



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 28, 2009

COUNCIL DISTRICT: 4
SNI AREA: N/A

SUBJECT: PDC08-042. PLANNED DEVELOPMENT REZONING FROM AN A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO AN A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW CONTINUED USE OF RESOURCE MATERIALS RECOVERY AFTER THE CLOSURE OF THE EXISTING LANDFILL ON A 70.3 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 7-0 to recommend that the City Council adopt an ordinance to approve the subject Planned Development Rezoning from an A(PD) Planned Development Zoning District to an A(PD) Planned Development Zoning District to allow continued use of resource materials recovery after the closure of the existing landfill on a 70.3 gross acre site located approximately 1,200 feet northwesterly of the intersection of Los Esteros Road and Zanker Road (705 Los Esteros Road), as recommended by staff.

OUTCOME

Should the City Council approve the Planned Development Rezoning for the 70.3 gross acre site, this would facilitate the continued use of the existing landfill with expanded on-site resource recovery operations after the landfill closes. A Planned Development Permit will be required to effectuate the Planned Development Zoning District and to allow the continued use of the of resource materials recovery after the closure of the existing landfill.

BACKGROUND

On May 27, 2009, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The item was pulled from the Consent Calendar at the request of the applicant. Staff gave a brief update on the project. Staff clarified the staff report and explained that the project does not include the proposal of a 200,000 square foot building. Staff also indicated that the development standards for the Planned Development Zoning were revised to exclude references to a service area, since this use was previously approved in 1984 as part of the original Planned Development Zoning (File Number PDC82-091), but is no longer proposed

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as part of this new Planned Development Zoning (see attached). Lastly, staff noted that a comment letter was received from the California Integrated Waste Management Board (CIWMB) regarding the Mitigated Negative Declaration (see attached). In response to the CIWMB's comments, staff explained that the Mitigated Negative Declaration adequately addresses their concerns and that this would result in any additional significant impacts to the environment. The precautionary measures recommended by the CIWMB could be implemented by the resource materials recovery operator and enforced by the City's Local Enforcement Agency (see attached for City's response letter).

Commission Discussion

Commissioner Cahan asked why there was a difference between the life span of the existing landfill versus the continued operation for resource materials recovery. Erik Schoennauer, of the Schoennauer Company, spoke on behalf of the applicant, Zanker Road Resource Management, Ltd. Mr. Schoennauer explained that the continued use of resource materials recovery facilitates the City's recycling goals of 100 percent waste diversion. In order to expand the resource recovery operations, the life span of the existing landfill will shorten as part of this Planned Development Rezoning since the new area proposed for landfilling is smaller than the landfilling area previously approved as part of the original Planned Development Zoning.

Commissioner Jensen asked about the levels of methane gas produced by waste. Mr. Schoennauer explained that food waste generates methane gas, but the landfill does not accept food waste. Paul Lineberry, a representative of the applicant, explained that the landfill has primarily accepted construction and debris waste, which do not generate methane as a by-product. On-going landfill gas monitoring is required, but high concentrations of methane gas have never been detected at the site.

Commissioner Jensen asked whether the property would be used for habitat restoration or preservation after the landfill closure. Mr. Schoennauer explained that a significant part of the property is currently devoted as wetlands habitat.

Commissioner Cahan asked whether the relocation of large equipment would affect any wetlands. Mr. Schoennauer indicated that the relocation of large equipment would occur internally on-site and would not have any impacts to adjacent wetlands.

No one from the public spoke on the proposal. The Planning Commission voted 7-0-0 to recommend approval of the Planned Development Zoning, as recommended by staff.

ANALYSIS

The proposed Planned Development Rezoning furthers the City's recycling 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 continued resource materials recovery operations after the closure of the existing landfill 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.

For further analysis please see attached Staff Report.

EVALUATION AND FOLLOW-UP

The applicant will be required to secure a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)
- Criteria 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)**
- Criteria 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)**

A neighborhood meeting was held at the Alviso Branch Library on December 17, 2008. Meeting attendees did not express any complaints or concerns regarding the current operations of the ZRRROL.

A notice of this Planning Commission public hearing, and subsequent City Council hearing, was mailed to the owners and tenants of all properties located within 2,000 feet of the project site, as well as over 1,000 tenants and property owners located in the Alviso area, and posted on the City website. A sign notifying the public of the proposed development was posted on site. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, and Environmental Services Department.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

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COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Mitigated Negative Declaration


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Sylvia Do at 408-535-7800.

Attachments:

- Development Standards, revised May 27, 2009
- Letter from California Integrated Waste Management Board
- City response letter to California Integrated Waste Management Board comments

ZANKER ROAD RESOURCE RECOVERY OPERATION AND LANDFILL PLANNED DEVELOPMENT ZONING

Development Standards

I. Resource Recovery Operations

The subject property may be used for materials recovery in conjunction with the site's use as a Class III solid waste disposal site. The subject property may also be used for materials recovery after the closure of the landfill, as permitted by this Planned Development Zoning.

II. Operation of Facility

- A. Phasing: If the Director of Planning finds at the Planned Development Permit stage of project review that phasing is not required to ensure orderly development of the property or to ensure that the City's need to maintain reasonable control over the operation of this facility would not be compromised thereby, the Director may, but shall not be required to, waive the requirements of part III(A)(1) through III(A)(5) inclusive of these General Development Plan Notes.

It is the intent of these conditions to ensure that filling of the site proceeds in an orderly step-by-step manner and that active landfill operations are confined to specific limited areas of the site at any one time.

1. The operation of the facility shall proceed in three or more phases. Landfill operations in each phase shall be completed, insofar as feasible before proceeding to the next phase. Landfill operations may be conducted simultaneously in more than one phase only when dictated by engineering necessity and in accordance with an approved Planned Development Permit.
2. The phasing sequence and arrangement of phases shall be determined at the Planned Development stage of project review. The phasing sequence and arrangement shall be so designed and implemented as to screen and buffer to the maximum extent possible the land use permitted by this Planned Development Zoning from view from off the property.
3. Each individual phase may be broken down into two or more subphases if desired by the operator, provided however, that such action shall first receive approval from the City through the Planned Development Permit process.
4. As soon as feasible after completion of landfill operations on a particular phase or subphase, it shall be brought to site closure and end state conditions (see Site Closure and End State Operations below). Site Closure Operations shall commence as soon as feasible after completion of landfill operations and shall proceed without pause during regular working days and hours to completion. End State Operations shall commence upon completion of Site Closure Operations and shall continue for a period of five years thereafter. Precise schedules for the implementation of site closure and End State operations shall be established at the Planned Development Permit stage of project review when detailed engineering plans are available for review. In formulating the schedules, staff shall consider engineering constraints on the operator as well as the City's intent that each phase be finished off promptly.
5. A separate Planned Development Permit shall be obtained for each phase or subphase of operations. Each Planned Development Permit shall encompass the landfill, site closure, and end state operations for the particular phase or subphase.

B. Landfill Operations

1. This sanitary landfill shall be operated in conformance with the requirements of the state of California affecting Class III solid waste disposal sites, as amended, and with the conditions of this Planned Development Zoning, provided that in the event of conflict between the State requirements and the Planned Development Zoning conditions, the more stringent shall prevail.
2. Moveable chain link fences of an appropriate height shall be provided as necessary to retain all wind blown litter within the site to the satisfaction of the Director of Planning.
3. Final cover at least one foot in thickness shall be applied over each working area as soon as feasible following completion of disposal operations. Precise schedules for the placement of final cover shall be developed at the Planned Development Permit stage of project review. In formulating this schedule, staff shall consider engineering constraints on the operator as well as the City's intent that final cover be placed promptly.
4. The cover material shall be compacted to the smallest practicable volume.
5. A benchmark system shall be established to monitor fill elevations and contours, relative to final elevations and contours, and also determine the rate at which the site is being filled.
6. The operator of the landfill operation shall monitor the site throughout the landfill operation and for a period of five years after the completion thereof to correct problems associated with surface cracking or settling. Any defective condition which develops at any time throughout this period shall be promptly abated by the operator. Monitoring and abatement shall be performed to the satisfaction of the Director of Planning.
7. Salvaging, resource recovery, and volume reduction activities shall be confined to specified areas of the site as permitted by this Planned Development Zoning. These activities shall be subject to such conditions of approval as may be deemed necessary by the Director of Planning at the Planned Development Permit stage of project review to ensure proper operation.
8. The private access road leading to and through the site shall be constructed to such standards as shall satisfy the Director of Public Works that the road's alignment, width, grades, sight lines, and structure are such as to render it safe and efficient for its purpose.
9. Temporary roads shall be provided, as necessary, to deliver wastes to the working face. A sufficient proportion of such roads shall be constructed to such standards as will allow all-weather operation; so as to ensure to the satisfaction of the Director of Planning and Public Works that the facility can remain in operation during periods of inclement weather. All such roads shall be designed, constructed and maintained in such manner as will ensure the satisfaction of the Director of Planning and Public Works that unacceptable levels of dust will not be generated.
10. Traffic and directional signs and markers shall be provided as necessary to promote an orderly on-site traffic pattern.
11. Substitute equipment shall be kept available either on site or through local rental outlets to provide uninterrupted services during routine maintenance periods or equipment breakdown.
12. Programs for vector control, odor control, dust control and litter control shall be established and implemented to the satisfaction of the Director of Planning and of appropriate County, State, and Federal agencies. The programs shall be appropriate for Class III sanitary landfills.

13. The site shall be accessible to the public only when operating personnel are on duty. The site shall have a perimeter barrier or topographic constrains designed to discourage unauthorized entry by persons or vehicles.
14. Surface watercourses and runoff shall be diverted from the waste disposal area, especially the working face, by devices such as trenches, conduits, and proper grading. The waste disposal site shall be constructed and graded so as to promote rapid surface runoff without erosion. Regrading shall be done as necessary during and after completion of fill operations to avoid ponding of water and to maintain cover material integrity. These measures shall be designed and implemented to the satisfaction of the Director of Planning and the Director of Public Works.
15. Records shall be maintained to the satisfaction of the Director of Planning and of appropriate County, State and Federal agencies. These records shall cover at least the following items:
 - a. Major operational problems, complains, or difficulties.
 - b. A log of fires, earthquakes, unusual and sudden settlement, injury and property damage accidents, explosions, discharge of hazardous or other wastes not permitted in the class of the site involved, citizen complains received, flooding, and other unusual occurrences.
 - c. Qualitative and quantitative evaluation of the environmental impact of the land disposal site with regard to the effectiveness of leachate control including the results of: (1) leachate sampling and analysis; and (2) groundwater quality sampling and analysis upstream and downstream of the site.
 - d. Vector control efforts and the results achieved therefrom.
 - e. Dust and litter control efforts and the results achieved therefrom.
 - f. Operator shall maintain records to the satisfaction of the City of San José of the numbers of loaded vehicles arriving at the site, in categories of vehicles exceeding one-ton capacity, and vehicles of one-ton or small capacity.
 - g. Records shall be kept of solid waste materials received, identified as to type and source. The records shall be open to inspection by the City, the County Health Department, and other duly authorized enforcement agencies during normal business hours.
16. Facilities shall be provided for: (1) sanitation; (2) safe and adequate drinking water; (3) shelter for use during rest and meals, and for protection from inclement weather; and (4) adequate first aid care; (5) and lighting, when operations are conducted during hours of darkness. Smoking shall be prohibited in unloading, storage, and shall resource recovery areas, and suitable "No Smoking" signs shall be conspicuously posted. Burning wastes shall be deposited in a safe area and extinguished. Communications equipment shall be available on-site for emergency situations.

III. Environmental Maintenance and Restoration

A. Purpose

It is the purpose of the conditions contained in this section to:

1. Ensure that throughout the life of the project, the site is maintained insofar as is possible in a natural appearance and that its ability to maintain the widest possible variety of native plant and animal species is protected insofar as possible.
2. Ensure that upon termination of landfill operations for any phase or subphase of landfill operations, the landfill area upon which landfill operations have been completed is restored

insofar as possible to a natural appearance through implementation of the below listed operation.

3. Condition IV(A)(2) above does not require the operator to restore areas of the terminated landfill in use for resource recovery post-landfill closure.

B. Vegetative Cover Maintenance and Restoration

1. Prior to the start of each rainy season, appropriate inactive areas of the site shall be seeded. Areas to be seeded include all inactive cuts, fills, sanitary landfill areas cover material stockpiles, and any other paved areas that lack vegetative cover. An inactive area is any area that will remain undisturbed for 60 or more days from the start of the rainy season.

IV. Litter, Odor, and Vector Control

- A. At least the following measures, together with such additional measures, as may be deemed appropriate by the Director of Planning, shall be implemented by the operator:
1. Adequate litter fencing shall be provided to the satisfaction of the Planning Director.
 2. Not less than twice per work week shall the operator cause the removal of roadside litter along the access road from Los Esteros Road to the site entrance and shall cause removal of Class III solid wastes dumped along said road or along Los Esteros and Zanker Roads in the vicinity of the site. On-site litter and loose materials shall be routinely collected and disposed of properly. The collection frequency shall be set with the objective of preventing the accumulation of quantities that are aesthetically objectionable or cause other problems.
 3. Odor control methods shall be adequate to ensure that no unreasonable odor resulting from the sanitary landfill and associated operations is detectable at any time anywhere beyond the site's boundary.
 4. Vector control methods shall be adequate to ensure the prompt suppression of any vectors on the site.

V. Leachate Control

- A. Leachate control activities shall be designed, sized, and operated to manage all leachate on-site or properly disposed of off-site.

VI. Compliance with Regulations

- A. The operator shall comply with all applicable Federal, State, County, and City laws, ordinances and regulations governing the operation of Class III Sanitary Landfill Disposal Sites. In the event that any hazardous material or other material not permitted for disposal at this site is inadvertently received at the facility, the operator shall cause its removal and final disposition in the manner prescribed by law.

VII. Site Closure Operations

- A. Upon completion of each phase or subphase of landfill operations, site closure operations shall be undertaken as specified below:
- B. Site closure operations for a phase or subphase shall commence as soon as feasible following completion of landfill operations on that phase or subphase, giving due consideration to phasing constraints.

C. Final grading

1. Using the Benchmark system established as a requirement of this Planned Development Zoning, the contours of the landfill shall be measured to ensure that its topography and grading is consistent with the requirements of this Planned Development Zoning, taking into account anticipated differential settlement.
2. If any discrepancy between actual and required grading, other than anticipated differential settlement, is demonstrated by the survey, additional filling and contour grading shall be performed, as necessary, to correct the situation.
3. The grading plan for the site shall take into consideration settlement and drainage problems in order to minimize future site maintenance.

D. Revegetation

1. Upon completion of final grading, the completed portions of a phase or subphase shall be seeded.
2. For a period of five years after the completion of a phase or subphase, the operator shall meet the requirements of IV(B)(1) above.
3. Sapling trees and shrubs of appropriate native species shall be planted in addition to the seeded materials, as part of site closure operations. The species sizes, numbers and locations of such trees and shrubs for each phase or subphase shall be determined at the Planned Development Permit stage of project review for that phase or subphase.

VIII. End State Operations

- A. For the life of the resource recovery operations, the operator shall cause the continued compliance with the below enumerated conditions, which are set forth in full above: III(B)(7), III(B)(8), and III(B)(17).



LINDA S. ADAMS
SECRETARY FOR ENVIRONMENTAL
PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SCHWARZENEGGER
GOVERNOR

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025
(916) 341-6000 • WWW.CIWMB.CA.GOV

RECEIVED
MAY 27 2009
STATE CLEARING HOUSE

MARGO REID BROWN
CHAIR
MBROWN@CIWMB.CA.GOV
(916) 341-6051

May 26, 2009

Ms. Sylvia Do
City of San José
200 East Santa Clara Street, Third Floor Tower
San José, California 95113

SHEILA JAMES KUEHL
SKUEHL@CIWMB.CA.GOV
(916) 341-6039

Subject: State Clearinghouse (SCH) No. 2009042124 – Proposed Initial Study (IS)/Mitigated Negative Declaration (MND) for a Planned Development Rezoning from A(PD) Planned Development to A(PD) Planned Development Zoning District to allow for the continuation of materials recovery operations on 70.3 acres at the Zanker Road Resource Recovery and Landfill (ZRRROL), Solid Waste Facility Permit (SWFP) No. 43-AN-0007, Santa Clara County

JOHN LAIRD
JLAIRD@CIWMB.CA.GOV
(916) 341-6010

Dear Ms. Do:

CAROLE MILDEN
CMILDEN@CIWMB.CA.GOV
(916) 341-6024

Staff of the California Integrated Waste Management Board (CIWMB or Board) have reviewed the IS/MND cited above and offer the following project description quotations from the IS/MND for Board staff's future reference, followed by comments on the *Zanker Road Resource Recovery Operation and Landfill Planned Development Rezoning* project proposal.

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

PROJECT DESCRIPTION

Background

The ZRRROL is located on a 70.3 gross acre site located approximately 1,200 feet northwesterly of the intersection of Los Esteros Road and Zanker Road in the City of San José. The Zanker Road Sanitary Landfill (ZRLF) is an unlined former burn dump which has been used primarily for the acceptance of inert materials. The current operations at the ZRRROL facility is primarily for the processing of construction and demolition and inert debris, but also accepts yard waste, wood waste, contaminated soil and other miscellaneous materials such as tires and appliances.

The ZRRROL is zoned Planned Development A(PD). The current Planned Development Permit (PD-03-081), issued in 2005, allows the ZRRROL to receive



ZRRROL
Site
PDC 82-12-91

and process a maximum on 2,600 tons per day (tpd) of municipal solid waste (MSW) and to landfill a maximum of 300 tpd of MSW residuals. Residual materials will be hauled off-site once a maximum amount of 12,300 tons is landfilled on-site. The ZRLF has approximately 531 cubic yards of remaining landfill space available for refuse disposal. At an average anticipated daily fill rate, as of August 1, 2007, there was approximately 531,000 cubic yards of remaining landfill space available for refuse disposal. At an average anticipated daily fill rate of 70 to 100 cubic yards, on-site refuse disposal operations could continue for approximately 15 to 21 years.

The Zanker Road Material Recovery Operation (ZRMRO) portion of the ZRRROL facility contains a scale and scale house; office; maintenance facilities; employee facilities; parking area; storage area; tipping, sorting and loading areas; and stockpiles for each material collected at the site. Each type of waste is either delivered directly to its specified recovery area or is sorted out in other areas of the site and transferred to its appropriate resource recovery area. The ZRMRO site receives materials from contractors, landscapers, and self haulers.

Proposed Project

The current PD zoning for the site (PDC 82-12-91) was adopted in 1983. It limits the resource recovery operations to only those done in conjunction with the site's use as a Class III solid waste disposal site. ZRRROL now proposes to modify the existing PD zoning of the site to allow the continued use of the site for materials recovery once the existing landfill is closed. Upon closure, the entire landfill area will be capped with a multiple-layer final cover system designed to minimize moisture infiltration into the landfill. Where necessary, the landfill final cover will be capped with additional layer(s) to provide a suitable working surface for continued resource recovery operations. The design for the final cover system for the existing 41-acre landfill area will include at a minimum two feet of compacted foundation material, a geosynthetic clay liner, one foot of operations soil, and four-foot cobble operations layer. The final cover system design for the slopes on the perimeter of the landfill area will include at a minimum two feet of compacted foundation material, a geosynthetic clay liner, one foot of operations soil, and a one-foot vegetative soil layer. The final cover system will provide a suitable foundation for the additional layers necessary (baserock and asphalt layers) for the proposed postclosure use of the site. The ultimate height of the landfill, including final cover system and cover cap, will be at an elevation of 80 feet above mean sea level (MSL). The cover will be constructed in phases over a two year period. Placement of landfill cover materials would occur during the dry season, between April and October.

The project also proposes to modify the final grading plan of the landfill; specifically, additional solid waste would **not** be placed in the northwest corner of the landfill as originally planned. Instead, the concrete processing plant would remain in this location, and the wood waste processing and construction and demolition debris processing would be moved to this location. The proposed modification of the landfill would reduce the remaining landfill space available for disposal at the ZRRROL by approximately 240,000 cubic yards. This lost capacity would shorten on-site refuse disposal operations by approximately 6 to 10 years. This modification will also require modification to the SWFP, the Joint Technical Document (JTD), and the Preliminary Closure and Postclosure Maintenance Plan (PCPMP) for the landfill.

Under the proposed zoning, the ZRRROL facility would utilize existing access roadways and processing equipment. Resource recovery and landfilling activities at the site are limited to the southern 46 acres of a 70-acre parcel. The northernmost 24 acres of the 70-acre parcel are designated wetlands habitat. The proposed project would not change the limits of the resource recovery operations. Physical modifications to the site, other than the proposed materials recovery area located on the top of the landfill, would include the construction and operation of a "materials yard" with numbered stalls for the on-site retail sale of various building and landscape materials. Currently, retail sales of recovered materials occur in the respective locations of materials within the resource recovery area. It is estimated that approximately 100 tpd of retail sales currently occur on the site. With construction of a formal materials yard and retail area, it is estimated that retail sales could increase to 200 tpd.

The project proposes an alternative location for the office, storage, and maintenance structures currently located in the southeast corner of the site. The structures would be replaced and/or relocated to the top of the landfill after placement of the final cover. The office building would be a modular structure with no foundation, the maintenance structure would be a metal building with a concrete floor and building columns with concrete footings, and the storage structures would be metal storage boxes. The relocation of these structures would require the provision of adequate water supply for fire-fighting purposes. The project also proposes to relocate the scale house and install two inbound truck scales and one outbound scale at least 450 feet from the site entrance on Los Esteros Road.

A stormwater detention basin is proposed on the southeast corner of the top deck of the closed landfill, adjacent to the compost windrows. A second detention basin is also proposed to remain in the northwest corner of the site. Less than one percent of the project site is currently covered with impervious surfaces. The project also proposes to pave the private access road connecting the entrance road and scale area to the area at the top of the landfill where the office, storage and maintenance structures would be relocated. The project will also have a 58-space paved parking area associated with the relocated structures. Paving would increase the amount of impervious surfaces on the site by approximately 263,016 square feet, resulting in approximately nine percent of the 70-acre parcel being covered by impervious surfaces.

BOARD STAFF COMMENTS AND QUESTIONS

Risk of Upset Conditions

The project proposes some grading of cover soils during landfill closure activities and for the development of the resource recovery area and building structures (relocated and new) at the ZRRROL facility. The proposed project's location on top of the ZRLF's 'footprint' has the potential to create a pathway for landfill gas (LFG) to migrate and collect in low-lying pockets of the excavation area and within project site enclosures (e.g. buildings, truck cabs, open-ended pipes, etc.). Methane in LFG has the potential to concentrate within pockets and enclosures within the explosive range of 5-15% methane in air. The presence of methane gas at this low concentration may not be detectable by smell because methane alone has no odor. This statement is not to be misconstrued as a confirmation that LFG has been, or will be detected at the ZRLF to date, however, the landfill does contain some organic materials (e.g. wood waste)

that can decompose and generate LFG, especially the organic wastes that are saturated with water due to the landfill's proximity to the groundwater. Board staff highly recommend that the contractor for the proposed project take precautionary measures and have a contingency plan, and appropriate equipment, and trained personnel for monitoring methane gas, as well as measures to contain methane gas migration if detected. The local enforcement agency (LEA) for the City of San José should be notified if grading activities expose disposed refuse. In the event that methane gas is detected in the project area, or grading activities expose disposed refuse, the local enforcement agency (LEA) for the City of San José should be notified immediately.

The LEA contact person for the City of San José is Mr. Richard Archdeacon, City of San José Department of Planning, Building, and Code Enforcement, 170 West San Carlos Street, San José, California 95113. Mr. Archdeacon can be reached by phone at (408) 277-8723.

ZRRROL Operations, Location, Construction and Monitoring

Please be aware of the following regulations which apply to the postclosure land use on top of the ZRLF 'footprint':

Title 27, California Code of Regulations, Section 21190 – 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;~~

(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 (§ 20920 et seq.).

You may contact Scott Walker of the Remediation, Closure, and Technical Services Branch at (916) 341-6319, or e-mail at swalker@ciwmb.ca.gov for technical assistance.

CONCLUSION

Thank you for the opportunity to comment on the proposed *Zanker Road Resource Recovery Operation and Landfill PD Rezoning* project. In accordance with PRC §21092.5(b), Board staff requests that the CIWMB be noticed of any future hearings on the proposed project if they are scheduled, and of the date, time and location of the hearing(s) to consider any further environmental documents. Board staff are available for any planned scoping meetings, workshops or other public meetings upon your written request at least ten days in advance.

If you have any questions regarding these comments, please contact me at (916) 341-6327, facsimile at (916) 319-7213, or e-mail me at jloane@ciwmb.ca.gov.

Sincerely,



John Loane, Integrated Waste Management Specialist (IWMS)
Assistance and Permits Branch - North
Permitting and LEA Support Division
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

Virginia Rosales, Supervisor
Permits North, Region 1
Waste Compliance and Mitigation Program
CIWMB

Diana Post, IWMS
Assistance and Permits Branch - North
Permitting and LEA Support Division
Waste Compliance and Mitigation Program
CIWMB

Dennis Ferrier, Program Manager, LEA
Mr. Archdeacon, LEA
City of San Jose Department of Planning, Building, and Code Enforcement
170 West San Carlos St.
San Jose, CA 95113

RESPONSE TO COMMENTS
File No. PDC08-042
Letter From California Integrated Waste
Management Board

Comment A-1: Risk of Upset Conditions

The project proposes some grading of cover soils during landfill closure activities and for the development of the resource recovery area and building structures (relocated and new) at the ZRRROL facility. The proposed project's location on top of the ZRLF's 'footprint' has the potential to create a pathway for landfill gas (LFG) to migrate and collect in low-lying pockets of the excavation area and within project site enclosures (e.g., buildings, truck cabs, open-ended pipes, etc.). Methane in LFG has the potential to concentrate within pockets and enclosures within the explosive range of 5-15% methane in air. The presence of methane gas at this low concentration may not be detectable by smell because methane alone has no odor. This statement is not to be misconstrued as a confirmation that LFG has been, or will be detected at the ZRLF to date, however, the landfill does contain some organic materials (e.g. wood waste) that can decompose and generate LFG, especially the organic wastes that are saturated with water due to the landfill's proximity to the groundwater. Board staff highly recommend that the contractor for the proposed project take precautionary measures and have a contingency plan, and appropriate equipment, and trained personnel for monitoring methane gas, as well as measures to contain methane gas migration if detected.

Response A-1: As documented in the *Zanker Road Resource Recovery Operation and Landfill PD Rezoning Initial Study*, the landfill does not accept putrescible materials, such as food waste.

Because of the unusual setting of the landfill and nature of its waste stream and operations, the ZRRROL site was granted a variance from routine perimeter landfill gas migration monitoring provided that "occasional" barhole monitoring is conducted around the landfill perimeter to ensure that the site is not creating a hazard or nuisance due to landfill gas. Results of this occasional monitoring are provided to the LEA, the CIWMB, and the BAAQMD.

As documented in the *Zanker Road Resource Management, Inc, Preliminary Closure and Postclosure Maintenance Plan, Zanker Road Class III Landfill*, Zanker Road Resource Management (ZRRM) has installed gas detection alarms in each of the three enclosed structures on the site: the scalehouse, the office trailer, and the employee trailer. These gas detection alarms will remain as long as these structures are in place at the landfill.

The occasional monitoring at the ZRRROL will continue through closure and postclosure periods. Monitoring will occur at least every three years during the postclosure period, and will be discontinued only after a minimum of 30 years and documentation that the landfill no longer poses a threat to public health and safety nor the environment. It should be noted that high groundwater levels and the nature of surrounding land uses

might interfere with barhole monitoring procedures. If difficulties are experienced in the implementation of the monitoring, ZRRM will bring it to the attention of the LEA and CIWMB and work with these agencies to establish alternative monitoring procedures to ensure that the landfill is not posing a hazard.

A condition of approval will be added requiring that contractors working at the site be notified of possible hazards. Contractors will be required to provide monitoring equipment, proper employee training, and preparation of contingency plans, as appropriate.

Comment A-2: The local enforcement agency (LEA) for the City of San José should be notified if grading activities expose disposed refuse. In the event that methane gas is detected in the project area, or grading activities expose disposed refuse, the local enforcement agency (LEA) for the City of San José should be notified immediately.

Response A-2: A condition of approval will be added requiring notification of the LEA if grading activities expose refuse that could be a source of odor and landfill gas, or if methane gas is detected in the area during monitoring or other activities.

Comment A-3: ZRRROL Operations, Location, Construction and Monitoring

Please be aware of the following regulations which apply to the postclosure land use on top of the ZRLF 'footprint':

Title 27, California Code of Regulations, Section 21190 - 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;
 - (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.

Response A-3: The project is subject to the requirements of Title 27 of the California Code of Regulations, including requirements for postclosure land uses and landfill maintenance. The applicant is aware of and familiar with these regulations. Operations at the site will be periodically reviewed by the LEA to assure compliance with Title 27 requirements.