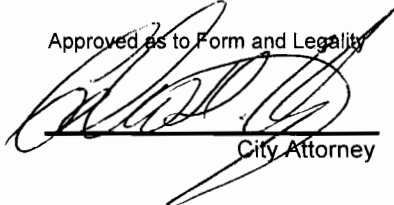


**REVISED**

Approved as to Form and Legality

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**

  
City Attorney

2010 MAR 18 PM 6:11 **RESOLUTION No. 82689 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, APR 20 2010, 20

**PASSED BY THE FOLLOWING VOTE:**


AYES - ~~Brooks~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

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