a high probability of litter accumulating outside of the building. This litter will attract nuisance wildlife including gulls, rats, raccoons, skunks, and feral cats. Moreover, the introduction of food waste processing on this site is especially troubling as it will no doubt further draw in these nuisance species. These species are often extremely detrimental to the sensitive wildlife species and habitat at our Refuge located next door to the project site.

We would also like to note that nuisance mammals were neither identified nor evaluated in the DEIR. Again, an indoor facility will not guarantee that nuisance wildlife would be deterred from the area. If the facility is receiving waste 24-hours a day, it is likely that entrance and exit ways would be open to facilitate traffic flow. Moreover, most buildings are not totally sealed off. While the DEIR mentions controlling gull species, other nuisance mammal species can easily burrow into ducts, fencing, piping, and air vents. The processing facility would essentially enhance the local predator population in an area where sensitive species vulnerable to predation are located. All these access points would also be open to nuisance species that would over time habituate to lighting and people. Other enclosed waste disposal facilities have similar problems with nuisance species and have incorporated predator management (i.e., trapping and removal of nuisance species) into their operations. If this facility is built, we strongly recommend that predator

management protocols be implemented to control nuisance species (especially given the processing of food waste) in all phases of the project's design including planning, facility design, construction, and subsequent operation and maintenance activities.

- *Lighting.* The twenty-four hour outdoor lighting proposed for the expanded facility has the potential to increase predation on wildlife in and surrounding the Refuge, including predation upon endangered species such as the salt marsh harvest mouse which is present on the Refuge. We would like to obtain details on where the new lighting will be placed, what type of lighting (and wattage) will be used, and how much will be added. We are also very concerned with the volume of lighting coming from the trucks at all hours. The truck parking is located on the side of the property closest to the Refuge and will no doubt illuminate the facing wetland marsh with their headlights, exposing wildlife in the marsh to predators or deterring wildlife from inhabiting the area. We recommend that the truck parking be placed far enough from the edge of the property in order to prevent headlights from shining onto the Refuge wetland areas. Also, we conduct a night skies interpretation program for the public. Additional lighting resulting from the proposed facility expansion would prevent us from continuing this popular public program.
- *Noise and Aesthetics.* We strongly object to the 24-hour operation of the proposed plan. The noise from the 24-hour operation will undoubtedly impact the natural atmosphere we try to maintain at the Refuge during and after business hours. We host at least 10,000 visitors and elementary school students each year with hands-on programs with the goal of connecting them to the relatively little natural environment remaining around the San Francisco Bay. The Refuge is also an important open space area regularly used by Alviso residents. The noise and view of the enormous processing facility will certainly detract from their experience. We would also expect the continuous noise resulting from the proposed expanded operation to deter wildlife from selecting the Refuge for resting, breeding or feeding. The noise impacts could be especially detrimental during the breeding season.

The size of the building should be reconsidered as it would substantially impair the current viewscape at the Refuge. If the project moves forward, it should only operate during daytime, business hours and a smaller facility should be built.

- *Traffic.* According to the public meeting, it was said that most traffic would be coming from the Zanker Road/Highway 237 area. Most of our visitors come from Highway 237. These visitors not only include passenger vehicles, but school buses. According to the DEIR, vehicular traffic to the facility would increase by over 200 percent (from 886 trips to 2,678 trips) and states that this would not be a significant impact. We do not agree that the impact would be insignificant. Increasing the amount of traffic on this road with large commercial trucks without improving or expanding the roads to accommodate increased volume would pose great risk to our staff and visitors trying to get to the Refuge. Such increased traffic would deter visitors from enjoying our Refuge.

- *Landscaping.* Ornamental shrubs can attract nuisance species and should be limited on the project site, especially along the fence line and the building. If shrubs are to be used, we recommend that native species be used in order to reduce spread of non-native plants. Also, non-native, invasive plants (e.g., pepperweed, stinkweed, starthistle, mustard, etc.) should be controlled in order to prevent the spread of these species onto the Refuge. The Refuge is currently trying to restore upland habitat and control invasive weeds.

We do not support the expansion of materials processed and operation hours at this facility because of its unknown long-term effects to our wildlife habitat and visitors. No other facility in San Jose is as large as this facility, which appears to unequally burden the area and the Alviso community. Thank you for including our comments. Please keep us informed of the EIR process, especially any future opportunities to provide comment. If you have questions regarding our comments, please contact me or Clyde Morris, Manager Don Edwards San Francisco Bay NWR, at 510-792-0222, x25.

Sincerely,



G. Mendel Stewart
G. Mendel Stewart
Manager,
San Francisco Bay NWR Complex

November 15, 2007

Mr. Michael Rhoades
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Subject: Zanker Materials Recycling Facility Draft EIR, File Number PDC06-120

Dear Mr. Rhoades:

The Santa Clara Valley Water District appreciates the opportunity to comment on the Draft EIR for the Zanker Materials Recycling Facility. Staff has the following comments related to groundwater resources:

- 1) District staff assumes the monitoring wells mentioned in the DEIR are for the purpose of monitoring the landfill, which is planned for closure. Please note that if the monitoring wells are to be destroyed, a permit from the District's Wells and Water Production Unit will be required.
- 2) The DEIR indicates the presence of shallow groundwater beneath the site. As construction activities could necessitate dewatering, the DEIR should address construction dewatering and proper disposal of the pumped groundwater.

Please contact me at (408) 265-2607, extension 2788 if you have any questions.

Sincerely,

Vanessa De La Piedra, P.E.
Senior Water Resources Specialist
Groundwater Management Unit
Santa Clara Valley Water District

cc: B. Ahmadi, E. Fostersmith



LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



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CHAIR
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(916) 341-6051

November 16, 2007

Michael Rhoades
City of San Jose
200 East Santa Clara Street
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(916) 341-6024

Subject: State Clearinghouse No. 2007022071, [File No. PDC06-120; APN 015-30-071] - Draft Environmental Impact Report (EIR) for the construction and operation of the Zanker Materials Processing Facility (ZMPF); including a Material Recovery/Processing Facility (MRF) and a Transfer Station (TS) in a 200,000 square foot (sq. ft.), 70 foot high building; Solid Waste Facility Permit (SWFP) No. 43-AN-0001; City of San José in Santa Clara County.

ROSALIE MULÉ
RMULE@CIWMB.CA.GOV
(916) 341-6016

Dear Mr. Rhodes:

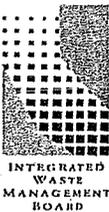
CHERYL PEACE
CPEACE@CIWMB.CA.GOV
(916) 341-6010

Staff of the Northern California Permits (North Permits) Section of the California Integrated Waste Management Board (CIWMB or Board) have reviewed the draft EIR for the project cited above. Following is a brief description of the proposed project for Board staff's use in the Solid Waste Facilities Permitting process, more specifically, the proposed project entails the MRF/TS, including indoor processing of recycling materials and outdoor storage of processed and unprocessed recyclable material. If the proposed Project Description below varies from the project as understood by the lead agency; Board staff requests that any differences be clarified and included in the final EIR.

GARY PETERSEN
GPETERSEN@CIWMB.CA.GOV
(916) 341-6035

Background Information

The Zanker Material Processing Facility (ZMPF) is located at 675 Los Esteros Road, which is approximately one mile northeast of the community of Alviso. The closest cross street to the project site is Grand Avenue located approximately 0.6 miles east of the site. The Don Edwards San Francisco Bay National Wildlife Refuge is adjacent to the project site to the northwest and the San Jose/Santa Clara Water Pollution Control Plant (WPCP) buffer lands are located across Los Esteros Road to the south, with the main WPCP facilities located southeast of the project site.



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- MSW;
- Roofing and wood waste.

Additional equipment for use in the MRF/TS includes two baler operations with conveyors, five loaders, and three fork lift trucks. Green waste, food waste and decomposable MSW will be transported to a permitted off-site composting facility(ies). Recycling residuals and waste that cannot be recycled would be disposed at the on-site landfill (up to a maximum of 350 tpd) or disposed of at a permitted off-site landfill.

Other components of the project include:

- A proposed increase in the peak daily throughput tonnage received and processed at the facility from 1,200 tpd to the maximum MRF/TS capacity of 5,000 tpd;
- A corresponding proposed increase in the peak daily vehicle volume at the facility from 443 vehicles per day (vpd) to 1,339 vpd;
- Proposed allowance of the acceptance, transfer off-site, and the possible future screening and sorting of MSW (including food waste from restaurants), source separated recyclables, construction, demolition and inert debris, mixed debris waste, roofing materials, brush and wood waste, yard and green waste. When storage space indoors is exhausted, processed materials will be stored outside adjacent to the MRF/TS building.
- Proposed relocation and expansion of the scale house facilities to accommodate a proposed 200 foot on-site queuing lane to allow for the proposed increased daily tonnage and allow for three inbound scales and two outbound scales (total number of scales will be five);
- Proposed modification of the site operations to allow for 24 hour indoor materials processing and equipment maintenance seven days per week. All movement and handling of materials in the outdoor materials storage yard will only occur during the daytime hours. The height of storage stock piles will not exceed twenty feet above ground surface.
- Proposed installation of new outdoor lighting at proposed MRF/TS and maintenance facilities; and,
- A proposed boundary adjustment onto disturbed land which has been used for previous disposal operations that had been discontinued and closed. After closure of the on-site landfill (estimated to be in the year 2021 at the latest), the top of the landfill will be used for ancillary operations (e.g. five acres for employee parking, equipment/truck parking, and 10.2 acres for temporary material storage, refueling operations, and a retail soil/materials yard).

The waste stream will be accepted at the MRF/TS from commercial haulers and public self-haul vehicles currently. The public self-haulers are not allowed to dump their loads at the on-site landfill. Trucks and public self-haul vehicles would enter the MRF/TS building, tip their loads of material on the concrete tipping floor, and exit at the opposite side of the building.

The proposed project site is bounded to the west by lands designated as 'Private Open Space'. Lands to the south and east of the project site are managed by the San José/Santa Clara Water Pollution Control Plant and are designed as 'Public/Quasi-Public uses'. The southern end of the

exactly the same number of trucks and autos makes one trip in and one trip out which is why the total "In" and total "Out" are exactly the same number. The SWFP will regulate the Total Vehicle Volume per day. Table 8 shows that the total vehicle volume is projected to be 1339 vehicles per day (one vehicle "In", and the same vehicle "Out"). The Total Vehicle Volume per day will be regulated at no more than 1339 vehicles per day in the SWFP.

Table 8 in the *Transportation Impact Analysis* under "Notes" states "(1) Projected traffic volumes based on average vehicle loads with the maximum material volume associated with the site at 5,000 tons per day." In the final EIR please identify exactly what tonnage was used for each vehicle: "Public Self-Haul" Autos; "Light Commercial" trucks; "Medium Commercial" trucks; "Heavy Commercial" trucks; and "Load-Out Trucks" and then show the total tonnage attained by all the trucks combined.

On-Site Remaining Disposal Capacity and Site Life

The draft EIR states [paraphrased] that:

The remaining capacity of the on-site landfill as of August 2006 was approximately 400,000 cubic yards (cu. yds.). The final cover required for landfill closure would take up approximately 65,000 cu. yds. of remaining fill space available for refuse disposal as of August 2006. In recent years (1998-2006), the average annual fill rate has ranged from approximately 22,000 cu. yds. to 73,000 cu. yds. Refuse disposal at the site is projected to continue for approximately five to fifteen more years.

Board staff have used the data provided in this paragraph and determined that the facility could be filled to capacity at the maximum fill rate in 3.5 years at the earliest. When does the operator of the on-site landfill intend to provide the CIWMB with a Closure, Postclosure Maintenance Plan at the earliest?

MRF/TS Building Location, Construction and Landfill Gas Monitoring

Please be aware of the following regulation, Title 27, California Code of Regulations (CCR), Section 21190, that addresses the building of structures within 1000 feet of a landfill –

Postclosure Land Use.

- (a) Proposed postclosure land uses shall be designed and maintained to:
 - (3) prevent landfill gas explosions.
- (g) All on site construction within 1,000 feet of the boundary of any disposal area shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building, unless an exemption has been issued:
 - (1) a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade;
 - (2) a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab;

Mitigation Reporting or Monitoring Program (MRMP)

As required by Public Resource Code Section 21081.6, the Lead Agency should submit a MRMP at the time of local certification of the EIR. This program should identify the environmental impacts associated with the proposed project, identify mitigation measures to reduce impacts to a less than significant level, identify agencies responsible for ensuring the implementation of the proposed mitigations are successful, and specify a monitoring/tracking mechanism. Public Resources Code (PRC), Section 21080(c)(2) requires that mitigation measures "...avoid the effects or mitigate the effects to the point where clearly no significant effects on the environment would occur." The MRMP is required to be completed as a condition of project approval. PRC Section 21081.6(b) requires that "A public agency shall provide the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures." The MRMP should also clearly indicate the agencies or private entities designated to enforce each mitigation measures in the EIR and that they have reviewed the MRMP and agreed that they have the authority and means to accomplish the designated enforcement responsibilities.

Certification of the EIR and Project Approval

The draft EIR states that "The proposed project would not result in significant unavoidable impacts..." "Significant impacts resulting from implementation of the proposed project would be reduced to a less than significant level with the proposed mitigation and avoidance measures included in the proposed project." Based on these statements in the draft EIR it is assumed that a Written Statement of Overriding Considerations would not be required for project approval.

CONCLUSION

The proposed project will require concurrence by the Board in the issuance by the Local Enforcement Agency (LEA) of a new SWFP for the operation of a Large Volume Transfer Station/Processing Facility. Board staff review will include whether or not the selected facility location is identified in the Countywide Integrated Waste Management Plan (CIWMP) and whether or not the proposed facility location meets the requirements of Public Resource Code (PRC) Division 30 Part 2 Chapter 4.5 (City Non-disposal Facility Element) upon consideration in concurrence in the issuance of the SWFP. Possible other federal, state, and/or local approvals might include possible amendments to the National Pollution Discharge Elimination System (NPDES) Permit from the State's Regional Water Quality Control Board, San Francisco Bay Region (2) for San José.

Board staff requests copies of the record(s) of decision (e.g. NOD), as well as the City of San José's staff report presented to the decision-making body of the lead agency upon consideration of approval of one of the three sites analyzed in the environmental documents cited above. We request this information for our files and use during our future permitting action. The Board requests notice (at least ten days in advance) of the date, time and location of any public hearings or meetings regarding the project proposal, as well as the Final Environmental Document(s) associated with project approval.



LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION



ARNOLD SCHWARZENEGGER
GOVERNOR

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

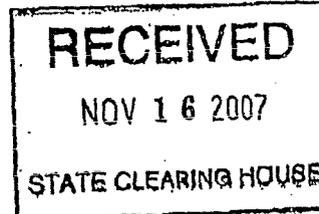
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November 16, 2007

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San Jose, California 95113-1905



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Subject: State Clearinghouse No. 2007022071, [File No. PDC06-120; APN 015-30-071] - Draft Environmental Impact Report (EIR) for the construction and operation of the Zanker Materials Processing Facility (ZMPF); including a Material Recovery/Processing Facility (MRF) and a Transfer Station (TS) in a 200,000 square foot (sq. ft.), 70 foot high building; Solid Waste Facility Permit (SWFP) No. 43-AN-0001; City of San José in Santa Clara County.

ROSALIE MULE
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Dear Mr. Rhodes:

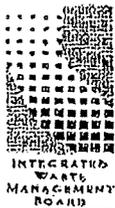
CHERYL PEACE
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Staff of the Northern California Permits (North Permits) Section of the California Integrated Waste Management Board (CIWMB or Board) have reviewed the draft EIR for the project cited above. Following is a brief description of the proposed project for Board staff's use in the Solid Waste Facilities Permitting process, more specifically, the proposed project entails the MRF/TS, including indoor processing of recycling materials and outdoor storage of processed and unprocessed recyclable material. If the proposed Project Description below varies from the project as understood by the lead agency, Board staff requests that any differences be clarified and included in the final EIR.

GARY PETERSEN
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Background Information

The Zanker Material Processing Facility (ZMPF) is located at 675 Los Esteros Road, which is approximately one mile northeast of the community of Alviso. The closest cross street to the project site is Grand Avenue located approximately 0.6 miles east of the site. The Don Edwards San Francisco Bay National Wildlife Refuge is adjacent to the project site to the northwest and the San Jose/Santa Clara Water Pollution Control Plant (WPCP) buffer lands are located across Los Esteros Road to the south, with the main WPCP facilities located southeast of the project site.



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The ZMPF site was formerly known as the Owens-Coming Disposal Site and approximately 30 acres of the site was used to dispose of wastes from a fiberglass manufacturing plant starting in the 1950s. Much of the fill in the project area appears to be un-engineered and waste materials, including fiberglass, tiles, wood, office waste, etc., are present in some areas. The ZMPF will be constructed on approximately 12 feet of engineered earth-fill in order to achieve the proposed elevation of approximately 20 feet.

The ZMPF has operated as a recyclable materials processing facility and disposal site at the Los Esteros Road location since 1999. Approximately one-half of the ZMPF is designated as an active 26-acre landfill; the maximum daily waste disposal allowed at the landfill is 350 tons per day (tpd). Construction and demolition debris, wood waste, soil, and roofing materials are currently processed as part of the resource recovery operations located south of the existing on-site 26-acre landfill, SWFP No. 43-AN-0001, which has a permitted estimated closure date by the year 2021 at the latest.

Approximately 70 percent of the materials received between June 2005 and May 2006 were recycled. Concrete and glass processing and recycling is permitted at the site, but concrete and glass are not currently processed at the ZMPF. Stockpiles of unprocessed and processed materials are located at various locations on the site. Mixed debris is delivered in individual loads and debris boxes; a typical load may include some combination of wood, brush, paper, cardboard, concrete, asphalt, dirt, wood, metals, paper, cardboard, and plastics that are processed so they can be recycled. Residual materials are landfilled at the adjacent on-site landfill or hauled to an approved landfill for disposal.

The remaining capacity of the on-site landfill as of August 2006 was approximately 400,000 cubic yards (cu. yds.). The final cover required for landfill closure would take up approximately 65,000 cu. yds. of remaining fill space available for refuse disposal as of August 2006. In recent years (1998-2006), the average annual fill rate has ranged from approximately 22,000 cu. yds. to 73,000 cu. yds. Refuse disposal at the site is projected to continue for approximately five to fifteen more years.

PROJECT DESCRIPTION

Under the proposed project, a 200,000 square foot MRF/TS building would be constructed where the outdoor ZMPF is located on the site. The building will be constructed of metal and concrete with translucent panel glazing and corrugated metal roofing to enclose most of the existing material recycling activities indoors. All waste tipping, handling, and processing would occur within the proposed MRF/TS, no tipping will occur outside the proposed MRF/TS building. The MRF/TS operations will include ten processing lines operating at 500 tons per day (tpd) per line. Individual processing lines will consist of conveyors, grinders, screens, sorters, and storage bins for:

- Source separated recyclables;
- Construction and demolition debris, and mixed waste;
- Green waste;
- Food waste;

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- MSW;
- Roofing and wood waste.

Additional equipment for use in the MRF/TS includes two baler operations with conveyors, five loaders, and three fork lift trucks. Green waste, food waste and decomposable MSW will be transported to a permitted off-site composting facility(ies). Recycling residuals and waste that cannot be recycled would be disposed at the on-site landfill (up to a maximum of 350 tpd) or disposed of at a permitted off-site landfill.

Other components of the project include:

- A proposed increase in the peak daily throughput tonnage received and processed at the facility from 1,200 tpd to the maximum MRF/TS capacity of 5,000 tpd;
- A corresponding proposed increase in the peak daily vehicle volume at the facility from 443 vehicles per day (vpd) to 1,339 vpd;
- Proposed allowance of the acceptance, transfer off-site, and the possible future screening and sorting of MSW (including food waste from restaurants), source separated recyclables, construction, demolition and inert debris, mixed debris waste, roofing materials, brush and wood waste, yard and green waste. When storage space indoors is exhausted, processed materials will be stored outside adjacent to the MRF/TS building.
- Proposed relocation and expansion of the scale house facilities to accommodate a proposed 200 foot on-site queuing lane to allow for the proposed increased daily tonnage and allow for three inbound scales and two outbound scales (total number of scales will be five);
- Proposed modification of the site operations to allow for 24 hour indoor materials processing and equipment maintenance seven days per week. All movement and handling of materials in the outdoor materials storage yard will only occur during the daytime hours. The height of storage stock piles will not exceed twenty feet above ground surface.
- Proposed installation of new outdoor lighting at proposed MRF/TS and maintenance facilities; and,
- A proposed boundary adjustment onto disturbed land which has been used for previous disposal operations that had been discontinued and closed. After closure of the on-site landfill (estimated to be in the year 2021 at the latest), the top of the landfill will be used for ancillary operations (e.g. five acres for employee parking, equipment/truck parking, and 10.2 acres for temporary material storage, refueling operations, and a retail soil/materials yard).

The waste stream will be accepted at the MRF/TS from commercial haulers and public self-haul vehicles currently. The public self-haulers are not allowed to dump their loads at the on-site landfill. Trucks and public self-haul vehicles would enter the MRF/TS building, tip their loads of material on the concrete tipping floor, and exit at the opposite side of the building.

The proposed project site is bounded to the west by lands designated as 'Private Open Space'. Lands to the south and east of the project site are managed by the San José/Santa Clara Water Pollution Control Plant and are designed as 'Public/Quasi-Public uses. The southern end of the

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Don Edwards San Francisco Bay National Wildlife Refuge is north of the Pacific Gas & Electric easement on the project site and is designated as 'Public Park/Open Space'.

BOARD STAFF COMMENTS

To assist Board staff's analysis and evaluation of the proposed project and to aid Board staff in the determination of the adequacy of the draft EIR; Board staff requests that the following comments and questions be addressed in the final EIR which is required by the CEQA Guidelines to be sent to all commenting agencies a minimum of 10 days prior to the meeting or public hearing to be held for consideration by the decision-making body of the lead agency for certification of the document and approval of the project as proposed in the EIR.

ZMPF Building Design and Engineered Base Material

The draft EIR states [paraphrased] that:

The ZMPF site was formerly known as the Owens-Corning Disposal Site and approximately 30 acres of the site was used to dispose of wastes from a fiberglass manufacturing plant starting in the 1950s. Much of the fill in the project area appears to be un-engineered and waste materials, including fiberglass, tiles, wood, office waste, etc., are present in some areas. The ZMPF will be constructed on approximately 12 feet of engineered earth-fill in order to achieve the proposed elevation of approximately 20 feet.

Will the building be built over the un-engineered landfilled "fiberglass, tiles, wood, office waste, etc." disposed by Owens-Corning starting in the 1950s? How will this "un-engineered fill" be engineered/compacted/removed/relocated to provide a more sturdy foundation for the 200,000 sq. ft. ZMPF building? Will these Owens-Corning landfilled materials be clean closed and replaced with engineered earth-fill? What materials/soil type(s) will the earth-fill contain? How much earth-fill will be needed for the building's foundation in order to provide the 20 feet above mean sea level elevation? Where will the earth-fill be obtained from, how many trucks will be needed to transport earth-fill, and how far away from the site will the earth-fill travel to get to the proposed project construction site for the building's foundation? define
why?

Truck/Vehicle Volume and Tonnage per Truck/Vehicle

The *Transportation Impact Analysis* in Appendix A on page v under "Project Trip Generation" states "The projected daily traffic generation of the site at the proposed processing level is 2,678 vehicles." The same paragraph states that "For the purpose of this analysis, project impacts based on the difference in trips associated with the currently permitted capacity (1,250 tpd, 886 daily trips) and the proposed capacity (5,000 tons per day, 2,678 trips), which is 1,792 net new daily trips." Throughout the draft EIR traffic is expressed as "trips" per day and not 'vehicles' per day. Vehicle "trips" are a shortened version usually referred to as average daily trips (ADT) in most traffic studies. Table 8 in the *Transportation Impact Analysis* (Appendix A) details specifically: "Public Self-Haul (Auto) Trips"; "Light & Medium Commercial Truck Trips"; "Heavy Commercial" Truck Trips & "Load-Out Truck Trips". Each vehicle category in Table 8 shows the amount of "Trips In" and "Trips Out". Table 8 shows

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exactly the same number of trucks and autos makes one trip in and one trip out which is why the total "In" and total "Out" are exactly the same number. The SWFP will regulate the Total Vehicle Volume per day. Table 8 shows that the total vehicle volume is projected to be 1339 vehicles per day (one vehicle "In", and the same vehicle "Out"). The Total Vehicle Volume per day will be regulated at no more than 1339 vehicles per day in the SWFP.

Table 8 in the *Transportation Impact Analysis* under "Notes" states "(1) Projected traffic volumes based on average vehicle loads with the maximum material volume associated with the site at 5,000 tons per day." In the final EIR please identify exactly what tonnage was used for each vehicle: "Public Self-Haul" Autos; "Light Commercial" trucks; "Medium Commercial" trucks; "Heavy Commercial" trucks; and "Load-Out Trucks" and then show the total tonnage attained by all the trucks combined.

On-Site Remaining Disposal Capacity and Site Life

The draft EIR states [paraphrased] that:

The remaining capacity of the on-site landfill as of August 2006 was approximately 400,000 cubic yards (cu. yds.). The final cover required for landfill closure would take up approximately 65,000 cu. yds. of remaining fill space available for refuse disposal as of August 2006. In recent years (1998-2006), the average annual fill rate has ranged from approximately 22,000 cu. yds. to 73,000 cu. yds. Refuse disposal at the site is projected to continue for approximately five to fifteen more years.

Board staff have used the data provided in this paragraph and determined that the facility could be filled to capacity at the maximum fill rate in 3.5 years at the earliest. When does the operator of the on-site landfill intend to provide the CIWMB with a Closure, Postclosure Maintenance Plan at the earliest?

MRF/TS Building Location, Construction and Landfill Gas Monitoring

Please be aware of the following regulation, Title 27, California Code of Regulations (CCR), Section 21190, that addresses the building of structures within 1000 feet of a landfill -

Postclosure Land Use.

- (a) Proposed postclosure land uses shall be designed and maintained to:
- (3) prevent landfill gas explosions.
- (g) All on site construction within 1,000 feet of the boundary of any disposal area shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building, unless an exemption has been issued:
- (1) a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade;
 - (2) a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab;

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- (3) a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;
- (4) perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging;
- (5) the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;
- (6) automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and
- (7) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (section 20920 et seq.).

Please contact Scott Walker of the Cleanup Branch, within the Board's Waste Compliance and Mitigation Program, at (916) 341-6319, or e-mail Mr. Walker at swalker@ciwmb.ca.gov for technical assistance.

When the on-site landfill closes, in order to conduct operations on top of the closed landfill, a Closure, Postclosure Maintenance Plan will be required and a Postclosure Land Use Permit may be required.

Contact Water with Recyclable Materials Outside the Proposed MRF/TS

What processed/unprocessed materials will be stored outside of the AMPF building? What is the maximum storage area for outside storage before the on-site landfill closes? What materials will not be allowed to be stored outside?

Recycled materials that are proposed to be stored and/or processed outdoors may have the potential to come into contact with rainwater and storm water runoff. Some types of stored recyclable materials that become saturated may leach potentially harmful and/or toxic chemicals/materials into the contact water creating leachate that in turn has the potential to contaminate surface water and ground water. Recyclable materials stored outdoors should have a protective cover to protect the materials and to prevent the formation of leachate, especially during inclement weather.

Waste Stream Origins Accepted at the ZMPF and Outbound Processed Materials Markets

Please state in the final EIR the proposed communities served by the ZMPF within the facility's service areas for the ZMPF throughput refuse and recyclables. Also, please detail the origin of the proposed incoming source separated recyclables and how they will be processed at the MRF/TS. Where does the source separated recyclable material originate and how is it transported to the ZMPF?

How and where will the outbound processed/recycled materials be transported (e.g. truck types and carrying capacity and travel distance)? Are the same trucks importing refuse and recyclable materials used to export the processed recyclables to the markets accepting these materials?

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Mitigation Reporting or Monitoring Program (MRMP)

As required by Public Resource Code Section 21081.6, the Lead Agency should submit a MRMP at the time of local certification of the EIR. This program should identify the environmental impacts associated with the proposed project, identify mitigation measures to reduce impacts to a less than significant level, identify agencies responsible for ensuring the implementation of the proposed mitigations are successful, and specify a monitoring/tracking mechanism. Public Resources Code (PRC), Section 21080(c)(2) requires that mitigation measures "...avoid the effects or mitigate the effects to the point where clearly no significant effects on the environment would occur." The MRMP is required to be completed as a condition of project approval. PRC Section 21081.6(b) requires that "A public agency shall provide the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures." The MRMP should also clearly indicate the agencies or private entities designated to enforce each mitigation measures in the EIR and that they have reviewed the MRMP and agreed that they have the authority and means to accomplish the designated enforcement responsibilities.

Certification of the EIR and Project Approval

The draft EIR states that "The proposed project would not result in significant unavoidable impacts."..."Significant impacts resulting from implementation of the proposed project would be reduced to a less than significant level with the proposed mitigation and avoidance measures included in the proposed project." Based on these statements in the draft EIR it is assumed that a Written Statement of Overriding Considerations would not be required for project approval.

CONCLUSION

The proposed project will require concurrence by the Board in the issuance by the Local Enforcement Agency (LEA) of a new SWFP for the operation of a Large Volume Transfer Station/Processing Facility. Board staff review will include whether or not the selected facility location is identified in the Countywide Integrated Waste Management Plan (CIWMP) and whether or not the proposed facility location meets the requirements of Public Resource Code (PRC) Division 30 Part 2 Chapter 4.5 (City Non-disposal Facility Element) upon consideration in concurrence in the issuance of the SWFP. Possible other federal, state, and/or local approvals might include possible amendments to the National Pollution Discharge Elimination System (NPDES) Permit from the State's Regional Water Quality Control Board, San Francisco Bay Region (2) for San José.

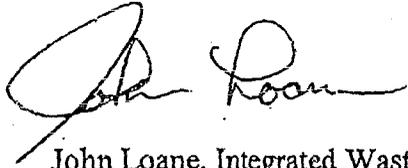
Board staff requests copies of the record(s) of decision (e.g. NOD), as well as the City of San José's staff report presented to the decision-making body of the lead agency upon consideration of approval of one of the three sites analyzed in the environmental documents cited above. We request this information for our files and use during our future permitting action. The Board requests notice (at least ten days in advance) of the date, time and location of any public hearings or meetings regarding the project proposal, as well as the Final Environmental Document(s) associated with project approval.

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Board staff has no further comments on the project as proposed at this time. Thank you for the opportunity to comment on this project in the early planning stages. Board Permits North staff are available for any planned scoping meetings, workshops or other public meetings.

If you have any questions regarding these comments, please contact me at 916.341.6327 or e-mail me at jloane@ciwmb.ca.gov.

Sincerely,



John Loane, Integrated Waste Management Specialist (IWMS)
Permits Branch North, Region 2
Waste Compliance and Mitigation Program
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

cc: State Clearinghouse
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

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Permits Branch North, Region 2
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Virginia Humphreys, IWMS
Permits Branch North, Region 2
Waste Compliance and Mitigation Program
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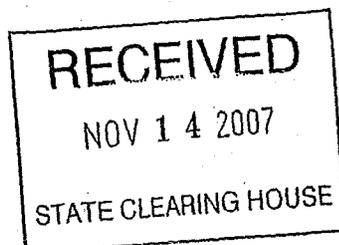
Dennis Ferrier, Program Manager
City of San José LEA
Department of Planning, Building, and Code Enforcement
170 West San Carlos Street
San Jose, CA 95113

DEPARTMENT OF TRANSPORTATION

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November 9, 2007

SCL-237-7.99
SCL237159
SCH 2007022071

Mr. Michael Rhoades
City of San José
200 East Santa Clara Street
San José, CA 95113

Dear Mr. Rhoades:

Zanker Materials Recycling Facility Planned Development Zone, Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the DEIR and have the following comments to offer.

Highway Operations

1. Appendix A, page 17, Transportation Impact Analysis (TIA) – Background Intersection Levels of Service (LOS) it states... "The level of service calculation sheets are included in Appendix D.", however they are not there to be found. What are in Appendix D are D-1 Biological Evaluation and D-2 Tree Survey. Please submit the LOS calculations for all Traffic Analysis Scenarios for our review and comment.
2. Appendix A, TIA, The existing Level of Service at WB SR 237 segment between Zanker Road and McCarthy Blvd. and EB SR 237 segment between Zanker Rd. and North First St. are at LOS 'F'. Any additional traffic volumes entering into these SR 237 segments will significantly affect traffic. Identify necessary mitigation for these impacts with associated fair share fee contributions.
3. Zanker Rd / SR 237 (S) intersection southbound left-turn queue exceeds the available storage during the PM peak hour. This queue storage needs to be extended 100 feet as mitigation for this impact with associated fair share fee contributions.

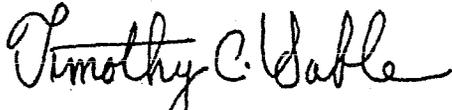
Mr. Michael Rhoades

November 9, 2007

Page 2

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,



TIMOTHY C. SABLE

District Branch Chief

IGR/CEQA

c. Scott Morgan



Memorandum

TO: TRANSPORTATION AND
ENVIRONMENT COMMITTEE

FROM: John Stufflebean

SUBJECT: ZERO WASTE GOALS

DATE: 09-20-07

Approved

Date

9/21/07

RECOMMENDATION

1. Recommend that the City Council:
 - a. Adopt a resolution establishing a goal of 75% waste diversion by 2013, and a goal of Zero Waste by 2022;
 - b. Direct staff to complete waste characterization studies and return to the Transportation and Environment Committee with those results by August 2008 and;
 - c. Direct staff to return by the end of 2008 for Council consideration of an Integrated Waste Management Master Plan to achieve zero waste goals.

OUTCOME

The approval of this recommendation will enable the City to remain in the forefront of environmental stewardship. Residents and businesses will benefit from improvements to the environment (such as reduced energy use and lower greenhouse gas emissions), and from the economic benefits of a system designed to reduce waste of all kinds.

EXECUTIVE SUMMARY

In 1989, the State Legislature enacted AB 939, requiring all California cities to divert 50 percent of waste from landfills by January 1, 2000, through source reduction, recycling, and composting activities. The State currently estimates San José's diversion rate at 61%. In November 2005, Council approved the Urban Environmental Accords ("Accords"). The Accords were developed by cities around the world as part of the United Nations World Environment Day, in June of 2005. They include 21 actions that cities can implement to become more environmentally sustainable. The adoption of Action 4, Zero Waste, increases the City's waste diversion goal from the State-mandated goal of 50%, to 75% by 2013. This memorandum outlines the next steps towards enacting Action 4 of the Accords.

Staff recommends adopting a resolution establishing a goal of 75% waste diversion by 2013, and a goal of zero waste to landfills by 2022. It is also recommended that the Accords be incorporated as a framework into the Integrated Waste Management (IWM) Master Plan, which will result in further resource conservation, waste reduction, and pollution prevention. The recommended waste characterization studies will help staff better plan for reaching zero waste goals. By signing the Accords, the City joined 94 other cities worldwide, including such major U.S. cities as Seattle, Sacramento, Chicago, Denver, and Austin. Bay Area signatory cities include Oakland, Berkeley, San Francisco, Novato, and Emeryville.

BACKGROUND

The City has reached a plateau in its recycling rate with 64% of waste diverted from landfills in 2000. Although the City has an exceptional recycling program, it must be more aggressive in its efforts in order to significantly improve waste diversion. Increased diversion goals support several existing City policies and directives, including: the Urban Accords, the California Integrated Waste Management Act (AB 939), and the Guiding Principles of the 2040 General Plan Update. In addition, Council approved support of Senate Bill 1020 on August 14, 2007; this bill, currently under consideration in Sacramento, establishes more rigorous state-wide recycling goals by 2020.

Landfill capacity and other infrastructure needs are important issues to address when striving for high diversion standards such as those proposed under SB 1020 and the recommended Zero Waste goals. At current waste generation levels, it is estimated that the City will only have landfill capacity until 2022. Increasing diversion could extend the life expectancy of local landfills significantly. However, increasing diversion would require more solid waste processing infrastructure capacity, including reuse centers, corporation yards, compost facilities, material recovery facilities, construction and demolition processing facilities, and transfer stations. A report on these infrastructure requirements, prepared by Environmental Planning Consultants, a local solid waste planning firm with extensive knowledge of San José, is included as Attachment A, "Resource Management, Infrastructure Requirements Assessment". Additional information on local landfill capacity is included in Attachment B, San José Disposal Capacity.

A Zero Waste goal promotes the highest and best use of materials to eliminate waste and pollution, and incorporates the following core principles to reduce waste generation by more than 90%:

- Improving 'downstream' reuse/recycling of end-of-life products and materials to ensure their highest and best use;
- Pursuing 'upstream' re-design strategies to reduce the volume and toxicity of discarded products and materials, and promote low-impact or reduced consumption lifestyles; and
- Fostering and supporting use of discarded products and materials to stimulate and drive local economic and workforce development.

ANALYSIS

The City's landfill agreement with International Disposal Company at Newby Island Landfill expires in 2020. All landfill capacity in Santa Clara County is predicted to be consumed about 2023. Because there are currently no planned potential landfill sites in the County, it is inevitable that costs will increase for disposal solutions that include truck transfer of waste over greater distances (refer to Attachment B). Because of this, staff is proposing 75% diversion by 2013, and Zero Waste by 2022, well ahead of the Urban Accords deadline of zero waste to landfills by 2040.

Although at this time, the costs of implementation of Zero Waste cannot be estimated, future costs to the City and its residents and businesses will increase regardless, as solid waste disposal costs increase due to closure of local landfills and more stringent regulations limiting disposal options for future waste.

Achieving the 75% and 90% or greater recycling rates as early as practicable will extend the life expectancy of existing landfills and reduce the need to open new landfills. This will improve the quality of life for residents and save costs, since any new landfills are unlikely to be within the Bay Area and would therefore result in significant environmental and cost impacts of transporting solid waste over long distances. Although total future City revenues related to disposal (the Disposal Facility Tax, Solid Waste Enforcement Fee, and Countywide Integrated Waste Management Fee) are tied to the remaining capacity in tons, increased diversion rates will result in these revenues being spread over additional years. Annual revenues from the two fees can be maintained at a cost recovery level by increasing the fees as necessary until local disposal sites are at or near capacity. The Disposal Facility Tax can not be increased without a general election. If the current rate of \$13 per ton is maintained, annual receipts of about \$14.7 million would be expected to continue for up to ten years and then to taper off to zero about 2025. If the recommended diversion targets are achieved, annual receipts will begin to decline by 2013, with a significant decline by 2022. However the total available future revenue available from this source, which is on the order of \$180 million, would still be realized, with the declining annual revenue stretching out into the 2030s. If landfill operators accept additional waste from other jurisdictions, the City's tax revenues may continue at the current level, with more of the costs passed along to out-of-town customers than is the case now.

In addition to considering revenue options in the proposed Master Plan, staff is also participating in a joint grant project with Alameda County Waste Management Authority and the City of Palo Alto. The project will evaluate alternatives to city and county reliance on landfill fees and identify restructuring strategies to mitigate declining revenues as landfilled waste decreases. Many local governments in California also rely on fees generated from solid waste and staff will continue to actively participate with these agencies over the near term to create alternate revenue sources.

In order to address the fiscal impact and pending closure, as well as remain in compliance with the Urban Accords and the proposed SB 1020 legislation, the City should adopt a zero waste

goal and implement waste reduction strategies. *Zero Waste* is defined as at least 90% of waste diverted from landfills. Zero Waste includes promoting technology and economic incentives that encourage reduction of waste on the front end and recycling and reuse of waste on the back end, after discarded by the consumer. A number of Bay Area cities have adopted zero waste goals. San Francisco and Oakland plan to achieve 75% diversion from landfill by 2010, and Zero Waste (90% diversion) by 2020. The City of Palo Alto proposes 75% diversion to align with their 2011 landfill closure date, and Zero Waste by 2021. In California, the cities of Fresno, Burbank, and Los Angeles, and the counties of Santa Cruz, Marin, San Louis Obispo, and Del Norte, to name a few, have also adopted Zero Waste goals.

The recommended IWM Master Plan development process will address the following key components for achieving Zero Waste: strengthening recycling programs, identifying infrastructure requirements for reuse, recycling and composting; and establishing effective waste prevention programs. The Plan will also identify economic development opportunities from expanding solid waste processing facilities and industries using recycled materials as feedstock. It is estimated that solid waste processing operations, such as recycling and composting facilities, employ ten times as many employees as disposal facilities to handle the same quantity of waste.

Staff has reviewed Zero Waste plans from other cities, and finds that many of the initiatives under development by Zero Waste cities are already being implemented or planned for the City. In order to meet proposed waste reduction goals, the IWM Master Plan will consider key strategies such as food waste composting, reducing packaging, extended producer responsibility, the commercial solid waste system design, and improved services for multi-family dwellings. Staff will also evaluate incorporating waste to energy technologies as a component of the City's Master Plan. In addition to these new strategies, the City will continue to improve on the model resource management programs outlined below, that have made San José an environmental leader.

Construction Demolition Debris Deposit (CDDD) Program

The CDDD program serves as a national model in the diversion of demolition debris. It was established to capture a waste stream that previously made up 30% of the total tons landfilled each year. The permit deposit program has become the state template used by the California Integrated Waste Management Board, and an example of a national and international success. While currently diverting nearly 5 times more than any other single material, great potential still remains to capture much more of the mixed construction and demolition waste currently being disposed.

Yard Waste Composting Program

San José's residential yard waste collection and composting program is one of the largest in the nation, diverting more residential green waste than all other recyclables combined. In addition to providing critical tonnage to meet diversion mandates, the San José program serves as a model of highest and best use policy and progressive contract implementation.

Multi-Family Dwelling (MFD) Garbage Compostable Program

The City's groundbreaking compostables program, operated by GreenTeam of San José, involves retrieving recyclables and organic resources out of the mfd garbage dumpsters. This initiative has allowed for a recycling rate of 35% for apartments—an achievement well beyond expectations in the recycling industry for this difficult to recycle waste stream.

Go Green Schools Program

San José's Go Green program has been named International Go Green City of the Year for 2007, reflecting its impact on environmental programming in San José schools. The potential for increased school recycling, as well as the impact of raising the awareness of students about environmental stewardship will benefit waste reduction efforts into the future.

Las Plumas Eco-Park

The proposed Eco-Park at the Las Plumas site is envisioned to be one of the most progressive facilities in the Bay Area, designed to fulfill both community and environmental responsibilities. In addition to providing a central collection center for household hazardous waste, it may also become a center for green building and sustainable development. This site will also incorporate LEED certification standards into any potential redesign.

Special Event Recycling

In addition to providing recycling options to green events such as the Grand Prix, the City implemented the first zero waste pilot event at the Comcast Jazz Festival. The Festival recycled 60% of its waste and created valuable recommendations for future improvements. Vendors and attendees felt that it was valuable for raising public awareness of reduced waste options.

EVALUATION AND FOLLOW-UP

Staff will return to the T&E Committee by August 2008 with results of waste characterization studies, and to Council by the end of 2008 with the IWM Master Plan.

Additionally, the core service of the Environmental and Utility Services CSA to "Manage Recycling and Garbage Services" includes a performance measure related to solid waste diverted from landfills. This performance measure is calculated annually by the state, and reported to Council as part of the budget process.

POLICY ALTERNATIVES

Alternative #1: Do not adopt resolution to achieve higher diversion. Maintain status quo.

Pros: Less need to develop waste diversion infrastructure.

Cons: Reduced landfill capacity. Negative environmental impacts.

Reason for not recommending: The City has already adopted the Urban Environmental Accords and supported proposed legislation SB 1020, which contains diversion requirements that

are similar to our recommendations. Failure to begin the planning process to reach these goals may have serious environmental, economic, and regulatory repercussions to the City.

Alternative #2: Adopt more aggressive waste diversion goals.

Pros: City would realize comprehensive environmental benefits more quickly, including reduced greenhouse gases, and an increase in jobs dedicated to recycling.

Cons: Need to develop a most robust waste diversion infrastructure and devote more resources to these projects in the near term.

Reason for not recommending: Staff is recommending waste diversion goals that are achievable in the proposed timeframe and more readily coincide with the term of the City's existing waste management service contracts and the commercial system redesign evaluation process currently underway.

PUBLIC OUTREACH/INTEREST

This memo does not fall into criteria requiring outreach; however, outreach will be implemented as part of the recommended master planning effort.

Subsequent associated Council Memos will fall into Criterion 2 and memos will include the appropriate recommendations for outreach. As part of the Integrated Waste Management Master Planning efforts, Environmental Services will solicit extensive stakeholder input which will be incorporated into the Master Plan. Stakeholder input may include community meetings, customer surveys, and/or focus groups.

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

This memorandum was coordinated with the City Attorney's Office, the Office of Economic Development, the City Manager's Budget Office, and the Department of Planning, Building and Code Enforcement.

TRANSPORTATION AND ENVIRONMENT COMMITTEE

09-20-07

Subject: Zero Waste Goals

Page 7

FISCAL/POLICY ALIGNMENT

This recommendation is in alignment with the City Council-approved Urban Environmental Accords.

COST SUMMARY/IMPLICATIONS

Approval of this recommendation will result in costs not to exceed \$550,000 for consultant services to assist with the development of the Integrated Waste Management Master Plan and to complete the Waste Characterization Study. Although implementation of Zero Waste programs could reduce annual revenues related to disposal sooner than if no changes were made to the current system, no such programs will be implemented until the Master Plan is submitted to Council and individual programs are approved. As part of the development of the Master Plan, a consultant will prepare a more comprehensive analysis of revenues related to both waste collection and disposal and will develop alternative revenue options from the City's solid waste system for Council consideration.

BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	RC.	Total Appn.	Amt. For Contract	2007-2008 Proposed Operating Budget (Page)	Last Budget Action (Date, Ord. No.)
423	0762	Non-Personal/ Equipment	500500	\$4,418,251	\$550,000	VIII-40	06/26/07 Ord No 28086

CEQA

Not a project.



JOHN STUFFLEBEAN
Director, Environmental Services

For questions, please contact Jo Zientek, Deputy Director, Integrated Waste Management Division, Environmental Services, at (408) 535-8557.

Attachments:

- (A) Resource Management, Infrastructure Requirements Assessment
- (B) San José Disposal Capacity

ATTACHMENT A

Resource Management

Infrastructure Requirements Assessment

September 2007

Historically, the City has contracted with private companies to provide collection services, processing facilities, and landfills necessary to manage the City's waste stream. The City operated the Singleton, Story Road, and Roberts Road landfills for a short period of time after purchasing them from their respective prior owners. The City also owned the Watson Park fill, but the incinerator operations were conducted by a private entity. The City has been out of the landfill business since then.

The terms of the recently awarded garbage and recyclables collection contracts are just six years. But, all of the equipment required to perform these contracts has a useful life longer than six years. Some of the facilities can be used for up to 20 years. Because of this differential some of the costs for these facilities and equipment may have been amortized over the shorter period by the proposers, thus raising the annual cost of the contract.

Even so, there are strong benefits to the City in maintaining short-term collection contracts. They allow for more rapid implementation of changes in technology that improve the way discards - recyclables, compostables and garbage - are collected. They allow for the change to cleaner air collection vehicles more rapidly. And, the frequent competition is believed to keep the collection costs lower.

However, the same benefits may not be realized with short-term processing and disposal contracts. In fact, in 1985 the City negotiated a 30-year disposal contract that dropped the rate charged for disposal of City's contractor collected wastes from \$12.00 per ton to \$8.00 per ton at that time. That Agreement has been extended and will now continue through 2020, with the possibility of another extension through 2024.

To manage the collection of garbage, recyclables and compostables, the collection contractors need facilities from which to operate. These facilities include:

- corporation yards where they will have their offices, vehicle maintenance facilities and truck parking
- recyclables processing facilities
- compostables processing facilities



The contractors must find and permit the facilities they need prior to the beginning of each new contract. The need to find a suitable location for their operations limits the number of companies that can respond to each Request for Proposals for collection services offered by the City. The costs to find and permit a facility must be spread over the short term of the contract, so that they can be recovered by the contractor.

And because of the pressure to increase housing and other development, it will be harder to find suitable locations for these facilities at the start of each successive contract.

Therefore, the City will be able to maintain lower cost, higher quality services if the City secures facilities for each of the long-term resource and waste management operations.

San Jose Waste Diversion Summary

The California Integrated Waste Management Board has approved the Annual Report submitted by the City for 2004 and determined that the diversion rate was 62%. The 2005 Annual Report has not yet been approved, but it shows a diversion rate of 61%.

The report for 2005 shows that:

- The total solid waste and recyclables generated in San Jose was 1,820,000 tons (25% residential; 75% commercial/industrial/institutional).
- San Jose disposed of a total of 712,000 tons by landfilling (231,000 tons of this was residential waste collected by the City's contractors; the remainder was non-residential (commercial/industrial/institutional).
- In total, San Jose diverted 1,108,000 tons from disposal. However, much of that material (estimated to be over 500,000 tons of construction and demolition debris and inerts) was used at the local landfills as cover or on-site construction material.

Major Waste Diversion Program results for 2005:

Residential curbside and multi-family recycling programs recovered 119,190 tons. Residential yard trimmings collection and composting programs recovered 148,182 tons.

Commercial recycling and composting reported by the City's franchised waste and recycling haulers diverted 149,142 tons.



The San Jose-Santa Clara Wastewater Treatment Plant diverted 77,000 tons of dried biosolids (treated sewage sludge) for use as cover and construction material at local landfills.

An additional 615,000 tons were diverted, mostly from construction and demolition materials being recycled by developers or landfill operators, and by other recycling activities in the private sector.

Required Facilities

In addition to the corporation yards, recyclables processing facilities, and compostables processing facilities the City will need to support reuse centers, C&D waste processing facilities, hard to recycle materials processing facilities, transfer stations, and landfills. This report describes eight main types of facilities that are needed for the City to achieve its Zero Waste Goals.

1. Reuse Centers: Reuse Centers include facilities that will repair household items for resale, thrift stores, used furniture and appliance stores, building materials reuse centers, and other similar facilities.

1. thrift stores – the City could assist Salvation Army and other charitable organizations in expanding recovery and sales of usable household items that are no longer wanted by their owners.
2. used appliance and furniture stores – the City could provide rebates for repair of appliances. The rebates could be funded from AB939 fees and avoided disposal fees. The City could potentially fund these programs through a reuse component in the collection agreements for bulky item collections and neighborhood cleanup activities.
3. household item resale – “one more chance mercantile” selling usable household items and other items collected through the bulky waste collection program, or that are brought in by residents. This facility could be operated by a private firm or non-profit organization.
4. building materials reuse centers – the City could provide space for Habitat for Humanity, Whole House Building Supply and/or another organization, to operate from and store building materials awaiting reuse or resale.
5. ‘Virtual World’ reuse activities - This would include the promotion by the City of opportunities for residents and businesses to find a new home for unwanted materials, rather than disposing of them. This would include promoting Resource Area For Teaching (RAFT), Craig’s List, Free-cycle, eBay, garage sales, swap meets, flea markets, materials exchanges, and other opportunities to residents and businesses.



2. Collection Company Corporation Yards

Each contractor providing service to each service district, for collection of each type of material type (garbage, recyclables and plant trimmings or compostable materials), needs a corporation yard.

Each operation will need space for office operations, truck maintenance, and truck parking.

Office and Admin - about 5,000 SqFt per district and per contract

Truck maintenance - about 8,000 SqFt per district and per contract

Truck parking -about 1,200 SqFt per truck

The number of trucks currently required to provide collection services is:

	Garbage	Recyclables	Organics
District A	37	33	22
District B	14	15	12
District C	26	27	21

The minimum space required for these vehicles (in acres) is:

	Garbage	Recyclables	Organics
District A	1.04	0.93	0.62
District B	0.39	0.42	0.34
District C	0.73	0.76	0.59

The total space required for the collection company corporation yards could be as high as 8.5 acres, if each of the services provided for each District is in a separate contract.

3. Compost Facilities:

Three types of composting facilities would be needed to achieve the maximum diversion of organics by the City. These are:

1. Plant Trimmings Only Compost Facilities:

The yard trimmings collection program in the City is currently a plant trimmings only collection program. The collected materials are currently being composted at the Z-Best compost facility. This facility is operating at or near their maximum permitted capacity, and can not receive significantly more material than they currently receive, without permit modifications.



As the operators of local composting facilities contract with other jurisdictions for processing capacity, there may not be capacity for the natural growth in the yard trimmings collection program at these sites.

Compost facilities compost the plant trimmings that are currently collected throughout the City to produce a high quality soil amendment. The compost is sold for agriculture, horticulture and landscaping uses, such as golf courses. Compost produced at these sites is also used at City facilities and for highway transportation projects. Most of the material is sold in bulk (minimum of 100 cubic yards) to agriculture or soil blenders. It is sold to the public through soil yards. In the future various materials produced from these yard trimmings could be made directly available to the public at small scale material yards.

Since the City collects plant trimmings from three districts, the City could site and permit three compost processing facilities, as a way to reduce haul distances for the contractors, reduce truck traffic on our highways, and hence the related pollution. If these facilities were open to the public for recycling clean green material, then landscapers that currently haul small loads long distances would also benefit.

If these facilities were to be located within the City limits, they would need to be enclosed facilities to reduce dust, odor and noise impacts on the local neighborhoods. This would dramatically increase the cost per ton to process the compost and could be very hard to site and permit. Each facility would require about 15 acres and would be able to receive only about 65,000 tons per year.

Alternately, the City could develop a single large facility to reduce the impacts on local neighborhoods. About 30 to 35 acres would be required to compost the currently collected 145,000 tons per year.

City owned composting facilities, operated by private contractors, would allow the City to increase the number of collection companies that can respond to the City's plant trimmings collection RFPs.

2. Commingled Organics Composting Facilities:

An important step in achieving Zero Waste is the collection and composting of commingled organics. Commingled organics are the mixture of plant trimmings, food scraps and food soiled paper [which may be as much as 25%-30% of the waste still disposed from the City].

Many of the communities in Alameda County and San Francisco currently collect food scraps along with their plant trimmings to increase the amount of materials that are diverted from landfill.



The active composting process would happen either in temporary storage vessels (bags) at a relatively remote location, or in a building, to reduce the impacts of dust and odors from the operation. The Z-Best compost facility at the very southeast corner of Santa Clara County, is permitted to manage this stream of compostables; as are the Newby Island Landfill compost facility and the Pacheco Pass Landfill compost facility. There are currently no other permitted facilities in the County that can manage these materials.

The total tons of mixed single family and multi-family residential commingled organics (food scraps and soiled paper) is estimated to be about equal to the tonnage of the currently collected plant trimmings, and would double the amount of materials to be processed.

Traditionally it has been difficult to recover recyclables from multi-family residential units. The City's current MFD collection contract provides financial incentives for the waste collector to process some of the organics into compost to meet the City's diversion targets.

Approximately 19,000 tons of San Jose multi-family solid wastes are processed annually at the Z-Best Facility, where recyclables are first removed and the remaining material is composted. The next round of multi-family residential collection contracts could provide the incentive for composting all of the mixed wastes from apartments. This could add an additional 35,000 – 50,000 tons of material to be processed.

Additionally it is estimated that more than 100,000 tons per year of commercial food waste from grocery stores, restaurants and bars; and plant trimmings from florists could be separately collected and diverted to composting facilities.

Using an average figure of 15 acres per 75,000 tons per year, it is estimated that an area of about 90-100 acres of composting bags could be required to compost 450,000-500,000 tons of compostable organics (not including biosolids) generated in San Jose.

3. Co-compost Facilities:

The City is currently paying Allied waste to haul about 77,000 tons of biosolids (treated sewage sludge) to the Newby Island Landfill, where the sludge is used on-site instead of dirt. Instead, the City could develop a co-compost facility where the biosolids would be combined with some of the plant trimmings to produce compost. The only practical place to compost the biosolids (treated sewage sludge) in the area is at the WPCP.

Because it is too near the population center, co-composting to be done in the open windrows would not likely be permitted by the State. It is



possible that aerated static piles would work in conjunction with bio-filters to reduce the release of unpleasant odors from the site. The composting would best be accomplished in a bag system or enclosed building.

A composting facility for a combined 160,000 tons of biosolids and yard trimmings per year would require approximately 40 acres. If the biosolids are composted along with 75,000-80,000 tons per year of plant trimmings, then the space requirement for other compostable materials processing (described above) would be reduced by about 15 acres.

4. Materials Recovery Facilities (MRFs)

A City-owned MRF operated by a private contractor will allow the City to increase the number of collection companies that can respond to the City's recyclables collection RFPs. The facility would be designed to process the specific material types that the City will have the companies collect, instead of having the recyclables processed at facilities that were designed to manage a different set of materials.

The City is currently recovering about 108,500 tons per year of recyclable materials from single family households, and 16,500 tons from multi-family households. The multi-family tonnage could be expected to increase by 10-20% over the life of the current collection contracts, so in six years, the annual tonnage of recyclables from MFDs might be as high as 20,000 tons. Additionally, about 2,000 tons per year of large bulky items are currently collected.

Recyclables collected from single family and multi-family households are currently processed at two facilities. The GreenTeam MRF occupies about 2.94 acres, with a 20,000 SqFt processing building. The CWS MRF is on 3.57 acres, with an 85,000 SqFt processing building.

Each of these facilities is currently operating at or near its operational capacity. The space that they have for incoming trucks to unload the collected materials, and for complete separation of the collected recyclables into high quality commodities for marketing to manufacturers, is extremely limited at both of these facilities.

It is estimated that a MRF that properly processes all of the recyclables to meet the City's standards for 'Highest and Best Use' would require a total of 6.5 acres, with a 125,000 SqFt building. Alternately, the processing capacity could be provided at multiple sites. As suggested as an alternative for the plant trimmings composting facilities, if there were appropriate available locations



there could be a processing facility for each of the collection Districts to reduce travel time and trucks on the roadways.

5. C & D Processing Facilities

The City implemented the Construction and Demolition Debris Diversion (CDDD) program in 2002 to encourage processors to install equipment to process construction and demolition wastes for recovery. A focus of the program was to certify facilities that divert over 50% of the incoming C&D materials. The City currently has no direct involvement in contracting for collection of construction and demolition (C&D) wastes and recyclables.

Although all of the Certified Processing Facilities are diverting well over 50% of the incoming materials [they average over 80% diversion when all of the dirt, concrete and asphalt are included in the calculation], some of the facilities are no longer processing all of the mixed loads of materials received, to reduce the cost of their operation. The City should make the appropriate changes to the CDDD program regulations to require higher diversion rates from mixed C&D materials, to encourage the recovery of additional materials.

The City also implemented a grants program to get the facility operators to install new and upgrade existing equipment. The City could reinstitute the grants program, or provide a per-ton diverted to reuse incentive payment, to encourage facilities to further upgrade their existing processing facilities and provide a higher diversion rate.

There are adequate long-term C&D waste processing facilities in the City, so there appears to be no need for the City to own a C&D materials processing facility. Also, the City may want to take steps to prevent the conversion of any of the existing C&D processing facilities to other uses without full mitigation, such as establishing a replacement site within a reasonable hauling distance.

6. Hard to Recycle Materials Facilities:

The City is currently in the process of siting a Household Hazardous Waste Drop-Off Facility to process household and small quantity commercial generator wastes which can not be landfilled by State law. These materials include items such as electronic waste, florescent tubes, batteries, and paint.

Fluorescent tubes and Compact Fluorescent Lamps can no longer be landfilled, because they contain Mercury. It will be important for the City to insure that there are appropriate ways for residents to recycle these items so that they do not end up at landfills, or in recyclables processing facilities where if broken they would be hazardous to the workers.



Electronics and computer recycling infrastructure is already well established in the Bay Area, and there are several computer recycling facilities that capture these materials in San Jose. State law (SB 20) enacted in 2005 provides sufficient incentive for electronics recycling businesses to actively seek to recover these materials.

The City should not have to be responsible for the management of these types of waste materials, but should continue to support legislation that will include other hard to manage materials in this same model of producer responsibility program. Most materials that can not be landfilled according to state law should be subject to 'Extended Producer Responsibility' regulations, where the manufacturers or retailers who sold these products would be required to accept them back from customers who no longer wanted or needed them. A prime example is 'pharmaceuticals' or left over medications that can disrupt the working balance at the wastewater treatment plant, and which can contaminate the Bay if residents flush them into the sewer system. Other such materials might include pressure treated lumber, dry cell batteries, oil-based and water-based paints, and certain types of cleaning compounds.

Some materials (such as tennis shoes, books, small appliances, upholstered furniture and mattresses) can be recycled if sufficient quantities can be collected, processed, and stored awaiting shipment to market. The City should provide space for the storage of these materials, so that they can be recycled. This activity could be combined with the bulky item management component of the City's MRF operations.

7. Transfer Stations

As the City implements these various programs to achieve Zero Waste Goals, the amount of residue requiring transfer and disposal is projected to be about 10% of the current total waste stream, or about 182,000 tons per year.

After the current disposal contract ends in 2021, the wastes from residential and non-residential collection services, and the residue from the recyclables and compostables processing facilities in the City will need to be taken to a residuals facility, or landfill. Having an efficient transfer facility will reduce the cost of managing this residue.

It will be increasingly more difficult to site and permit a solid waste landfill within Santa Clara County, so the City should be prepared to haul the residual materials to a more distant landfill. This will require the development of a transfer station. To properly manage this amount of material, a transfer station of approximately 5 acres would be required. Some of this space requirement would be reduced if the transfer station function were combined with a MRF.



To provide the City with the maximum number of options for the management of these residuals, the transfer station should have access to a railroad siding, so that the residuals could potentially be hauled to dry tomb landfills in Nevada or Arizona. Assuming that the transfer station is located in conjunction with one of the materials processing facilities, rail access would provide the best opportunities for marketing the separated recyclables.

8. Residual Facilities, or landfills

When all of the organic wastes are separately collected and processed, the remaining materials will be inert, and the residue to be disposed in landfills will no longer be a source of methane or leachate. At this point, there will be less than significant environmental hazards from the residual facility, and it may be possible to site this facility in the County.

As existing landfills close, the landfill-based systems for on-site use of soils, inerts, and Alternate Daily Cover materials will also cease operation. Local facilities for the temporary stockpiling some of these materials until subsequent building seasons may be necessary (e.g., excavated soils, pavement rubble), as may transfer or treatment options for other materials (petroleum contaminated soils, industrial residues).



ATTACHMENT B San José Disposal Capacity

Existing Disposal Capacity in County

There are five disposal sites in San José, with only one other site still operating in Santa Clara County. The San José sites are Guadalupe Landfill, Kirby Canyon Landfill, Newby Island Landfill, Zanker Road Landfill, and Zanker Material Processing Facility, which includes a small disposal area. Palo Alto owns and operates the only remaining open site outside the City. The San José 2020 General Plan shows the general location of several Candidate Solid Waste Disposal Sites on the east side of Coyote Valley, including Tennant Canyon, Metcalf Canyon, and Encinal Canyon.

In 1990, the County was estimated to have 29 years of remaining disposal capacity, including the South County site at Pacheco Pass and municipal sites in the cities of Santa Clara, Mountain View, and Sunnyvale, all of which have since closed. This projection assumed that all jurisdictions would meet the 25% diversion requirement by 1995; it did not include the additional capacity expected from proposed expansions at the Palo Alto, Guadalupe, and Kirby Canyon Landfills.

One other Candidate Site, Hellyer Canyon, had been dropped by this time due to the development of Silver Creek. Efforts by other cities to site a landfill or waste-to-energy facility elsewhere in the County had all been abandoned for technical or political reasons.

The Santa Clara County Integrated Waste Management Plan, approved by the Board of Supervisors and all 15 Cities in the County in 1995, showed sufficient capacity for the required 15-year planning horizon, through 2010. Based on the assumed successful implementation of all 16 jurisdictions' Source Reduction and Recycling Elements, the Plan suggested that capacity would be available through 2022. Although the landfill expansions that had been pending in 1990 had been approved and diversion was expected to increase from 25% to more than 50%, projected disposal capacity had only been extended for three years, since total waste generation had been determined to be greater than previously estimated. The Integrated Waste Management Plan included goals to provide a minimum of 30 years disposal capacity and to explore means to develop up to 50 years capacity.

Since 1995, no new disposal facilities have been sited in Santa Clara County. (The former Owens-Corning Site was permitted to accept waste for disposal as part of the Zanker Material Processing Facility.) Consumption of disposal capacity has been affected by increased transfer of waste outside the County, in part to avoid the City's Disposal Facility Tax. This has been largely offset by increasing imports of construction and demolition materials reported by disposal operators as cover material or inert construction materials, on which taxes are not paid.

In 2005, the General Plan was amended to include the following Level of Service Policy:

20. For solid waste management, the City should seek to exceed 50% diversion of waste from disposal, maintain 20 years of landfill capacity, and provide for storage and collection of recyclables from every location where solid waste is generated.

City's Disposal Agreement

San José had provided for collection and disposal of all residential waste and commercial garbage by a single contractor through the early 1980s. Non-putrescible commercial rubbish was collected in a competitive system under separate franchise agreements, as almost all commercial waste is now. All haulers were responsible for disposal of the waste that they collected. The City's garbage collector, Browning-Ferris Industries (BFI), owned the only major landfill in San José, which was almost out of permitted capacity. The City worked with industry for several years to develop additional capacity—Zanker Road Landfill was opened, BFI received approval for a significant expansion of Newby Island Landfill (the last major expansion in a historic tideland of San Francisco Bay), and Waste Management Inc. successfully sited, permitted, and developed Kirby Canyon Landfill in an area annexed to the City. Guadalupe Landfill was subsequently annexed, allowing it to expand into the area already inside City limits.

In 1985, the City entered into a 30-year Disposal Agreement with International Disposal Corporation (IDC) for use of Newby Island Landfill. IDC was a subsidiary of BFI, which is now owned by Allied Waste. The contract provided for the disposal of 395,000 tons per year of residential refuse and commercial garbage beginning in May 1986. This was the first major disposal contract put out to bid by the City, with competition having been made possible by the permitting of Kirby Canyon. Disposal costs fell from \$12.00 to \$8.00 per ton. With the Disposal Agreement in place, the City released an RFP for garbage collection, resulting in the award of the entire City to Waste Management at a rate low enough to fund new recycling and compost programs while still reducing service rates.

In 1995, following the establishment of the Recycle Plus residential system and demonopolization of commercial garbage collection, the City negotiated an amendment to the Disposal Agreement. As part of this amendment, the term was extended to December 31, 2020, with potential extension beyond that if Newby Island remains open and has sufficient capacity.

Future Capacity

Despite the success of our diversion programs, landfill capacity remaining in San José and Santa Clara County is now insufficient to meet the City's and County's goals. County staff have recently completed the Five-Year County Integrated Waste

Management Plan Report, and submitted it to the Recycling and Waste Reduction Commission for comment. It shows that the six landfills in Santa Clara County expect to reach capacity from 2010 (Palo Alto) to 2034 (Kirby Canyon). However, these dates are based on current flows to each site, and do not address the results of each closure as it happens. With the most heavily used site in the County, Newby Island, expected to close by 2024, and to cut off non-contracted business much sooner than that, Guadalupe and Kirby Canyon Landfills will almost certainly see increased flows, resulting in their capacity being exhausted sooner than they now project. The 45 million tons of gross capacity remaining after 2005 (which includes the capacity used for landfill daily cover and construction materials as well as the 15 million tons of net capacity), would be fully utilized by 2023 at current levels of waste generation and diversion. Implementation of the 75% diversion and Zero Waste goals recommended could extend the life of the existing sites beyond 2030, although the actual closure dates will depend on diversion efforts by others and on business decisions that affect the import or export of waste. Additional disposal capacity required through the remainder of the planning horizon (2040) would be reduced dramatically.

