



DATE: November 17, 2021

TO: Planning Committee/Recycling Board

FROM: Emily Alvarez, Program Manager

SUBJECT: Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for California Waste Solutions North Gateway facility located at 2308 Wake Avenue in Oakland

SUMMARY

California Waste Solutions (CWS) is proposing to relocate operations from their existing facilities at 1819/1820 10th Street and 3300 Wood Street to a new recycling facility located at 2308 Wake Avenue in the City of Oakland. CWS is seeking an amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) and a finding of conformance with the CoIWMP. This report sets forth the background, project description, CEQA compliance, and staff recommendation to approve the proposed amendment and conformance finding. The proposed project will be reviewed by the Recycling Board acting as the Local Task Force (LTF) and the Planning Committee prior to action by the Waste Management Authority (WMA).

DISCUSSION

Background

California Waste Solutions (CWS) is the contracted recycling hauler with the City of Oakland through June 30, 2035. CWS is proposing to construct a new recycling facility at the North Gateway area of the former Oakland Army Base, located at 2308 Wake Avenue (“North Gateway facility”). The site is zoned as Gateway District Industrial Zone (D-GI) and the proposed use falls within the “Extensive Impact Civic-Curbside Recycling Collection” land use Classification. CWS currently operates two recycling facilities located in West Oakland at 1819/1820 10th Street and 3300 Wood Street. Its recycling operations would be permanently relocated to a newly constructed recycling facility at the North Gateway site. The existing CWS West Oakland facilities would be closed when the new facility begins operations.

The existing CWS facilities are permitted for less than 100 tons per day of solid waste and 25 incoming/10 outgoing truck trips under their respective Registration Permits issued by CalRecycle (10th Street: SWIS #01-AA0323; Wood Street: SWIS #01-AA-0329) and enforced by the Alameda County

Department of Environmental Health, acting as the Local Enforcement Agency (LEA). Existing operations include the receipt and processing of mixed recyclables from the City of Oakland and the transfer of residuals to Keller Canyon Landfill. The 10th Street recycling facility has been closed since June 2021 due to a fire. A portion of the City of Oakland's recyclables have been temporarily diverted to Davis Street Transfer Station in San Leandro to make up for the reduced capacity at CWS' facilities. The proposed North Gateway facility will have adequate capacity to meet the City's processing needs and should therefore end the diversion of Oakland recyclables to Davis Street Transfer Station.

The North Gateway facility would receive, process, and transfer up to 850 tons per day under a full Solid Waste Facility permit. Acceptable materials would be consistent with the types of materials currently processed at CWS' existing facilities, including paper, cardboard, paperboard, glass, aluminum, tin, steel, rigid plastics, film plastics, and plastic containers, that have been source-separated from other solid waste by residential and commercial generators. The North Gateway facility would not be open for drop-in recycling from the general public and would process materials collected by CWS under the Residential Recycling Collection program with the City of Oakland.

Project Description

CWS has operated recycling facilities in West Oakland since 1992. However, as the neighborhood has transitioned into primarily residential uses, the existing recycling facilities are no longer compatible. The proposed North Gateway project site is a vacant parcel located on Wake Avenue on 14.38 acres, consisting of: 1) 12.02 acres of land owned in fee by the City; and 2) 2.36 acres of land owned by the State of California Department of Transportation (Caltrans) and controlled by the City pursuant to an easement agreement between the City and Caltrans. The site is located at the northeast corner of Maritime Street and West Grand Avenue and is bordered by East Bay Municipal Utility District land and a BNSF rail spur to the north, a vacant city-owned lot and I-880 to the east, Grand Avenue overpass to the south, and truck parking areas owned by the City to the west.

CWS is proposing to construct an approximately 171,000 square-foot, two-story recycling facility to accommodate an administrative office, a material receiving area, a material recycling and recovery area with processing equipment, a bale storage area, a material shipping area, staff areas, a truck maintenance area including a compressed natural gas (CNG) fueling compressor, and a dispatch area. The rest of the site would be occupied by parking for personnel and collection trucks, scales and a scale house for receiving material onto the site, and access roads for the efficient movement of trucks and cars. The facility would be permitted to handle up to 850 tons per day of materials and 308 truck trips (222 incoming/86 outgoing). All material management, processing, and storage would be conducted entirely inside the enclosed building.

The site plan and building have been designed to comply with the City of Oakland's design guidelines and to highlight the facility's green building features to support the project's application for Leadership in Energy and Environmental Design (LEED) certification at a Gold level, including features such as recycled content building materials, roof-top solar, rainwater collection for landscape irrigation, and an

environmental education center. Construction of North Gateway facility is expected to take about one year to complete. A site plan and elevations are included in Attachment A.

The proposed facility would employ about 165 people (142 relocated and 23 new). Processing and maintenance activities would operate 24 hours a day, 7 days a week, with staffing covered in shifts. Operations for material recovery would be scheduled to avoid trucks traveling on local highways and streets during peak hours. Operations would have the flexibility to start and stop employee shifts to coincide with the receiving of material at the facility and to avoid peak hours of traffic. Visitors would be allowed in the facility from 8:30 a.m. to 5:00 p.m.

City Approvals

On June 16, 2021 the City of Oakland's Planning Commission recommended that the City Council approve the Design Review and Major Conditional Use Permit (CUP) for the North Gateway facility and adopt requisite CEQA findings. At the July 6, 2021 City Council meeting, Councilmembers adopted the following regarding the North Gateway facility:

- A resolution (No. 88733) for the Design Review and a Major Conditional Use Permit for the development for a recycling facility located at 2308 Wake Avenue by California Waste Solutions, Inc. and adopting requisite California Environmental Quality Act (CEQA) findings and the conditions of approval; and
- An ordinance (No. 13658):
 - Authorizing the City Administrator to execute a lease and disposition and development agreement between the City of Oakland (City) and California Waste Solutions, Inc. (CWS) for development of a recycling facility at 2308 Wake Avenue, with a term of up to seven years, a conveyance price of \$8,268,500 and applicable extension fees of \$125,000, \$250,000, and \$425,000;
 - Authorizing the City Administrator to execute a 99-year lease between the City and California Waste Solutions, Inc. of the City's leasehold interest in an easement granted by Caltrans over adjacent property;
 - Waiving the City's Local and Small Local Business Enterprises Program, as amended on February 16, 2021 (Ordinance No. 13640 C.M.S.) And May 4, 2021 (Ordinance No. 13647 C.M.S.);
 - Applying the Construction Jobs Policy and Operations Jobs Policy applied to the other projects at the former Oakland Army Base; and
 - Adopting CEQA findings.

CEQA Compliance

In 2002, the City and the Port of Oakland independently adopted the Oakland Army Base (OARB) Area Redevelopment Plan and certified the 2002 OARB Redevelopment Plan EIR. Subsequently in 2012, the City and the Port adopted the 2012 Addendum to the 2002 OARB EIR. The 2012 Addendum analyzed a land use program in the North Gateway area that assumed approximately 27.3 acres north of West Grand Avenue would be reserved for up to 379,610 square feet of use for indoor recycling facilities.

An Addendum No. 2 to the 2002 EIR/2012 Addendum was completed for the CWS proposal and adopted by the City in July 2021, which concluded that with implementation of the applicable Standard Conditions of Approval/Mitigation Measure and Reporting Programs (SCA/MMRP), the proposed project would not result in a substantial increase in the severity of significant impacts previously identified in the 2002 EIR/2012 Addendum or any new significant impacts that were not previously identified in the 2002 EIR/2012 Addendum.¹

The WMA is a responsible agency under CEQA and thus must consider the information in the 2002 EIR/2012 Addendum and the 2021 EIR Addendum No. 2. Consistent with the Public Resource Code (PRC 21166) and the CEQA Guidelines (section 15162), when an EIR has already been adopted, no subsequent or supplemental CEQA documentation shall be required by a responsible agency unless one or more of the following events occurs:

- (a) Substantial changes are proposed to the project that will require major revisions of the EIR due to new significant environmental effects,
- (b) Substantial changes occur with respect to the circumstance under which the project is being undertaken that will require major revisions in the EIR due to new significant environmental effects, or
- (c) New information, which was not known and could not have been known at the time the negative declaration was adopted, becomes available that will require major revisions of the negative declaration due to new significant environmental effects.

Staff has reviewed the existing CEQA documents and concludes that, based on the whole record before it, the facility underwent the review required under CEQA and that the CoIWMP amendment is within the scope of activities addressed by the initial EIR and subsequent addenda. Since preparation and adoption of the EIR Addendum No. 2, there have been no substantial changes to the project. In addition, the conditions at the project site have not changed since preparation of the EIR Addendum No. 2, nor are there any other substantial changed circumstances, or new information that has become available that would result in any new significant impacts or a substantial increase in impacts considered in the 2002 EIR/2012 Addendum and 2021 Addendum No. 2.

¹ CEQA documents can be found at: <https://www.oaklandca.gov/documents/california-waste-solutions-cws-ceqa-review>

WMA staff concurs with the City's finding that the environmental impacts of the proposed project are adequately covered by the existing CEQA documents and no additional review is required.

CoIWMP Amendment and Finding of Conformance

An amendment to the CoIWMP is needed to add the location and description of the CWS North Gateway facility to the CoIWMP. Under the criteria set forth in the CoIWMP, any solid waste facility located in Alameda County seeking a Full Solid Waste Facility Permit (SWFP) must undergo a review for conformance with the CoIWMP, as amended.

Before the WMA Board considers the CoIWMP Amendment and conformance finding, the proposal must be reviewed by the Recycling Board in its capacity as the Local Task Force and the Planning Committee of the WMA. If the WMA Board approves the amendment and conformance finding, the changes will be forwarded to CalRecycle for processing and approval.

Local Task Force and Planning and Organization Committee Review

The Recycling Board, as the Local Task Force, and the Planning Committee of the WMA, will consider the proposed CoIWMP Amendment and Finding of Conformance at its meeting on November 17, 2021 at 3:00 p.m. In its advisory capacity, the Local Task Force will review and provide comments on the proposed CoIWMP Amendment (which can include a comment recommending adoption). The Planning & Organization Committee will receive the staff report and consider whether to recommend approval of the proposed CoIWMP Amendment and conformance finding to the full WMA.

RECOMMENDATION

Staff recommends that the Recycling Board (in its role as Local Task Force) provide comments recommending, and that the Planning Committee recommend to the WMA Board that it hold a public hearing and adopt a resolution to (1) amend the CoIWMP (Exhibit 1) to include the CWS North Gateway Recycling Facility in the City of Oakland, and make additional changes for consistency, (2) find that the CWS facility conforms to the CoIWMP, as amended, and (3) make the findings required by CEQA.

Attachments:

Attachment A: North Gateway Facility Design Drawings

Attachment B: Resolution 2021-__

Exhibits:

Exhibit 1: Text Changes to the Countywide Integrated Waste Management Plan

Exhibit 2: Siting Criteria Findings

Exhibit 3: Conditions of Approval

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**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2021-__**

MOVED:

SECONDED:

**AT THE MEETING HELD _____, 2021
ADOPTING AMENDMENTS TO THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN,
AND FINDING PLAN CONFORMANCE FOR THE CALIFORNIA WASTE SOLUTIONS NORTH
GATEWAY RECYCLING FACILITY AT 2308 WAKE AVENUE, OAKLAND, CALIFORNIA**

The Board of the Alameda County Waste Management Authority (“WMA”) resolves as follows:

SECTION 1 (Adoption)

The Board of the WMA does hereby adopt this Resolution in full consisting of Section 1 through Section 5.

SECTION 2 (Findings)

- (a) The WMA finds that the California Integrated Waste Management Act (California Public Resources Code §§ 40000 et seq.) requires the preparation and adoption of a Countywide Integrated Waste Management Plan (CoIWMP).
- (b) The WMA finds that the Alameda County Joint Exercise of Powers Agreement for Waste Management directs that the WMA prepare, adopt, revise, amend, administer, enforce, and implement the CoIWMP.
- (c) The WMA finds that it adopted a CoIWMP initially dated February 26, 2003, with a comprehensive update adopted April 22, 2020, and has adopted minor amendments since then.
- (d) The WMA finds that California Waste Solutions (CWS) currently operates two medium-volume recycling facilities in West Oakland at 3300 Wood Street and 1819/1820 10th Street.
- (e) The WMA finds that on July 6, 2021, the City of Oakland approved a resolution (No. 88733) for the Design Review and a Major Conditional Use Permit for the development for a recycling facility located at 2308 Wake Avenue by California Waste Solutions, Inc. (“Project”) and adopting requisite California Environmental Quality Act (CEQA) findings and the conditions of approval; and a related ordinance (No. 13658):
- (f) The WMA finds that the City of Oakland prepared, considered, and adopted on July 2, 2021 a Second Addendum to the 2002 Oakland Army Base Area Redevelopment Plan Environmental Impact Report and a subsequent 2012 Addendum as required by the California Environmental Quality Act (“CEQA”) for the Project.
- (g) The WMA finds that on October 11, 2021 the Project applicant submitted the required information to the WMA to amend the CoIWMP to include the proposed Project at 2308 Wake Avenue, Oakland, CA 94607.

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- (h) The WMA finds that the Recycling Board, acting as the Local Task Force, has reviewed and commented on the proposed amendment, and the Planning & Organization Committee of the WMA has considered the CoIWMP Amendment, including any comments by the Local Task Force, and has recommended approval of the CoIWMP Amendment and conformance finding.
- (i) The WMA finds that WMA staff provided all required notice and held a duly noticed public hearing on November 17, 2021 to consider the CoIWMP Amendment and conformance finding for the Project.
- (j) The WMA finds that the WMA Board considered all materials and testimony presented by the public, Local Task Force, applicant, and WMA staff.
- (k) The WMA finds that it is a Responsible Agency under CEQA, that this Project underwent the required review under CEQA, and that the WMA's action is within the scope of activities addressed by the City of Oakland's EIR and subsequent addenda.
- (l) The WMA finds that the WMA Board has independently reviewed and considered the City of Oakland's 2002 EIR, 2012 Addendum, and 2021 Addendum No. 2.
- (m) The WMA finds that since the City of Oakland's adoption of the 2021 Addendum No. 2, no substantial changes to the Project have occurred and no new information or changed circumstances exist that require revisions to the EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

SECTION 3 (CEQA Determinations)

The WMA's approval of the CoIWMP amendment and conformance determination, as conditioned, will have not resulted in any new or more severe significant impacts to the environment than documented in the 2021 Addendum No. 2.

SECTION 4 (Amendment of CoIWMP)

The WMA hereby amends the CoIWMP as set forth in the CoIWMP Amendment text attached hereto as Exhibit 1 and made a part of this Resolution, subject to the Conditions of Approval attached hereto as Exhibit 3.

SECTION 5 (Conformance Determination)

The WMA hereby determines that the proposed Project is in conformance with the CoIWMP as amended, including the siting criteria as set forth in the siting criteria findings attached hereto as Exhibit 2 and made a part of this Resolution, and that the CWS North Gateway Recycling Facility, as conditioned by the Conditions of Approval attached hereto as Exhibit 3, would be in conformance with the CoIWMP as amended.

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Passed and adopted this __ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

Arliss Dunn
Clerk of the Board

Exhibits:

Exhibit 1: Text Changes to the Countywide Integrated Waste Management Plan

Exhibit 2: Siting Criteria Findings

Exhibit 3: Conditions of Approval

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Exhibit 1: ColWMP Amendment Text

Text Changes to the Alameda County Countywide Integrated Waste Management Plan for the California Waste Solutions North Gateway Recycling Facility Located at 2308 Wake Avenue in the City of Oakland

The Alameda County Countywide Integrated Waste Management Plan (“Plan”) adopted April 22, 2020 is hereby amended again as set forth below. In the sections that follow, text to be added to the Plan is shown in **underline bold** and text to be deleted is shown in ~~strikethrough~~.

1. Figure 3-A on page 3-9 shows the location of waste management facilities serving Alameda County. Amend Figure 3-A adding the name and location of the North Gateway Recycling Facility to the map.
2. Table 3-6 on page 3-12 summarizes information (in alphabetical order) regarding non-disposal facilities operating under a full Solid Waste Facility Permit in Alameda County. Amend Table 3-6 as provided below:

Name	Address	Type	Owner/Operator
<u>CWS North Gateway Recycling Facility</u>	<u>2308 Wake Ave. Oakland, CA 94607</u>	<u>Transfer Station, MRF</u>	<u>California Waste Solutions</u>

3. Appendix C, beginning on page C-1, provides brief descriptions of non-disposal facilities within Alameda County, in alphabetical order by facility type. Amend page C-2 as follows:

CWS Transfer/Processing Facilities

CWS operates two transfer/processing facilities in Oakland: one located at 1820 10th St. and the second at 3300 Wood St. The 10th Street facility (01-AA-0329) is a medium-volume transfer and processing facility on a 2.1-acre site, of which 0.8 acres are dedicated to this operation. It is permitted to transfer 100 TPD. The Wood St. Facility (01-AA-0323) is a medium-volume transfer and processing facility situated on adjacent parcels totaling 1.53 acres. It is permitted to transfer 100 TPD. The Alameda County Department of Public Health acts as the LEA for both facilities. The facilities receive and process mixed recyclables from the City of Oakland, and transfers residuals to Keller Canyon Landfill.

CWS plans to consolidate and relocate transfer and processing activities to a new parcel at the former Oakland Army Base known as **the North Gateway Recycling Facility, located at 2308 Wake Avenue. The North Gateway facility was approved by the City of Oakland in July 2021. The 14.4-acre site will house an approximately 171,000-square-foot recycling facility including administrative offices, MRF, and environmental education center. The North Gateway facility would receive, process, and transfer up to 850 TPD of mixed recyclable materials collected by CWS under their contract with the City of Oakland’s collection program. This collection includes, but is not limited to, paper, cardboard, paperboard, glass, aluminum, tin, steel, rigid plastics, film plastics, plastic containers, used motor oil, and batteries. Processing and maintenance activities would occur 24 hours a day/7 days a week, but the facility would not be open to drop-in recycling from the general public. The existing West Oakland facilities would cease operations upon opening of the North Gateway facility.**

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Exhibit 2: Siting Criteria Findings

The Alameda County Waste Management WMA (“WMA”) has reviewed the materials submitted in connection with the California Waste Solutions North Gateway Recycling Facility (“proposed project”). Based on that review, the WMA hereby makes the following determinations pursuant to the relevant provisions of Chapter 6, Table 6-1 of the CoIWMP. The Oakland Army Base (OARB) Area Redevelopment Plan 2002 EIR, 2012 Addendum, and 2021 Addendum No. 2 documents prepared by the City of Oakland also contains an analysis of many of the siting criteria listed below.

A. Seismic

The proposed project is not within 200 feet of an active or recently active fault.

B. Floodplains

The proposed project is not located in a 100-year floodplain nor in an area subject to flooding.

C. Wetlands

The proposed project site is a vacant lot covered with dirt/gravel surrounded by existing development and does not contain any wetlands.

D. Endangered Species Habitat

The proposed project site is a vacant lot covered with dirt/gravel surrounded by other development and does not contain any endangered species habitat.

E. Unstable Soils

Soils in the vicinity of the proposed project include artificial fill, expansive soils, and conditions that could result in seismic-related ground failure such as liquefaction, lateral spreading (lurching), and differential settlement. However, the proposed project has been designed in accordance with applicable design standards and building code requirements that ensure the structural integrity of the facility and is required to comply with a site-specific geotechnical report and recommendations.

F. Major Aquifer Recharge Areas

The proposed project site is a vacant lot covered with dirt/gravel surrounded by existing development and is not located in an aquifer recharge area.

G. Depth to Groundwater

Groundwater in the vicinity of the proposed project is shallow (there is a shallow water-bearing zone generally 5 to 7 feet below ground surface then a lower water-bearing zone beginning at approximately 25 feet below ground surface). However, the proposed project has been engineered in accordance with applicable local and State requirements with regard to shallow groundwater.

H. Permeable Strata and Soils

The proposed project site is currently a vacant lot graded with dirt/gravel. Soils in the area are generally gravelly sand fill to a depth of approximately 5 feet below ground surface, a second layer of fill consisting of fine-grained sand that was hydraulically dredged from San Francisco Bay between 5 to 15 feet below ground surface, underlain with Young Bay Mud clay beginning at approximately 15 feet below ground surface that is not very permeable

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and restricts downward movement of groundwater.

I. Non-attainment Air Areas

CWS shall comply with all requirements of the Bay Area Air Quality Management District (BAAQMD) in the operation of the facility.

J. PSD Air Areas

CWS shall comply with all requirements of the Bay Area Air Quality Management District (BAAQMD) in the operation of the facility.

K. Mineral Resources Area

The proposed project is not located in an identified mineral resources area.

L. Prime Agricultural Lands/Open Space

The proposed project site is located on a dirt/gravel vacant lot previously part of the Oakland Army Base in a fully-developed industrial area within the city and is not on any prime agricultural lands or open space.

M. Military Lands

The proposed project is located on the former Oakland Army Base. This site was identified for industrial use in the 2002 OARB Reuse Plan, and specifically for a recycling facility in the 2012 Addendum to the Reuse Plan.

N. Other Federal, State and Indian Lands

As noted above in (M), the proposed project is located on the former Oakland Army Base, specifically the portion now controlled by the City, and is not located on federal, State, or Indian lands.

O. Proximity to Major Transportation Routes

The proposed project is located one block from access to I-80 and I-880, which connect to other area highways. Collection vehicles have access to all areas of the city via major roadways, including West Grand Avenue and 7th Street via Maritime Street.

P. Proximity to Waste Streams

As noted in the siting criteria, a large volume transfer/processing facility, such as the proposed project, can be located a distance from waste sources because of the need for large sites and buffer zones to protect the public welfare. The proposed project is located in the western portion of the city, separated from much of the city's residential and commercial development but has easy access to all areas of the city via major roadways and highways.

Q. Proximity to Development

The proposed project is located near the Oakland Port in an extensive industrial/logistics area designed for industrial uses and heavy truck usage away from sensitive uses. The proposed project site is situated among major transportation routes including nearby access to the highway network via connections to I-880 and I-80 and easy access to Maritime Street, with connections to major routes into City of Oakland neighborhoods via Grand Avenue and 7th Street. Roadway access in the vicinity has been designed for truck traffic and access to the major transportation routes and is not in proximity to institutional or public facilities (such as hospitals, schools, libraries, etc.) or through residential areas (the closest of which are over 2,000 feet away).

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R. Residential Development

The proposed project location is in an industrial portion of the city and separated from residential neighborhoods by I-880. The proposed project would allow CWS to cease operations at their two existing facilities that are situated in residential neighborhoods in West Oakland which currently lack appropriate buffers to protect residential areas from negative impacts.

S. Institutional/Public Facilities

The proposed project is located in an appropriate industrial/logistics-type of area separated from uses that could be sensitive to noise, litter, disease vector, dust, odors, and aesthetics. The proposed project is modern with all debris handling occurring in a controlled indoor environment to minimize the potential for negative impacts. As the site is highly visible from nearby highways/high volume roadways, the site plan and building have been designed to be visually appealing. The proposed project is not located within 500 feet of schools, churches, hospitals, civic buildings, or libraries.

T. Proximity to Public Services

The proposed project is located in a fully developed industrial area within the city and is connected to public utilities. With the recent realignment of Wake Avenue, all new utility infrastructure was installed and is available in the adjacent roadway. The proposed project is served by existing public services and facilities, including fire, police, and emergency medical services. The proposed project site is within Oakland Police Area 1, in Police Beat 5. The closest fire station is Fire Station #3, which is approximately 1.3 miles (4 minutes) from the proposed project site. While development of this site could increase demand for public services, it will pay development fees to the City to support services.

U. Conformance with Approved Countywide Siting Element of the Integrated Waste Management Plan ("Plan")

The proposed project is generally consistent with the goals and policies of the Countywide Siting Element and represents largely a relocation of existing facilities away from existing land use conflicts. The proposed project is specifically well-aligned with Goals 1-3, as highlighted below:

- *Goal 1: Disposal Capacity* – Compared to the combined 200 TPD of the existing CWS facilities, the proposed project will have an approved 850 TPD capacity thereby increase recycling capacity in Alameda County, allowing more materials to be diverted from landfills, thereby increasing disposal capacity.
- *Goal 2: Responsible Infrastructure* - CWS aims to recover the maximum amount of materials in the waste streams it receives. This diversion is accomplished through the diligent processing of the residential and multi-family/commercial customer waste stream at the company's two current Oakland facilities. With the addition of the new processing equipment planned for the proposed project, CWS expects to improve the diversion rate.
- *Goal 3: Materials Management* – CWS aims increase diversion at the proposed project through modernization of processing equipment and processes; development and

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operation of the new, state of the art facility; and implementation public education initiatives. CWS will pursue public education and outreach to improve recycling and waste reduction habits. CWS has advocated for City approval of a campaign that motivates Oaklanders to maximize recycling practices and drives customer change in a targeted manner with ongoing refinements based on actual behavior.

V. Recreational, Cultural, or Aesthetic Areas

The proposed project is located on a vacant site on the former Oakland Army Base and is not located in an area of recreational, cultural, or aesthetic significance.

W. Airport Zones

The proposed project is not located within 2 miles of an airport, within a Federal Aviation Agency approach zone, installation compatible use zone, or safety zone.

X. Gas Migration & Odor Emissions

The proposed project is a transfer and recycling processing facility and not a landfill or compost facility and would not involve putting waste into the ground that would have the potential to result in gas migration. The site may inadvertently receive small amounts of solid waste or putrescible waste that could result in odors. However, all materials will be handled in a controlled indoor environment that would limit any potential for odors. Additionally, the proposed project is surrounded by industrial-type uses that are not considered odor sensitive and is located a significant distance from residential areas.

Y. Contingency

CWS has submitted a copy of its proposed Emergency/Contingency Plan for the proposed project as part of their application. CWS will provide for continuity of service in the case of an emergency or any other facility unavailability, including those caused by natural or man-made events, by processing materials at its processing facility in the City of San Jose, located at 1005 Timothy Drive (SWIS #43-AN-0024).

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Exhibit 3: Conditions of Approval

Conditions of Approval for the ColWMP Amendment and Conformity Determination for the California Waste Solutions North Gateway Recycling Facility

Pursuant to the Joint Powers Agreement establishing the Alameda County Waste Management Authority (“WMA”), the Alameda County Integrated Waste Management Plan, and State law, the ColWMP amendment and conformity determination enacted by the resolution to which this exhibit is attached is subject to the conditions below:

1. Operations at the California Waste Solutions (CWS) North Gateway Recycling Facility (“Facility”) located at 2308 Wake Avenue in the City of Oakland shall comply with all requirements governing the design and operation of large volume transfer/processing facilities under the Full Solid Waste Facility Permit (SWFP) as set forth in Title 14 of the California Code of Regulations.
2. Only the following “Acceptable Materials” may be accepted at the Facility: items collected in municipal residential and commercial recycling programs such as those collected by CWS under the Residential Recycling Collection Service Contract executed between City of Oakland and CWS: newspaper, mixed paper (including, but not limited to, white and colored paper, magazines, telephone books, chipboard, junk mail, and high grade paper), glass bottles and jars, metal cans including empty aerosol containers, aluminum foil and trays, milk and juice cartons, soup and juice boxes, narrow neck rigid plastic containers, non-bottle rigid plastics, and corrugated cardboard, which have been source-separated from other solid waste by residential and commercial generators for the purpose of recycling, as defined in Public Resources Code 40180. Acceptable Materials also include materials collected by CWS under the Residential Recycling Collection Service Contract between City of Oakland and CWS, including dry cell household batteries, used motor oil and used motor oil filters.

The recycling facility shall not allow drop-in recycling by the general public.

3. Any plant debris (grass, leaves, shrubbery, vines, tree branches, etc.) shall be separated and diverted to a composting facility in accordance with the WMA’s Mandatory Recycling Ordinance 2012-01 and Plant Debris Landfill Ban Ordinance.
4. No more than the permitted capacity of 850 tons per day of materials shall be processed by the Facility.
5. The number of truck trips transferring incoming and outgoing materials shall not be more than the permitted 308 truck trips per day.
6. The Facility shall be constructed and operate in compliance with the descriptions and assumptions made in the Oakland Army Base Area Redevelopment Plan 2002 EIR, 2012 Addendum, and 2021 Addendum No. 2 adopted by the City of Oakland.
7. At the end of each quarter, the project applicant shall provide to the City and Alameda

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County Waste Management Authority (Stopwaste) the following information regarding activities at the CWS North Gateway Recycling Facility during the preceding quarter: daily number of one-way truck trips; incidents of uncovered loads; inbound tonnage by local jurisdiction; outbound tonnage by commodity and facility destination; the tonnage of non-marketed materials (e.g. contaminants or rejects) that are sent to a landfill; the facility's diversion rate (including methodology); list personnel who are required to attend monthly scheduled training meetings in proper facility operation and maintenance, including hazardous waste recognition and screening, environmental and nuisance controls, use of equipment, safety procedures, and emergency situation procedures; and any public complaints.

8. The resolution to which these Conditions of Approval is attached shall take effect only upon CWS' acceptance of these conditions and its agreement to indemnify and hold harmless the WMA, its agents, officer, and employees according to the terms in paragraph (9) below.
9. CWS shall defend (with counsel acceptable to the WMA), indemnify and hold harmless the WMA, its agents, officers and employees for any costs, including attorneys' fees, incurred by the WMA, its agents, officers or employees in the defense of any action brought against the WMA, its agents, officers or employees, in connection with the approval or implementation of WMA Resolution 2021- ____. The WMA may elect, at its sole discretion, to participate in the defense of such action, and CWS shall reimburse the WMA, its agents, officers or employees for any costs, including attorneys' fees, that the WMA, its agents, officers or employees incur as a result of such action. The WMA will provide statements indicating its reimbursable costs expended each month. CWS shall remit payment to the WMA for such costs within ten business days of receipt of such statements. This indemnification shall be binding upon the WMA, CWS, and all their successors and assigns.
10. CWS shall comply with the Alameda County Integrated Waste Management Plan, all applicable existing and future ordinances and resolutions of the WMA (including, but not limited to, Ordinance 2009-01 and Resolution 2009-03), all fee and reporting requirements imposed by the WMA, and all conditions imposed by the City of Oakland, including those under the Facility's Conditional Use Permit, and other regulatory agencies.
11. These conditions of approval shall restrict the operations of the Facility and shall be incorporated in, and enforceable under, CWS's Full Solid Waste Facilities Permit issued by the Alameda County Local Enforcement Agency and may be enforced by the City of Oakland in connection with its enforcement of its permits for the Facility.
12. Any Facility activities beyond those provided for by Resolution 2021-__ shall require a new CoIWMP amendment and conformance determination by the WMA.