



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Stufflebean  
Larry D. Lisenbee

**SUBJECT:** HOUSEHOLD HAZARDOUS  
WASTE COLLECTION FACILITY  
RELOCATION PROJECT

**DATE:** 06-12-07

Approved

*Deanne Antua*

Date

*6/12/07*

**COUNCIL DISTRICT:** 3

**SNI AREA:** Five Wounds /  
Brookwood Terrace

## RECOMMENDATION

1. Adopt a Resolution making findings concerning the significant environmental effects and project alternatives described in the Final Environmental Impact Report for the San José Household Hazardous Waste Collection Facility; and
2. Adopt the following amendments to the 2007-2008 Annual Appropriation Ordinance in the Integrated Waste Management Fund in order to relocate the San José Household Hazardous Waste Collection Facility to 1608 Las Plumas Avenue:
  - a. Increase the Environmental Services Non-Personal / Equipment appropriation by \$1,350,000.00.
  - b. Decrease the Unrestricted Fund Balance by \$1,350,000.00.

## OUTCOME

With approval to relocate the Household Hazardous Waste (HHW) Collection Facility to 1608 Las Plumas Avenue, the City will resume its ability to provide San José and County of Santa Clara residents with legal household hazardous waste disposal services that are cost effective and in a centralized, convenient location. The City will also continue to provide an avenue for reducing the amount of unwanted toxics, from San José homes, that enter the City's landfills, recycling facilities, and storm and sanitary sewers, which could threaten groundwater supplies. A collection facility in central San José will also minimize the amount of such materials that are placed in residential garbage and recycling carts, thus enhancing worker safety for solid waste hauler drivers, landfill employees, and material sorters within various recycling facilities. The intent of all household hazardous waste collection facilities is to help provide safer environments for residents in their own homes, by removing materials they have already purchased that are no longer useable, such as paints, cleaners, batteries, and florescent lamps.

## **EXECUTIVE SUMMARY**

The only permanent site in San José for residents to drop-off household hazardous waste (paint, batteries, pool chemicals, and other common materials) closed in mid-November 2006 due to the City's need to move forward with expansion of the Central Service Yard, where the program was formerly based. This report details the extensive effort undertaken by the County of Santa Clara, which operates the countywide HHW program, and City staff, to find and develop an alternate location for this collection facility.

A Draft Environmental Impact Report addressing the relocation of the HHW facility to the City's former Las Plumas warehouse was circulated on April 10, 2007 for a 45-day public comment period, which ended on May 24, 2007. During the EIR comment period, ESD facilitated several public meetings to inform residents of the proposed facility. The San José Planning Commission certified the EIR on June 11, 2007. The Council would hear any EIR appeal on June 26, 2007, prior to taking action on the recommendations contained in this memorandum. If approved, the outdoor collection facility is anticipated to open by March 2008.

## **BACKGROUND**

### **Program Description**

The Santa Clara County HHW Program provides the only legal means for residents to dispose of hazardous waste from their homes at no cost. Household hazardous wastes include chemicals and other products commonly used by residents in their homes and garages. Paint, batteries, solvents, automotive fluids, cleaners, and garden chemicals are among the materials most frequently brought to the collection centers. The HHW Program does not accept electronic waste, tires, ammunition, certain compressed gas cylinders, biohazard wastes (excluding medications and sharps), explosives or radioactive material. In 2005-2006, the HHW Program served 9,785 San José residents. Countywide, a total of 24,985 residents used the HHW Program.

Due to the potential for these materials to affect groundwater and local waterways through storm water runoff, the HHW Program coordinates activities and leverages resources with the City's Watershed Protection program and the regional Santa Clara Valley Urban Runoff Pollution Prevention Program. HHW Program activity is reported to the California Integrated Waste Management Board as part of the City's compliance with AB 939 (the California Integrated Waste Management Act of 1989) and to the San Francisco Bay Regional Water Quality Control Board.

The HHW Program is an essential service for the protection of the community and the environment. Not only does the program reduce the tonnage of such materials from reaching local landfills and materials recovery facilities, it also serves to protect those employees who are employed at these facilities as the materials can pose potential health and safety risks during the handling process if the materials are "hidden" within residential garbage and recycling

containers. In the 15-year history of the HHW Program in San José, no member of the public has been injured by exposure to waste that was delivered to the collection facility. No significant amount of waste was ever improperly discharged into the environment, and the Program has continuously operated in compliance with all local, State, and Federal regulations.

### **Closure of San José 10<sup>th</sup> Street Site**

The San José HHW facility, located near the intersection of 10<sup>th</sup> Street and Phelan Avenue, permanently closed on November 15, 2006, to allocate space for the Central Service Yard's final phase of development. The site's closure reduced the number of HHW facilities in Santa Clara County to only two locations (San Martin and Sunnyvale).

### **New Facility Site Selection**

A workgroup consisting of staff from Environmental Services, General Services, Public Works, Housing, and the County began evaluating potential sites for relocating the collection facility in September 2005 (see Attachment 1 for the shortlist of potential sites). By May 2006, the City's vacant former warehouse site at 1608 Las Plumas Avenue was identified as the best site for relocating the San José HHW facility. The site's more advantageous features included its availability, its centralized location, and its compatible zoning designation. Maintaining a location near the center of the City ensures convenient access for the greatest number of San José residents. The other reviewed sites were deemed non-feasible, due to lack of availability or accessibility, cost, and other environmental issues.

Environmental Services purchased the property from the Housing Department by transferring \$4.5 million from budgeted funds for the 1.78 acre parcel, including the warehouse structure. The Housing Department is using the proceeds from this interdepartmental sale to fund the relocation of the San José Family Shelter.

An Initial Study was released in July 2006, and on August 1, 2006, the Acting Director of Planning, Building and Code Enforcement (PBCE) issued a Notice of Intent (NOI) to adopt a Draft Mitigated Negative Declaration (MND).

Environmental Services conducted further public outreach through mailings and six community meetings within the months of August and September 2006. The MND public comment period was extended to a total of 51 days in order to allow additional public participation. The Therma Corporation submitted the sole written protest on September 22, 2006. In addition to the formal protest, several comment letters supporting and protesting the proposed project were also submitted.

On October 25, 2006, the San José Planning Commission held a public hearing on the project, and voted to require an EIR for the proposed project. The Planning Commission indicated that the focus of the EIR should be related to the site security to minimize illegal dumping, the volumes and

types of chemicals handled by the facility, storm water, and flooding issues, the effect on sensitive receptors and the volume of daily pedestrian traffic on Las Plumas and Nipper Avenues.

On April 10, 2007, a Draft EIR was publicly released, addressing the elements requested by the Planning Commission. The Draft EIR detailed the activities of the HHW program, and indicated that with best management practices and appropriate mitigation measures, the program elements would not significantly impact the surrounding environment or sensitive receptors. Public comments on the Draft EIR were welcomed for a 45-day period through May 24, 2007. On May 25, 2007, a notice for a Planning Commission public hearing was made available by PBCE, and was distributed to the entities that provided comments on the Draft EIR. A Final EIR containing all public comments received during the circulation period, the City's responses to comments, and associated EIR text revisions, was provided on June 1, 2007, to the Planning Commission and to all who commented on the Draft EIR.

### **Interim Service Plans**

City and County staff had developed a plan for bridging the service gaps created by the closure of the permanent San José HHW facility before a new site could be prepared. Based on this plan, the County has:

1. Organized temporary collection events to serve San José and other County cities until a new facility in San José could be re-established. The County operated several of these temporary one-day events at appropriate, centrally-located parking lots, including events in January, February, March, and May at the Harker Middle School on Blackford Avenue in West San José. This school has been extremely accommodating of these events and has not presented any concerns regarding the operations or materials collected. The one-day events are assembled, operated, and taken down the same day. Although helpful in the short-term, the temporary collection events are inherently less efficient and more costly than permanent facilities. Based on historical data, staff estimates that one-day event costs can be as much as 50% per unit greater than the cost of providing the service at a stationary site.
2. Expanded the number of appointments available at the other two permanent facilities in the County (Sunnyvale and San Martin) to accommodate some San José residents. Expanded uses of these permanent facilities help control program costs to stay within budget, but are not as convenient. To the extent temporary one-day operations are used, the number of residents served is expected to decrease proportionate to cost. Small business service, in which disposal is provided at cost, is not available at mobile events and will be shifted to Sunnyvale and San Martin.

### **ANALYSIS**

1608 Las Plumas Avenue was chosen as the most advantageous site to relocate the HHW collection facility for several reasons, including its availability for purchase, its centralized location, and its current zoning designation as Light Industrial. One criterion that Environmental Services and the County assessed when researching potential sites was areas of the City where

under-participation in the program had been documented. For the past several years, San José residential participation in the HHW Program had averaged over 9,400 drop-offs per year. Staff expects demand to continue trending up as more of the public becomes aware of the program. While pockets of under participation can be identified in the northern and eastern portions of the City, the largest area of under-participation has been identified in the City's geographic center. In addition to City and County staff conducting outreach in these areas, the City has contracted with the Center for Training and Careers (CTC) for outreach in the Strong Neighborhood Initiative areas of Central San José. CTC's outreach efforts include house-to-house, community groups, and business groups. A centralized collection facility in San José will reduce the burden for residents to travel greater distances to Sunnyvale or San Martin to drop-off such materials, and as a result will minimize improper disposal in garbage and recycling carts, and in local storm and sanitary drains. Among several community meetings facilitated to educate residents on the HHW program in the Five Wounds / Brookwood Terrace NAC, it has been indicated that residents have witnessed their neighbors emptying paint cans into the storm drains. Comments from the residents indicated that a closer HHW collection facility would help alleviate these actions.

In coordination with the Masters Program in the Urban and Regional Planning Department at San José State University, a study was performed on the various HHW facilities on the West Coast. The research on the physical and demographic characteristics of these HHW sites focused on facilities in California, Oregon, and Washington, targeting those sites that were located in cities with a population density greater than 3,000 persons-per-square-mile in order to ensure that the sites would be comparable to the San José Las Plumas site. 59 facilities that met the criteria were identified, 49 of which were in California. For each facility, aerial maps were used to view the sites and make observations about the physical surroundings of the sites, specifically the distance to residences and schools, as well as the general "zoning" of the area. San José State University also collected demographic information from the US Census Bureau including household income, percent of families living below the poverty level, and residents' race for the counties, cities, and Census Tracts that housed the HHW facilities. Finally, the team collected data on the operating procedures of the facilities including days and hours of operation and other functions performed at the facilities (e.g., materials recovery).

The survey research was primarily administered using an on-line service, however hardcopies were also distributed at the North American Hazardous Materials Management Association (NAHMMA) 2006 conference. HHW facility managers who were members of the Household Hazardous Waste Research Exchange Listserv groups were sent notice of the availability of the on-line survey via email. The survey included 26 questions divided into 4 categories: 1) background information, 2) land use, 3) planning review process, and 4) co-location activities. In total, 43 responses were received for this study, 42 on-line and 1 from the NAHMMA conference. Of the 42 respondents that accessed the survey on-line, 8 declined to answer after accessing the survey, resulting in feedback from a total of 35 respondents.

The Las Plumas facility is located approximately 400 feet from the Anne Darling residential neighborhood and approximately 850 feet from the Anne Darling public elementary school, to

the south and across Lower Silver Creek. The research found that many of the existing HHW facilities on the West Coast are located in similar neighborhoods. In fact, 47% of the sites researched in California were located within 1,000 feet of residences or schools, 84% were located within 2,000 feet of such receptors, and 92% were within industrial districts. Compared to the Las Plumas site, 29% of the other HHW collection facilities in the State are closer to residences, and 15% are located closer to schools.

In the survey, few respondents indicated any concern related to environmental justice when siting their facilities. It is promising, however, that the majority of respondents reported that neighborhood residents had an improved perception of the HHW facility after it was operational, when compared to their previous perception. Additionally, no respondents reported that residents were more negative toward the facility after it opened.

### **Sunnyvale Permanent Facility**

The County operates an HHW facility on City of Sunnyvale property. While the City of Sunnyvale has agreed to add additional event dates as part of the interim service plan, the lease agreement between Sunnyvale and the County gives Sunnyvale the option to terminate the lease agreement unilaterally with 60 days notice if the HHW Program does not operate at least two other permanent facilities. With the closure of the San José facility, the County is currently operating only one other facility in San Martin. The purpose of this lease provision is to prevent the City of Sunnyvale from being unduly burdened by the growing Countywide need for HHW disposal. Sunnyvale is now the closest permanent facility available to most San José residents.

### **Facility Development**

Dependent on Council approval and any additional design details that may be recommended for implementation, it is estimated the construction agreements for the HHW facility would be developed by Public Works, competitively bid and awarded in Quarter 3, Calendar Year 2007, with anticipated facility operations to be available by March 2008. Such site improvements will include site preparation, grading and draining improvements, concrete and fence work, utility and security enhancements, and storm water protection controls. The same double-contained metal storage containers that were used at the 10<sup>th</sup> Street site will be relocated to the Las Plumas facility. Such containers are built in a fashion in which they are raised an additional 12" above grade to place stored materials above the 100 year base flood elevation.

### **ALTERNATIVES**

*Alternative 1: Abandon use of Las Plumas site for HHW, with continued use of Sunnyvale and San Martin facilities, and temporary one-day HHW collection events.*

**Pros:** Familiarity with Sunnyvale and San Martin sites; San José collections still continue.

**Cons:** Increased demand at Sunnyvale and San Martin sites; lease scenario of Sunnyvale site; distance to Sunnyvale and San Martin; high cost, frequency and venue of one-day events.

**Reason for not recommending:** The former San José collection facility handled nearly 50% of the overall collections from the three sites (including Sunnyvale and San Martin). Sunnyvale and San Martin, as sole facilities, may not be capable of increased demands and volumes of the entire County. The Sunnyvale collection facility, at its discretion, may also terminate the lease agreement with the City of Sunnyvale, if two other permanent collection facilities are not in operation within the County. This provision ensures the Sunnyvale facility would not be subject to overly high increases in participation. Costs for one-day temporary events are high, due to site preparation activities. These higher costs would require a reduction in the amount of available appointments for San José residents. This reduction would exacerbate the current situation of insufficient appointment availability to meet current demands by City residents for this service. There is also no long-term use agreement to facilitate the one-day events at the current venue (Harker Middle School). Also, because one-day events are infrequent (once per month), City residents would have fewer appointment opportunities, exacerbating the current situation of insufficient service to meet demand. Finally, the travel distance for residents to the permanent Sunnyvale and San Martin facilities for appointments is burdensome.

***Alternative 2: Procure a new site in San José for the HHW collection facility.***

**Pros:** A permanent site which is not Las Plumas

**Cons:** Availability of centralized site with appropriate zoning; cost of purchasing and site improvements; redoing the environmental review process.

**Reason for not recommending:** In the Las Plumas site selection processes, the availability of centralized venues with current appropriate zoning to accommodate a HHW collection facility was minimal. The cost of administering a secondary study to identify other potential locations, with environmental review and acceptance, and providing the necessary site improvements, would be significant. Las Plumas is currently a City purchased asset that is in a centrally located, properly zoned area, with a completed environmental review. In order to secure the funding required to purchase a new site, the City would likely need to dispose of the Las Plumas facility. There is significant risk Las Plumas could not be sold timely at a price required by the City; the City has tried to sell this site before to the public but could not find any qualified buyers. The purchase price for a new site plus the associated costs for required improvements for the HHW facility, would probably not be recovered by the sale of Las Plumas. It is anticipated that City HHW fee revenue would be insufficient to absorb these costs without significant increases.

***Alternative 3: Non-participation in County HHW collection program.***

**Pros:** Eliminates need for San José facility.

**Cons:** San José and Milpitas residents will not have a convenient drop-off location.

**Reason for not recommending:** The City could opt out of participation in the HHW Program and impose its own AB 939 fee at landfills within San José to cover costs. However, the City would then need to develop its own capacity for providing HHW services for its own residents and small businesses. The City would lose the cost advantages of the economies of scale the City now enjoys from participating in a Countywide program. There will also be negative cost

effects for all other cities if San José no longer participates in the program. In addition, the non-profit recyclers would no longer receive free disposal for waste that is abandoned on their property by the public. Funding for this service would be eliminated.

### **PUBLIC OUTREACH**

The following criteria apply to this recommendation:

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- 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.
- 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.

City staff has reviewed this project at several publicly noticed community meetings during the months of April and May 2007, including venues at the CTC, Anne Darling Elementary School the Five Wounds / Brookwood Terrace NAC and the 13<sup>th</sup> Street NAC. The Draft EIR was in circulation for a 45-day comment period from April 10 through May 24, 2007; this document was available for public review at the City's website, 10 repository locations throughout the City, and at the community meetings. In addition, this memorandum is posted on the City website for the June 26 Council meeting.

### **COORDINATION**

This memorandum has been coordinated with the Departments of Planning, Building and Code Enforcement, Public Works, the City Manager's Budget Office, and the City Attorney's Office.

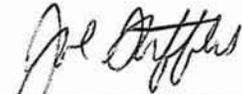
### **COST IMPLICATIONS**

The City pays a Countywide landfill fee for all solid waste disposed at the Newby Island Landfill from municipal facilities and from the residential Recycle Plus program under the Disposal Agreement with the International Disposal Corporation. The fee is also paid by other users of the landfill. The funds derived from the fee are managed by the County to be used for the HHW collection program. The development of the Las Plumas collection facility would be funded partially by such County funds, with the remainder to be funded by anticipated savings in ESD's non-personal budget. The estimated construction cost for this collection facility is \$1.55 million. Estimated additional fund balance from savings of \$1.35 million from 2006-2007 is requested for use for this purpose in 2007-2008. Staff will review the budget in the Fall to identify additional savings to fund project costs.

This recommendation is consistent with the Mayor's budget strategy, providing much needed services to San José residents and small businesses while protecting vital core services, managing recycling and garbage services and managing urban runoff quality.

**CEQA**

EIR Resolution to be adopted. The proposed HHW facility has been the subject of an EIR prepared under file PP#06-100. Prior to approving the HHW facility relocation to the Las Plumas Avenue site, the City Council must adopt a Resolution making findings concerning the significant environmental effects and project alternatives described in the Final EIR. The draft Resolution will be jointly prepared and forwarded to the City Council by the City Attorney's Office and the Department of Planning, Building, and Code Enforcement following the June 11, 2007 Planning Commission hearing to certify the EIR.



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LARRY D. LISENBEE  
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For questions, please contact Jo Zientek, Deputy Director, Integrated Waste Management Division, at 408-535-8557.

Attachment  
Evaluation of Final Five HHW Candidate Locations

Pref.	Site	Pros	Cons
1	1608 Las Plumas Avenue	<ul style="list-style-type: none"> <li>• Adequate traffic flows</li> <li>• Meets minimum space needs</li> <li>• Compatible land use</li> <li>• Centrally located</li> <li>• Available utilities</li> </ul>	<ul style="list-style-type: none"> <li>• Opportunity to “land bank” for BART expansion</li> </ul>
2	Union Pacific property adjacent to Central Service Yard on Senter Road	<ul style="list-style-type: none"> <li>• Meets minimum space needs</li> <li>• Compatible land use</li> <li>• Centrally located</li> </ul>	<ul style="list-style-type: none"> <li>• Need appraisal for use-delay of 6 to 12 months</li> <li>• Annual lease costs or purchase required</li> <li>• Potentially high relocation costs</li> <li>• Potential stormwater issues</li> <li>• Very significant traffic impacts</li> <li>• Very high pedestrian traffic</li> </ul>
3	Old Muni Rifle Range on 10 <sup>th</sup> Street., next to Central Service Yard	<ul style="list-style-type: none"> <li>• Adequate traffic flow</li> <li>• Meets minimum space needs</li> <li>• Compatible land use</li> <li>• Centrally located</li> <li>• Potentially low relocation costs</li> </ul>	<ul style="list-style-type: none"> <li>• Current tenant has 3 more years on lease</li> <li>• Bullet trap may be hazardous waste</li> <li>• No room for expansion</li> <li>• Unusable existing building needs to be demolished</li> </ul>
4	Remillard Court (old Remillard Brick Yard on Story Rd.)	<ul style="list-style-type: none"> <li>• Adequate traffic flows</li> <li>• Meets minimum space needs</li> <li>• Compatible land use</li> </ul>	<ul style="list-style-type: none"> <li>• Required purchase of access road</li> <li>• Former closed landfill site, soil stability may be an issue</li> <li>• Traffic study necessary</li> <li>• Need to secure 100 foot setback from creek</li> </ul>
5	Singleton Landfill Site	<ul style="list-style-type: none"> <li>• Adequate traffic flow</li> <li>• Meets minimum space needs</li> <li>• Centrally located</li> </ul>	<ul style="list-style-type: none"> <li>• In SNI Area</li> <li>• Adjacent to residential</li> <li>• Access would go through residential area</li> <li>• Utilities not readily available</li> </ul>