



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: John Stufflebean

SUBJECT: SEE BELOW

DATE: 01-19-10

Approved

Date

1/26/10

COUNCIL DISTRICT: City-Wide

**SUBJECT: APPROVAL OF THE EIGHTH AMENDMENT TO THE COUNTYWIDE
NONDISPOSAL FACILITY ELEMENT**

RECOMMENDATION

Public hearing and adoption of a resolution approving and adopting the Eighth Amendment to the Countywide Nondisposal Facility Element to identify the following nondisposal facilities: the GreenTeam of San José Material Recovery Facility and Transfer Station, 575 Charles Street, San José; and the proposed GreenWaste Material Processing and Transfer Station, 2765 Lafayette Street, Santa Clara.

OUTCOME

Approval of the resolution will enable the County of Santa Clara to consider final adoption of the Eighth Amendment to the Countywide Nondisposal Facility Element and to proceed with submittal of the Eighth Amendment to the other jurisdictions in the County and to the state.

BACKGROUND

As part of their County Integrated Waste Management Plans, California cities and counties are required to prepare and adopt Nondisposal Facility Elements (NDFE) identifying the nondisposal facilities to be used to implement the jurisdictions' Source Reduction and Recycling Elements (SRRE). Nondisposal facilities are facilities other than disposal sites that are required to obtain a state solid waste facility permit (SWFP), such as large composting sites and transfer/processing stations. (Curbside recycling facilities and both drop-off and buyback recycling centers may not require SWFPs if they only accept source-separated materials and have low enough residue levels.) When processing applications for SWFPs, state law requires that the Local Enforcement

Agency (LEA) must first find that the proposed nondisposal facility is in conformance with the approved NDFE.

In 1994, a Countywide NDFE prepared by County staff was adopted by the County of Santa Clara, the City of San José, and 13 other cities and towns in the County. Palo Alto prepared its own NDFE. The County has previously prepared and adopted seven amendments to the Countywide NDFE to incorporate new facilities, most recently in August 2009. Although not all NDFE amendments require action by all local jurisdictions, the jurisdiction that will be the site of a proposed facility must adopt an NDFE amendment identifying that facility in order for a SWFP to be processed. The City of San José approved the Sixth Amendment in 2003, which included California Waste Solutions' facility in San José and two others elsewhere in the County. The Seventh Amendment did not involve any additional facilities in San José and it was not considered by Council. Approval of an NDFE is exempt from environmental review under the California Environmental Quality Act (Public Resources Code Section 41735).

ANALYSIS

Staff of the County Integrated Waste Management Program submitted the proposed Eighth Amendment to the Santa Clara County Recycling and Waste Reduction Commission for review and comment. This amendment adds one San José facility and one other facility to the NDFE: the GreenTeam of San José Material Recovery Facility and Transfer Station at 575 Charles Street, in San José; and the GreenWaste Recovery Recycling Facility at 2765 Lafayette Street, in Santa Clara. It also makes minor revisions to delete proposed facilities that were never developed and to update information on some ongoing facilities. The Eighth Amendment would replace all prior versions.

On August 31, 2009, the Commission reviewed the proposed Eighth Amendment and approved a favorable comment letter in its statutory role as the Local Task Force. The comments were sent to the County and all cities in Santa Clara County and to the California Integrated Waste Management Board. The Commission letter states, in part: "These facilities are expected to assist the jurisdictions of Santa Clara County in their efforts to meet or exceed state mandated waste stream reduction goals. The Commission believes that the facilities included in the NDFE will positively impact the region." The Eighth Amendment and the comment letter signed by the chair of the Commission are attached.

The two additional facilities are described in the Eighth Amendment, on pages numbered 46 and 48. Maps showing the two sites are on pages 45 and 47. In addition to the Vicinity Maps and Fact Sheets for the two additional facilities, the Eighth Amendment includes a revised introduction to the NDFE and a revised table showing nondisposal facilities utilized by jurisdictions in Santa Clara County.

GreenWaste Material Processing and Transfer Station

GreenWaste Recovery, Inc. (GreenWaste) is proposing to operate a material processing and transfer facility on 1.87 acres of a 6.44 acre parcel in the City of Santa Clara. The proposed facility, at 2765 Lafayette Street, is located between Central Expressway and Walsh Avenue, approximately one-half mile west of the northwest corner of Mineta San José International Airport.

Currently GreenWaste uses the site for parking and servicing collection vehicles. The proposed GreenWaste Material Processing and Transfer Station will handle green and compostable materials prior to being transferred to a compost facility. Green materials such as yard trimmings and wood waste will be processed through size reduction equipment prior to transfer. Compostable materials such as source separated food material will be transferred directly with minimal sorting to remove contaminants and other recyclables. GreenWaste currently owns and operates a similar facility in San José.

A maximum of 1,500 tons per day of green materials (approximately 75-80% by weight) and compostable materials (approximately 20-25% by weight) is proposed. GreenWaste is estimating 99% diversion of green materials and compostable materials. A SWFP for this facility would be issued by the Santa Clara County LEA, which is in the Environmental Health Department.

The GreenWaste Material Processing and Transfer Station will service Santa Clara County and surrounding counties. The facility will not be open to the general public. Since the facility will serve areas outside the City, and since an unknown amount of this material is already diverted, not all of the proposed capacity will result in new diversion for local jurisdictions. However, the facility would play an important role in assisting the County and all of its jurisdictions to achieve their diversion goals by providing the infrastructure to process a substantial portion of the organic waste in the region. Council action on the NDFE will have no direct effect on the permitting of the facility located in the City of Santa Clara.

GreenTeam of San José Material Recovery Facility and Transfer Station

GreenTeam's curbside recycling facility has been in operation since 1992 and has not been listed in the NDFE or held a SWFP. A small transfer facility on part of the property does have a SWFP, but did not require a conformance finding. GreenTeam of San José informed County staff that they will be moving forward to obtain a full SWFP for the entire facility. In order to receive a permit, they must first be identified in the NDFE, so that the San José LEA in Planning, Building and Code Enforcement may find them in conformance, in addition to meeting other state and local criteria.

With a SWFP, GreenTeam plans to harmonize the hours of the various operations at the site, clarify the outside storage of recyclables (including the bales, bulky materials, and single stream material), provide appropriate odor and dust mitigation plans for the site, and add screening.

Adoption by Council of the Eighth Amendment to the Countywide NDFE will allow the LEA to make a conformance finding and process a SWFP for the GreenTeam facility. The Amendment itself does not confer any rights to the applicant and has no effect on the existing zoning or permits. The City retains its ability to oversee activities at the facility and to minimize any adverse impacts from its operation through the imposition of conditions in the land use permit and the SWFP.

EVALUATION AND FOLLOW-UP

The NDFE is subject to review whenever a new facility is proposed that must be included in order for a conformance finding to be made. It may also be reviewed during periodic reviews of the County Integrated Waste Management Plan. Any future amendment involving facilities in San José must be brought to Council for approval.

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.

None of the criteria apply. Notice of the public hearing on this item will be published in the San José Post Record three days or more in advance of Council action as required in 14 CCR 18766(b)(1). The proposed amendment was discussed at a publicly noticed meeting of the Santa Clara County Recycling and Waste Reduction Commission on August 31, 2009. It will also be discussed at public hearings of the Santa Clara City Council and of the Santa Clara County Board of Supervisors.

COORDINATION

This memorandum has been coordinated with the Planning, Building and Code Enforcement Department and the City Attorney's Office.

HONORABLE MAYOR AND CITY COUNCIL

01-19-10

Subject: Approval of the Eighth Amendment to the Countywide Nondisposal Facility Element

Page 5

COST IMPLICATIONS

There are no City costs associated with approval of the Eighth Amendment. .

CEQA

CEQA: Statutorily exempt.

/s/

JOHN STUFFLEBEAN

Director, Environmental Services

For questions, please contact Jo Zientek, Deputy Director, Environmental Services Department,
at (408) 535-8557

Attachments

- A. Comment letter from the Recycling and Waste Reduction Commission of Santa Clara County
- B. Eighth Amendment to the Countywide Nondisposal Facility Element