

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING AND ADOPTING THE EIGHTH AMENDMENT TO THE COUNTYWIDE NONDISPOSAL FACILITY ELEMENT (“NDFE”) TO IDENTIFY THE FOLLOWING NONDISPOSAL FACILITIES: THE GREENTEAM OF SAN JOSE MATERIAL RECOVERY FACILITY AND TRANSFER STATION AT 575 CHARLES STREET, SAN JOSE, AND THE PROPOSED GREEN WASTE MATERIAL PROCESSING AND TRANSFER STATION AT 3765 LAFAYETTE STREET, SANTA CLARA

WHEREAS, 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 jurisdiction’s Source Reduction and Recycling Elements (“SRRE”); and

WHEREAS, nondisposal facilities are facilities other than disposal sites that are required to obtain a state solid waste facility permit (“SWFP”), which facilities must be found by the Local Enforcement Agency (“LEA”) to be in conformance with the approved NDFE; and

WHEREAS, the Countywide NDFE was originally adopted in 1994 by the County of Santa Clara, the City of San José and thirteen other cities and towns in the County and has been amended seven times previously; and

WHEREAS, this Eighth Amendment to the NDFE identifies two new facilities to be added, the GreenTeam of San José Material Recovery Facility and Transfer Station at 575 Charles Street in San José and the Green Waste Recovery Recycling Facility at 2765 Lafayette Street in Santa Clara, in addition to making minor revisions to delete

proposed facilities that were never developed, to update information on some ongoing facilities, and to replace all prior versions of the Agreement; and

WHEREAS, pursuant to Public Resources Code Section 41735, approval of an amendment to the NDFE is exempt from environmental review under the California Environmental Quality Act (CEQA); and

WHEREAS, on August 31, 2009, the proposed amendment was discussed at a publicly noticed meeting of the Santa Clara County Recycling and Waste Reduction Commission, which Commission approved a favorable comment letter in its statutory role as the Local Task Force; and

WHEREAS, the Santa Clara County Board of Supervisors will hold a public hearing on the Eighth Amendment to hear all testimony and review the evidence in the record; and

WHEREAS, on February 9, 2010, the Council of the City of San José held a public hearing on the Eighth Amendment, heard all testimony, and reviewed the evidence relating to the Eighth Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The Eighth Amendment to the Countywide Nondisposal Facility Element (“NDFE”) to identify the following nondisposal facilities: the GreenTeam of San José Material Recovery Facility and Transfer Station at 575 Charles Street in San José and the proposed Green Waste Material Processing and Transfer Station at 2765 Lafayette Street in Santa Clara, is hereby approved and adopted.

RD:RLT:RPH
01/22/2010

ADOPTED this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk