

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2005 FEB 10 PM 2:53

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: February 22, 2005

RE: **PUBLIC HEARING AND RESOLUTION ADOPTING THE CITY'S AMENDED NON-DISPOSAL FACILITY ELEMENT, WHICH DESCRIBES SOLID WASTE AND RECYCLING FACILITIES THAT ASSIST THE CITY TO REDUCE MATERIALS SENT TO LANDFILLS, AND APPROVING ITS SUBMITTAL TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD AND THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

SUMMARY

A resolution has been prepared adopting the City of Oakland amended Non-Disposal Facility Element (NDFE) for submission to the California Integrated Waste Management Board (CIWMB) and the Alameda County Waste Management Authority (ACWMA). When new facilities are added or previously identified facilities are deleted from an adopted NDFE, State law requires that an existing NDFE be amended. The law also requires the City to conduct a public hearing, on March 1, 2005, to receive testimony regarding the amendments to NDFE. In February 1994, through Resolution No. 70748, the City Council adopted the existing NDFE. This report provides the legislative background requiring the City to adopt an amended NDFE and a description of the City's amended NDFE.

FISCAL IMPACT

There are no fiscal impacts.

BACKGROUND

The California Integrated Waste Management Act of 1989 (AB939) required every city and county in California to adopt a Source Reduction and Recycling Element (SRRE) outlining plans to comply with the mandated waste diversion goals of fifty (50) percent by 2000. Assembly Bill 3001 (1992) mandated every city and county in the State to prepare and adopt a NDFE. The adopted NDFE identified and described existing and planned non-disposal facilities used by the City to assist in the attainment of waste diversion goals as outlined in the City's SRRE. Changes made to an existing NDFE require the City Council to adopt the amendments, and authorize the submittal of the amended NDFE to the CIWMB, and to the ACWMA for inclusion in the County Integrated Waste Management Plan.

Item #: _____
Public Works Committee
February 22, 2005

KEY ISSUES AND IMPACTS

Non-Disposal Facility Element Objectives

Non-Disposal facilities include solid waste transfer and processing stations, as well as materials recovery facilities and composting facilities that are required to have a solid waste permit. Recycling facilities that receive sorted materials do not normally fall under the definition of a non-disposal facility. However, some of the recycling facilities identified in the amended NDFE do not have a solid waste facility permit, but have nonetheless been included to provide the State with a more complete picture of the City's waste reduction activities.

Furthermore, in August 2003, the CIWMB adopted new regulations (Title 14 California Code of Regulations, Division 7, Chapter 3, Article 5.9, Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements) requiring medium-sized Construction and Demolition Debris and Inert Debris (CDI) recycling facilities to obtain a CDI tiered permit. A medium-sized CDI recycling facility handles between 100 and 300 tons of CDI debris daily, and recycles seventy (70) percent of the materials collected. The CIWMB, through the CDI permit, regulates the remaining thirty (30) percent non-recyclable materials.

Prior to permit approval by the CIWMB, a proposed new non-disposal facility or non-disposal facility expansion in Oakland cannot be considered until it has been identified and described in the City's NDFE. In addition, the ACWMA must determine whether or not the proposed new or expanded non-disposal facility conforms with the County Integrated Waste Management Plan (CIWMP). Proposed facilities must also comply with the California Environmental Quality Act requirements for environmental review, the land use permitting process, and the permit process of various other federal, state, regional and countywide agencies.

Amendments to the 1994 Existing NDFE

The amended NDFE discusses changes to facilities previously identified in the City's existing NDFE, and identifies other facilities that the City currently uses to achieve its waste diversion goals. The amendments include:

(1) Changes to Facilities outside the City of Oakland Used to Implement SRRE Programs are:

- In July 2002, a Material Recovery Facility was added to the Davis Street Transfer Station for Material Recycling and Transfer Station (DSTSMR-&TS) increasing its capacity from 5,000 to 5,308 tons per day.
- In June 1997, Karl's Pacific Rim Recycling (KPRR) service contract that expired on December 31, 1997 was assigned to California Waste Solutions. KPRR was identified in the City's initial NDFE.

(2) Changes to Facilities within the City of Oakland Used to Implement SRRE Programs are:

- Smurfit-Stone Recycling located at 800-77th Avenue is used to achieve the City's waste diversion goals. The site, previously occupied by Bay Cities Recycling, was identified in the City's initial NDFE.
- Capitol Recycling has submitted a request to the CIWMB to be permitted under the new CDI tiered permitting regulations adopted in August 2003 by the CIWMB, and needs to be added to the City's NDFE.
- California Waste Solutions acquired a new processing facility located at 3300 Wood Street, thus increasing its total maximum processing capacity from 400 to 700 tons per day.

Description of the Amended NDFE

The City's amended NDFE describes the type of facility, location, materials targeted for diversion, land use designation, permit status, facility size, and maximum capacity. Facilities identified and described in the amended NDFE include:

- California Waste Solutions, 1820 10th Street, Oakland, CA 94607 and 3300 Wood Street, Oakland, CA 94608 - currently processes residential recyclables collected through the curbside recycling program.
- Capitol Recycling has relocated to 440 High Street, Oakland, CA 94601 – will continue to receive and transport sorted CDI, including concrete and asphalt, roofing material, and green and wood waste. On December 15, 2004, the Planning Commission approved a conditional use permit for the High Street facility. Capitol Recycling has been displaced from its location on 66th Avenue, as part of the new Coliseum Gardens development.
- Smurfit-Stone Recycling Company, 800-77th Avenue – currently diverts paper, cardboard, glass, metal, and plastics.
- Waste Management of Alameda County, DSTSMR-&TS, 2615 Davis Street, San Leandro, CA 94577 – currently receives and processes materials from residential recycling and yard waste, organic waste delivered by self-haul vehicles and City owned trucks, and mixed construction and demolition debris from roll-off and self-haul. Mixed Construction & Demolition debris generated from projects in Oakland are delivered to this facility.

POLICY DESCRIPTION

The purpose of the proposed Resolution is to further recycling and waste reduction activities that will assist the City to achieve the seventy-five (75) percent diversion goal. Adoption of the Resolution enables some of the companies identified and described in the amended NDFE to be permitted under CIWMB regulations. For example, the August 2003 adopted State Regulation (for CDI tiered permit) requires medium-sized construction and demolition recycling companies to be included in a jurisdiction's NDFE and the CIWMP for consideration for State permits.

SUSTAINABLE OPPORTUNITIES

Economic

Adopting the Resolution will increase sustainable opportunities by increasing employment opportunities. Recycling facilities located in Oakland normally employ Oakland and Bay Area residents.

Environment

Recycling and waste reduction provide a great environmental benefit by minimizing the impact on depleting natural resources.

Social Equity

The stigma associated with garbage can negatively affect community perceptions of social equity in relation to recycling company locations. Recycling companies are normally sited in light industrial areas and sometimes in neighborhoods zoned for multi-uses. Recycling companies are required to adhere to standards for noise and traffic reduction, air pollution control, and reduction of discharges. Measures such as traffic diversion, landscaping and physical enclosure of the facility are also required to mitigate the impact on the surrounding areas and neighborhoods.

DISABILITY AND SENIOR ACCESS

Facilities identified in the amended NDFE are required to comply with the accessibility standards under Title 24 and the American Disabilities Act.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the attached Resolution adopting the amended NDFE.

ACTION REQUESTED BY THE CITY COUNCIL

Staff requests that the Council approve the Resolution.

Respectfully submitted,



RAUL GODINEZ II, P.E.

Director, Public Works Agency

Reviewed by:

Brooke A. Levin

Assistant Director, Public Works Agency

Department of Facilities & Environment

Prepared by:

Becky Dowdakin

Solid Waste/Recycling Programs Supervisor

**APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE**



OFFICE OF THE CITY ADMINISTRATOR

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

FILED
OFFICE OF THE CITY CLERK
R. J. ...

2005 FEB 10 PM 2:54

**PUBLIC HEARING AND RESOLUTION ADOPTING THE CITY'S AMENDED
NON-DISPOSAL FACILITY ELEMENT, WHICH DESCRIBES SOLID WASTE
AND RECYCLING FACILITIES THAT ASSIST THE CITY TO REDUCE
MATERIALS SENT TO LANDFILLS, AND APPROVING ITS SUBMITTAL TO
THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD AND
THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

WHEREAS, in 1992 the City Council adopted the Source Reduction and Recycling Element SRRE, pursuant to the California Integrated Waste Management Act of 1989 (Act), which mandated that every city and county in the state reduce the quantity of solid waste generated within their jurisdiction and disposed in landfills by fifty (50) percent by year 2000 and required every city and county in the state to adopt a SRRE describing the programs that will enable the jurisdiction to achieve the diversion goal; and

WHEREAS, Assembly Bill (AB) 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 complying with the waste diversion goals set by the Act; and in February 1994 the City Council adopted the NDFE and approved its submittal to the California Integrated Waste Management Board; and

WHEREAS, in October 2002, through Ordinance No. 11388, the City Council adopted a seventy-five (75) percent waste diversion goal by year 2010 in conformance with the countywide goal established by the voters through passage of Measure D, after the City met the fifty (50) percent State diversion requirement through a comprehensive integrated waste management program designed to promote source reduction and recycling; and

WHEREAS, the purpose of the NDFE is to identify and describe existing and planned non-disposal facilities used by cities and counties to assist in waste diversion goals; and additions to and deletions of facilities from the adopted NDFE will require that the NDFE be amended; and

WHEREAS, Capitol Recycling, a construction and demolition recycling facility operating in Oakland, needs to be included in the City's NDFE in order to be permitted as a Construction and Demolition Inert facility under the State's new Construction and Demolition tiered permitting regulations; and

WHEREAS, Karl's Pacific Rim Recycling (KPRR), a facility previously identified in the City's NDFE, has been deleted from the amended NDFE, as KPRR ceased to collect and process recyclables from the City when its service contract that expired in 1997 was assigned to California Waste Solutions; and

WHEREAS, the City's amended NDFE was submitted to the Alameda County Integrated Waste Management Local Task Force (LTF) for review and comments pursuant to Public Resources Code § 41734, and the LTF unanimously approved the amended NDFE; and

WHEREAS, State guidelines for amending NDFE require a jurisdiction to adopt the facility amendment, by resolution, at a public hearing which 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 March 1, 2005, to receive testimony from the general public, affected governmental entities and private industries regarding the amended NDFE; now, therefore be it

RESOLVED, that the Council of the City of Oakland, hereby adopts the amended Non-Disposal Facility Element; and be it

FURTHER RESOLVED, that the City Council approves the submittal of the amended Non-Disposal Facility Element to the California Integrated Waste Management Board and the Alameda County Waste Management Authority as an addendum to the County Integrated Waste Management Plan for Alameda County pursuant to Public Resources Code §41000.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Interim City Clerk and Clerk of the Council
of the City of Oakland, California

CITY OF OAKLAND NON-DISPOSAL FACILITY ELEMENT

NON-DISPOSAL FACILITY ELEMENT OBJECTIVES

The purpose of this element is to identify and describe existing and/or planned Non-Disposal Facilities (NDFs) to be utilized by the City of Oakland in attaining the waste reduction goals identified in the City's Source Reduction and Recycling Element. NDFs include transfer and processing stations, material recovery facilities (MRFs) that receive unsorted waste, and composting facilities. Recycling facilities that receive sorted materials and other facilities that do not require County solid waste facility permits normally do not fall under this definition of NDFs.

A proposed new NDF or NDF expansion in Oakland cannot be considered for development until it has been identified and described in the City's Non Disposal Facility Element (NDFE). Each proposed facility must also comply with appropriate project specific CEQA environmental review, the land use permitting process, and the permit processes of various other federal, state, regional and countywide agencies. In addition, the Alameda County Waste Management Authority, the Joint Powers Authority for Alameda County waste management planning, must make a determination of conformance as to whether or not proposed new or expanded NDFs conform to the Countywide Element of County Integrated Waste Management Plan (CoIWMP).

This NDFE amends the previously approved NDFE in 1994. The amended NDFE discusses changes to facilities previously identified in the City's approved NDFE and identifies two new facilities that the City currently uses to achieve its waste diversion goals. Additionally, all facilities identified within the City of Oakland do not have a solid waste facility permit, but have nonetheless been included to provide the State with a more complete picture of the City's waste reduction activities. The amendments include:

(1) Changes to Facilities outside the City of Oakland Used to Implement SRRE Programs:

- In July 2002, a Material Recovery Facility was added to the Davis Street Transfer Station for Material Recycling and Transfer Station (DSTSMR-&-TS) increasing its current processing capacity from 5,000 to 5,308 tons per day.
- In June 1997, Karl's Pacific Rim Recycling (KPRR) Service contract that expired on December 31, 1997 was assigned to California Waste Solutions. KPRR ceased to collect and process recyclables generated from the City of Oakland. KPRR was identified in the City's initial NDFE.

(2) Changes to Facilities within the City of Oakland Used to Implement SRRE Programs:

- Smurfit-Stone Recycling located at 800-77th Avenue is used to achieve the City's waste diversion goals. The site previously was occupied by Bay Cities Recycling, and was identified in the City's initial NDFE.
- Capitol Recycling currently receives green waste, wood, and sheetrock. At the new facility Capitol will receive construction and demolition debris including inerts and green and wood waste. Capitol is proposing to be to be permitted as a Construction &

Demolition Inert facility under the new C&D tier permitting regulations adopted in August 2003 by the California Integrated Waste Management Board and needs to be included the City's NDFE.

- California Waste Solutions acquired a new processing facility located at 3300 Wood Street thus increasing its total maximum processing capacity from 400 tons to 700 tons per day.

The following sections provide detailed information about the facilities included in the City's amended NDFE.

EXISTING NON-DISPOSAL FACILITIES OUTSIDE THE CITY OF OAKLAND USED TO IMPLEMENT SRRE PROGRAMS

This facility has a solid waste facility permit.

Facility Name, Address, and Type

Davis Street Transfer Station for Material Recycling and Transfer Station (DSTSMR-&-TS)
2615 Davis Street
San Leandro, CA 94577

The DSTSMR-&-TS is a transfer station for municipal solid waste and a processing facility for various recyclables received from businesses, curbside programs, and an on-site drop-off and buy back center. The facility was identified in the City's NDFE approved in 1994.

Additionally, in July 2002 the construction of a 308-ton per day Materials Recovery Facility (MRF) was completed at the existing DSTSMR-&-TS site. The MRF processes mixed dry loads from roll-off and public self-haul sources including C&D loads. The MRF replaced the initial mini 100-ton per day MRF, thus increasing diversion rates by approximately 22%.

Curbside recyclables collected from local communities are processed on site. The Recycling Center offers buyback and drop-off services for cans, bottles, papers and wine bottles. The Convenience Area for Recycling (C.A.R.E) Center offers bulky goods recycling for major appliances, clean fill/dirt, scrap metal, concrete, porcelain toilets and sinks and foam pad. There is a waste oil collection center for used motor oil. Yard materials and wood waste are collected and processed. Some of this material is sent off-site for composting.

Type of Materials Accepted for Diversion from Landfill Disposal

Recoverable materials currently delivered to the (DSTSMR-&-TS) include residential recycling and yard waste, organic waste delivered by self-haul vehicles and City owned trucks, and mixed construction and demolition debris from roll-off and self-haul sources.

Residential recyclables delivered to the facility include:

- Glass containers (bottles and jars)
- Aluminum containers
- Steel and bi-metal containers
- Plastics (HDPE and PET containers)

Newspaper
Mixed paper
Corrugated cardboard
Used motor oil
Yard waste

Recyclables collected from multi-family residents may be delivered to Smurfit-Stone Recycling Company located at 800-77th Avenue in Oakland.

Organic material collected in Oakland by the Public Works Agency from City facilities are delivered to the DSTSMR-&-TS for recovery. In 2003 approximately 1,227 tons were delivered. Additionally in 2003 self-haul organic material from Oakland delivered to this facility is estimated to be 2,952 tons.

The mixed C&D loads generated from projects in Oakland are delivered to this facility for recovery. Materials targeted for recovery include: cardboard, paper, wood, metal, concrete, drywall, and greenwaste. In 2003 it is estimated that 148,540 tons were delivered from Oakland to the MRF and approximately 50%-60% was recovered.

Land Use Designation

The facility site is zoned I-2, General Industrial Zone.

Land Use Permit Status

The facility is currently operating under the City of San Leandro Conditional Use Permit #CU-96-1 Modified.

Facility size

The site is 53 acres.

Facility capacity

The maximum capacity at the facility is not to exceed 5,600 tons per day, based on the 1998 permit.

EXISTING NON-DISPOSAL FACILITIES WITHIN THE CITY OF OAKLAND USED TO IMPLEMENT THE CITY OF OAKLAND'S SRRE PROGRAMS

This facility does not have a solid waste facility permit.

Facility Name, Address, and Type

Smurfit-Stone Recycling Company
800-77th Avenue
Oakland, CA 94621

Smurfit-Stone Recycling Company operates a material recovery facility. In 1997 Smurfit-Stone Recycling Company relocated from 3300 Wood Street to 800-77th Avenue. Previously, Bay City

Recycling Services (BCRS) operated at 800-77th Avenue and was identified in the City's NDFE approved in 1995.

Type of Materials Accepted for Diversion from Landfill Disposal

Smurfit-Stone Recycling Company diverts glass, metal (aluminum, steel and bi-metal containers), plastics (HDPE and PET), paper (newspaper, office paper, mixed paper), and cardboard. Waste Management of Alameda County, which is the franchise hauler in the City of Oakland and the recycling contractor for half the City, sends its commercial recycling trucks to this facility. Smurfit-Stone Recycling Company also receives and processes paper transferred from DSTSMR&TS.

Land Use Designation

The site is zoned as M-30, General Industrial Zone

Land Use Permit Status

Continued to use Major Conditional Used Permit #CM91394 issued for this site

Facility Size

The facility is approximately 4 acres and contains 36,130 square feet of building area housed in three main buildings.

Facility Capacity

The maximum capacity is 15,000 tons per day. Currently, the facility is not operating at full capacity.

EXISTING NON-DISPOSAL FACILITIES WITHIN THE CITY OF OAKLAND USED TO IMPLEMENT THE CITY OF OAKLAND'S SRRE PROGRAMS

This facility is applying for a Construction and Demolition/Inert (CDI) debris tier permit with the California Integrated Waste Management Board and is proposing to be included in the City's NDFE.

New Facility Name, Address, and Type

Capitol Companies (presently known as Capitol Recycling)
440-High Street
Oakland, CA 94601

Type of Materials to be Accepted for Diversion from Landfill Disposal

The facility will receive construction and demolition debris, green and wood waste, and inerts including concrete, asphalt and or fiberglass roofing shingles, and brick. In addition to the City of Oakland, the facility will accept materials from jurisdictions in Alameda and Contra Costa Counties. Materials will be sorted and transferred to appropriate recycling and disposal facilities.

Participating jurisdictions

City of Oakland and Alameda County (Department of Environmental Health)

Land Use Designation

The new facility site is classified as Light Industrial in the City's Master Plan.

Land Use Permit Status

Capitol Recycling has applied for a Major Conditional Use Permit. The permit application is being reviewed by the City.

Facility size

The area of the building is approximately 30,976 square feet located on 2.5 acres of land.

Facility capacity

The facility is expected to have a capacity of 175 tons per day for construction and demolition and inert debris and between 100-200 cubic yards daily of organic materials. It is anticipated that the diversion rate will be up to 90%

EXISTING FACILITIES WITHIN THE CITY OF OAKLAND USED TO IMPLEMENT THE CITY OF OAKLAND'S SRRE PROGRAMS

This facility does not have a solid waste permit and is included in the City's NDFE approved in 1995.

Facility Name, Address, and Type

California Waste Solutions
1820 10th Street, Oakland, CA 94607 AND
3300 Wood Street, Oakland, CA 94608

The facility is designed to sort and process residential recyclables collected through residential (i.e., curbside and multi-family) recycling programs and commercial recyclables. The facility no longer operates a buy back/drop-off center.

Type of Materials accepted for Diversion from Landfill Disposal.

The types of materials processed at the facility include:

- Glass containers (bottles and jars)
- Aluminum containers
- Steel and bi-metal containers
- High Density Polyethylene (HDPE) containers
- Old newsprint (ONP)
- Office paper (computer paper, white ledger and mixed office paper)
- Corrugated cardboard
- Chipboard
- Mixed household waste paper
- Scrap metal (both ferrous and non-ferrous)

Wood waste (tree trimmings, wood roof shingles, lumber etc)
Used motor oil

Land Use Designation

The site is zoned M-20, Light Industrial and R-36, Small Lot Residential Zones.

Land Use Permit Status

The City of Oakland issued a Major Conditional Use Permit on December 15, 1992 for the facility located at 1820-10th Street. The 3300 Wood Street facility operates under a business license issued by the City. Both facilities are permitted for receipt, processing and short term storage of recyclables materials.

Facility Size

The facility located at 10th Street site encompasses 2.2 acres and contains 58,800 sq. ft. of buildings area housed in four industrial buildings and a small office. The Wood Street facility is approximately 1.7 acres.

Maximum Capacity

The maximum daily capacity for the facility located at 1820-10th Street is 400 tons per day and 300 tons per day for the 3300 Wood Street facility. Therefore the combined maximum daily capacity for CWS is 700 tons per day.

NOTICE TO THE PUBLIC

Notice is hereby given that on **March 1, 2005** the Oakland City Council will hold a public hearing regarding the City's amended Non-Disposal Facility Element (NDFE) prior to adopting a resolution amending the NDFE. The public hearing is scheduled during the Oakland City Council's regular meeting at 7.00 p.m. in the City Council Chambers located at One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California, 94612.

The amended NDFE identifies and describes existing and planned Non-Disposal Facilities (NDFs), not previously included in the City's initial NDFE, that can be used by the City to achieve its waste reduction goal of seventy-five (75) percent diversion. A proposed new NDF or NDF expansion cannot be considered for development in Oakland until it has been included and described in the City's NDFE.

Non-Disposal Facilities include solid waste transfer and processing stations, including materials recovery facilities and composting facilities. Recycling facilities that receive sorted materials are not required to obtain a Solid Waste Facility Permit and do not normally fall under the definition of NDFs. In 2003, adopted State Regulations (Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements) require that Construction and Demolition Debris and Inert Debris (CDI) recycling facilities be added to the City's NDFE for consideration for State (CDI) permits.

Copies of the amended NDFE are available for public examination and copying at the Public Works Agency, Environmental Services Division, 250 Frank H. Ogawa Plaza, Suite 5301 Oakland, California, during its regular office hours of 8:30 a.m. to 5:00 pm.

Jeanette B. Edgerly
Training and Public Services Administrator