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2010 MAR 18 PM 6:11



Public Works Agency
Office of the Director

Memorandum

To: Public Works Committee
From: Brooke A. Levin, Acting Director 
Date: March 17, 2010
Re: New Resolution Title – Non-Disposal Facility Element

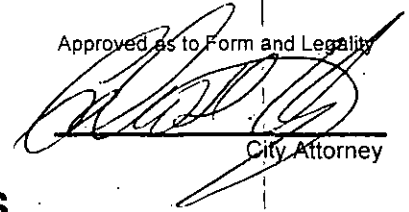
Pursuant to direction from the City Attorney the title of the Resolution has been amended to provide clarification. The information contained in the report and the resolution has not changed.

REVISED

Approved as to Form and Legality

FILED
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OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2010 MAR 18 PM 6:11 **RESOLUTION No. _____ C.M.S.**

RESOLUTION ADOPTING THE SECOND AMENDMENT TO THE CITY'S NON-DISPOSAL FACILITY ELEMENT, (A RECYCLING PLANNING DOCUMENT REQUIRED BY THE STATE OF CALIFORNIA), WHICH DESCRIBES AND IDENTIFIES SOLID WASTE, RECYCLING, AND PROCESSING FACILITIES THAT CITY RESIDENTS, BUSINESSES AND MEMBERS OF THE PUBLIC USE TO REDUCE MATERIALS SENT TO LANDFILLS, AND ADDING A NEW FACILITY AND DELETING A FACILITY THAT NO LONGER EXISTS, AND APPROVING ITS SUBMITTAL TO THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY FOR APPROVAL

WHEREAS, in 1992 the City Council adopted the Source Reduction and Recycling Element (SRRE), pursuant to the California Integrated Waste Management Act of 1989; and

WHEREAS, Assembly Bill 3001 (Cortese, 1992) required every city and county in the state to prepare and adopt a Non-Disposal Facility Element (NDFE) that identified and described existing and planned non-disposal facilities to be used by cities and counties to assist in implementing programs identified in the SRREs; and

WHEREAS, in February 1994 through Resolution No. 70748 C.M.S. the City Council adopted the NDFE, and in February 2005 through Resolution No. 79083 C.M.S., the City Council adopted the First Amendment to the NDFE; and

WHEREAS, changes to the NDFE require the City Council to adopt a NDFE amendment that is submitted to CalRecycle for approval; and

WHEREAS, Commercial Waste and Recycling, LLC, a construction and demolition processing facility operating in Oakland, is requesting to be added to the City's NDFE in order to be permitted as a Construction Demolition and Inert Debris (CDI) facility under the State's Construction and Demolition tiered permitting regulations; and

WHEREAS, in 2006 through Resolution No. 80286 C.M.S. the City Council approved the Zero Waste Strategic Plan, which calls for developing recycling infrastructure to achieve the Zero Waste goal and Commercial Waste and Recycling adds to Oakland's recycling infrastructure; and

WHEREAS, Capitol Companies (Capitol Recycling), a facility previously identified in the City's NDFE, has ceased to operate in the Oakland, and therefore should be removed from the NDFE; and

WHEREAS, the City's draft Second Amendment to the NDFE was submitted to the Alameda County Integrated Waste Management Authority Local Task Force (LTF) for review pursuant to Public Resources Code § 41734 and comments from the LTF were incorporated into the Amendment; and

WHEREAS, State guidelines for amending NDFE require a jurisdiction to adopt the amendment by resolution, at a public hearing that has been publicly noticed by being published in a newspaper of general circulation, at least three days in advance of the hearing pursuant to Title 14 California Code of Regulations, Division 7, Chapter 9, Article 7, Section 18766(b) (1); and

WHEREAS, the City has properly noticed and conducted a public hearing on April 20, 2010, to receive testimony from the general public, affected governmental entities and private industries regarding the Second Amendment to NDFE; now, therefore be it

RESOLVED: that the Council of the City of Oakland, hereby adopts the Second Amendment to the NDFE attached as *Exhibit 1*, adding Commercial Waste and Recycling and deleting Capitol Recycling; and be it

FURTHER RESOLVED: that the City Council approves the submittal of the Second Amendment to the NDFE to CalRecycle for approval.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California