



**DATE:** August 13, 2020

**TO:** Planning Committee/Recycling Board

**FROM:** Emily Alvarez, Program Manager

**SUBJECT:** Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Certified Blue Recycling Facility located at 2075 Williams Street in San Leandro

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## **SUMMARY**

Certified Blue Recycling (CBR) is proposing expanded operations at its existing construction, demolition, and inert (CDI) debris transfer/processing facility at 2075 Williams Street in the City of San Leandro. CBR 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

Certified Blue Recycling (CBR), owned by Bluewater Environmental Services, Inc., has operated a CDI processing/transfer facility at 2075 Williams Street in the City of San Leandro (Alameda County Assessor's Parcel Numbers 077A-0700-006-02 / 016-03) since 2001. The site is zoned as Industrial General and is designated as General Industrial and Industrial Transition in the City's General Plan. CBR's Facility has historically not been open to the public, only accepting materials from customers who have an account with CBR (such as commercial contractors and haulers). CBR accepts CDI debris including, but not limited to lumber materials, sheetrock, metal, plastics, concrete, dirt, rock, asphalt, cardboard generated by construction and demolition work, and green waste (wood/tree limbs and trunks/logs). Materials are sorted on-site and sent to the appropriate recycling facilities, with residuals sent to landfill.

CBR's Facility was permitted for less than 175 tons per day of solid waste under their Registration Permit issued by CalRecycle (SWIS #01-AA-0315) and enforced by the Alameda County Department of Environmental Health, acting as the Local Enforcement Agency (LEA). Existing operations include

approximately 156 truck trips per day for accepting incoming waste and transferring sorted materials to recycling facilities or landfills. CBR processes materials and conducts maintenance activities from 7:00 a.m. to 4:00 p.m. Monday through Friday and from 7:00 a.m. to noon on Saturday. CBR only receives materials from 7:00 a.m. to 4:00 p.m. Monday through Friday and is not officially open for business on Saturdays. The Facility operates under an existing Conditional Use Permit (PLN2009-00022) from the City of San Leandro.

### Project Description

As stated by the applicant, CBR is proposing to expand its operations to meet demand for CDI materials. Building material recycling is required by the City of San Leandro for most demolition permits. As of January 1, 2019, the City requires all residential and commercial projects to recycle and/or salvage for reuse a minimum of 65 percent of nonhazardous construction and demolition waste in accordance with the 2019 California Green Building Standards Code.

CBR is proposing to increase the maximum permitted tonnage, increase truck trips, and modify an existing wall on the site. Additionally, CBR is proposing to extend its hours and open its facility to the public for self-haul of CDI materials. The proposed project does not include any modifications to existing buildings on the site or expansion of the facility's footprint. No additional heavy machinery is proposed.

CBR is making the following specific changes to its facility and operations:

- Operate as a large volume transfer/processing facility under a Full Solid Waste Facility Permit (SWFP), compared to current operations as a medium volume facility under a Registration Permit.
- Increase the overall permitted tonnage for the facility from less than 175 tons per day (TPD) to less than 350 TPD.
- Increase vehicle trips from 156 truck trips per day to 256 truck trips per day.
- Replace Jersey blocks with a permanent "push wall" along the perimeter of the processing yard area.
- Modify hours of operation to 7:00 a.m. to 5:00 p.m. on weekdays (currently operations cease at 4:00 p.m.) and expand operations on Saturdays from 7:00 a.m. to noon to include acceptance of materials.
- Accept CDI materials from the public.

### City Approvals

On May 7, 2020, the City of San Leandro approved the modified Conditional Use Permit for CBR (PLN19-057) to allow increased tonnage, increased truck trips, extend operating hours, open the facility to the public, and approve the modified wall design.

### CoIWMP Amendment and Finding of Conformance

An amendment to the CoIWMP is needed to add the location and description of the CBR Facility to the CoIWMP. Under the criteria set forth in the CoIWMP, any solid waste facility located in Alameda County seeking a Full SWFP must undergo a review for conformance with the CoIWMP and an amendment if deemed in conformance.

Before the WMA Board considers the CoIWMP Amendment, the proposed CoIWMP Amendment 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, the changes will be forwarded to CalRecycle for processing and approval.

### CEQA Compliance

For purposes of the California Environmental Quality Act ("CEQA"), the City of San Leandro acted as the lead agency for the CBR project and prepared an Initial Study/Negative Declaration,<sup>1</sup> which was adopted on May 7, 2020 (Resolution 2020-008).

The WMA is a responsible agency under CEQA and thus must consider the information in the IS/ND. Consistent with the Public Resource Code (PRC 21166) and the CEQA Guidelines (section 15162), when a negative declaration 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 negative declaration 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 negative declaration 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 City of San Leandro's documents for the IS/ND. Staff 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 City of San Leandro's IS/ND. Since preparation and adoption of the IS/ND, there have been no substantial changes to the project. In addition, the conditions at the project site have not changed since preparation of the IS/ND, 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 IS/ND.

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<sup>1</sup> The IS/ND for CBR can be found at: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?BlobID=31287>

WMA staff concurs with the City's finding that the proposed project will not have a significant impact on the environment since it involves an existing use and no major changes on site.

#### 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 at its teleconference meeting on August 13, 2020 at 4:00 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 Certified Blue CDI Recycling Facility in the City of San Leandro, and make additional changes for consistency, (2) find that the CBR Facility conforms to the CoIWMP as amended, and (3) make the findings required by CEQA.

#### **Attachments:**

Attachment A: Resolution 2020-02

#### Exhibits:

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

Exhibit 2: Siting Criteria Findings

Exhibit 3: Conditions of Approval

**Attachment A**

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY  
RESOLUTION #WMA 2020-02**

**MOVED:**

**SECONDED:**

**AT THE MEETING HELD September 23, 2020  
ADOPTING AMENDMENTS TO THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN,  
AND FINDING PLAN CONFORMANCE FOR THE CERTIFIED BLUE RECYCLING FACILITY AT 2075  
WILLIAMS STREET, SAN LEANDRO, 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, dated February 26, 2003, and has adopted minor amendments since then, with an update adopted on April 22, 2020.
- (d) The WMA finds that the Certified Blue Recycling Facility (“Facility”) has been operating at 2075 Williams Street, San Leandro, CA 94577 since 2001. On May 7, 2020, the City of San Leandro issued a new Conditional Use Permit (PLN19-057) for the Facility that included expanding operations to: increase tons-per-day of construction, demolition, and inert debris that the Facility may accept; increase truck trips to and from the Facility; extend the Facility’s operating hours; and allow the Facility to accept material from the public, in addition to other related activities (the “Project”).
- (e) The WMA finds that the City of San Leandro prepared, considered, and adopted on May 7, 2020 an Initial Study and Negative Declaration (IS/ND) as required by the California Environmental Quality Act (“CEQA”) for the Project.
- (f) The WMA finds that on July 25, 2020 the Project applicant submitted the required information to the WMA to amend the CoIWMP to include the Facility at 2075 Williams Street, San Leandro, CA 94577.
- (g) 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.

## Attachment A

- (h) The WMA finds that WMA staff provided all required notice and held a duly noticed public hearing on September 23, 2020 to consider the CoIWMP Amendment and conformance finding for the Facility.
- (i) The WMA finds that the WMA Board considered all materials and testimony presented by the public, Local Task Force, Project applicant, and WMA staff.
- (j) 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 San Leandro's IS/ND.
- (k) The WMA finds that the WMA Board has independently reviewed and considered the City of San Leandro's IS/ND.
- (l) The WMA finds that since the City of San Leandro's adoption of the IS/ND, no substantial changes have occurred and no new information or changed circumstances exist that require revisions of the IS/ND due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (m) The WMA concurs with the City of San Leandro, that the Project will not result in any significant environmental impacts.

### SECTION 3 (CEQA Determinations)

The WMA's approval of the CoIWMP amendment and conformance determination, as conditioned, will have a less than significant impact on the environment as documented in the IS/ND.

### 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 does hereby determine 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 Certified Blue Recycling Facility, as conditioned by the Conditions of Approval attached hereto as Exhibit 3, would be in conformance with the CoIWMP as amended.

**Attachment A**

**Passed and adopted this 23rd day of September, 2020 by the following vote:**

**AYES:**

**NOES:**

**ABSTAINING:**

**ABSENT:**

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**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

**Attachment A**

Exhibit 1: ColWMP Amendment Text

**Text Changes to the Alameda County Countywide Integrated Waste Management Plan for the Certified Blue Recycling CDI Transfer/Processing Facility Located at 2075 Williams Street in the City of San Leandro**

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 Certified Blue Recycling Facility to the map.
2. Table 3-6 on page 3-12 summarizes information (in alphabetical order) regarding non-disposal facilities operating under Full Solid Waste Facility permits in Alameda County. Amend Table 3-6 as provided below:

Name	Address	Type	Owner/Operator
<b><u>Certified Blue Recycling</u></b>	<b><u>2075 Williams St. San Leandro, CA 94577</u></b>	<b><u>Transfer Station</u></b>	<b><u>Bluewater Environmental Services, Inc.</u></b>

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 to add the following description for the CBR Facility, above “CWS Transfer/Processing Facilities”:

**Certified Blue Recycling CDI Transfer/Processing Facility**

**The Certified Blue Recycling (CBR) Construction, Demolition, and Inert Debris (CDI) Transfer/Processing Facility (01-AA-0315) is located at 2075 Williams Street in the City of San Leandro on a 4.9-acre parcel of which 2.2 acres are dedicated to facility operations. The Facility, owned by Bluewater Environmental Services, Inc., began operations in 2001 as a medium volume CDI transfer/processing facility and expanded to a large volume facility in 2020. The Alameda County Department of Environmental Health is the LEA for CBR. The Facility is permitted to handle up to 350 TPD of CDI materials, including lumber materials, sheetrock, metal, plastics, concrete, dirt, rock, asphalt, cardboard generated by construction and demolition work, and green waste (wood/tree limbs and trunks/logs).**

**CBR accepts materials from commercial contractors and haulers, as well as public self-haul, from throughout the San Francisco Bay Area. Materials are sorted on-site and sent to the appropriate recycling facilities, with residuals sent to landfill. In 2019, CBR accepted approximately 23,250 tons of material (64 TPD) and diverted 14,334 tons from landfill (39 TPD).**

## Attachment A

### Exhibit 2: Siting Criteria Findings

The Alameda County Waste Management WMA (“WMA”) has reviewed the materials submitted in connection with the Certified Blue Recycling CDI Transfer/Processing Facility (“Facility”). 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 Initial Study/Negative Declaration (IS/ND) CEQA document prepared by the City of San Leandro 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 Facility has been in operation since 2001 and is located on a developed, paved lot with no proposed expansion of the Facility’s footprint. While a manmade bioswale exists at the southeast area of the site to control stormwater runoff, the existing location is not located on wetlands.

#### **D. Endangered Species Habitat**

The Facility has been in operation since 2001 and is located on a fully developed, paved lot in an industrial area of San Leandro. There is no proposed expansion of the Facility’s footprint. The existing location does not contain endangered species habitat.

#### **E. Unstable Soils**

The Facility is located on an existing paved, flat lot and is not located on unstable soils.

#### **F. Major Aquifer Recharge Areas**

The Facility has been in operation since 2001 and is located on a developed lot with impervious asphalt surfaces. A manmade bioswale is located at the southeast area of the site to control stormwater runoff, however the proposed project will not alter the amount or location of paved areas. Due to the largely impervious surface of the site, it is not a substantial groundwater recharge site.

#### **G. Depth to Groundwater**

The Facility has been in operation since 2001 and is located on a paved lot. No alterations are proposed to the site or building that would affect groundwater and the location is not known to have a high water table.

#### **H. Permeable Strata and Soils**

The Facility has been in operation since 2001 and is located on a developed, paved lot with no proposed expansion of the Facility’s footprint. The soils under the site have been identified as Danville silty clay loam, which is characterized as well drained with slow to medium runoff and slow permeability.

## Attachment A

### **I. Non-attainment Air Areas**

The Facility and associated vehicles and equipment are permitted and in compliance with the Bay Area Air Quality Management District (BAAQMD) permitting requirements.

### **J. PSD Air Areas**

See requirements of (I) above.

### **K. Mineral Resources Area**

The proposed project is not located in an identified mineral resources area and proposes no expansion of the existing footprint.

### **L. Prime Agricultural Lands/Open Space**

The proposed project is located on a developed, paved lot that is zoned industrial and not located on prime agricultural lands or open space.

### **M. Military Lands**

The proposed project is not located on military land.

### **N. Other Federal, State and Indian Lands**

The proposed project is not located on Federal, State, or Indian lands.

### **O. Proximity to Major Transportation Routes**

Interstate 880 is located less than two miles to the east of the Facility and is the route utilized by most trucks trips to and from the project site. The Marina Boulevard exit is the closest exit to the project site, and therefore, the exit that trucks would use in route to the site. While an increase in truck trips is proposed as part of the Facility's expansion, a Trip Generation Analysis was completed as part of the IS/ND that found a less than significant impact on traffic.

### **P. Proximity to Development**

The Facility has in operation since 2001 and is located in an existing industrial area. The major routes to the facility do not pass through any residential neighborhoods.

### **Q. Residential Development**

While the Facility is located in an industrial area of San Leandro, the project site is within 500 feet of existing residences. However, the proposed increase in operations will have a less than significant impact on surrounding residences. Noise measurements were conducted as part of the IS/ND. The existing noise levels at the residences closest to the project site are higher than noise levels on the project site during operation. Therefore noise at the Facility does not affect noise levels at nearby residences and no additional noise control measures are required. No additional mechanical equipment is proposed that would increase noise levels on the project site.

The Facility complies with all the applicable local and State requirements regarding odor control measures, personal health and safety, and sanitation facilities. Waste materials that could perish and rot, creating odors during decay, are restricted and prohibited from being brought to the Facility. These restrictions on perishable waste prevent adverse odors from impacting nearby residences.

## Attachment A

The Facility does not have stationary industrial emission sources that require BAAQMD permits. Emissions associated with the project are primarily associated with mobile source tractor trailer trips to deliver and pick up materials from the Facility. Most trucks travel between the Facility and Interstate 880 via Marina Boulevard to Merced Street to Williams Street because this is the most direct route. This route is through industrial areas where there are no residential developments. Once on site, trucks are shutoff to prevent lengthy periods of idling, which reduces vehicle emissions.

### **R. Institutional Facilities**

See responses to (Q) above and (S) below.

### **S. Public Facilities: Schools, Churches, Hospitals, Civic Buildings, Libraries**

There are no churches, hospitals, civic buildings, libraries, or public schools within 500 feet of the Facility. There is a private daycare center located approximately 235 feet from the southwest corner of the project site. There are intervening structures between the daycare center and the project site that block views, such that the Facility has no aesthetic impact on the daycare center. As described above under (Q), noise generated from operation of the Facility is less loud than existing ambient noise levels at nearby residences. The daycare center is located farther from the project site than these existing residences. Therefore, operational noise has no effect on ambient noise levels at the daycare center.

### **T. Proximity to Public Services**

The Facility has been in operation since 2001 and is located in an urban industrial area that has access to existing utilities including city sewer, water, electrical, and local emergency services with reasonable response times that are adequate to support existing operations and the proposed expansion of capacity.

### **U. Proximity to Waste Stream**

The existing Facility only accepted materials from customers with a CBR account, mostly commercial contractors and haulers, and did not accept self-haul CDI from the public. However, the proposed project will be open to the public, increasing the amount of CDI materials incoming to the Facility. The Facility receives materials from throughout the San Francisco Bay Area, where many cities, including the City of San Leandro, have construction and demolition debris ordinances mandating a percent diversion from landfill. CDI debris collection and sorting is a specialized process and the urban industrial location of the project site is in close proximity to many waste streams.

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

The existing Facility, operating under a Registration Permit from CalRecycle, is identified in the City of San Leandro's Non-Disposal Facility Element (NDFE). The increase in tonnage and expansion of operations that triggers the need for a Full Solid Waste Facility Permit requires a Conformance Finding and amendment to the Countywide Element of the CoIWMP.

As a CDI Transfer/Processing Facility, CBR's operations are aligned with the Goals of the Countywide Element to divert materials from landfill, recover materials for reuse, and have responsible infrastructure for diversion.

## **Attachment A**

### **W. Recreational, Cultural, or Aesthetic Areas**

The Facility has been in operation since 2001 is located on a developed, paved lot that is zoned industrial and not located on or will have a negative impact on any recreational, cultural, or aesthetic areas. No expansion of the Facility's footprint is proposed.

### **X. Airport Zones**

The proposed project is approximately 1.5 miles from Oakland International Airport and the project site is within Zone 6: Traffic Pattern, one of seven safety compatibility zones of the Oakland International Airport. However, the Facility has been in operation since 2001 and its use is compatible with the Airport Policy Land Use Plan. Additionally, there will be no change from the existing conditions at the site regarding potential impacts with the airport.

### **Y. Gas Migration / Emissions**

The existing Facility complies with all the applicable local and State requirements regarding odor control measures. Waste materials that could perish and rot, creating odors during decay, are restricted and prohibited from being brought to the Facility. Details of how loads are checked for non-acceptable materials are outlined in CBR's Facility Plan. While the proposed project would increase the maximum amount of materials processed daily at the Facility, it would not change the types of materials accepted.

Although the Facility does and would continue to reject perishable waste materials, green waste, such as grass clipping or fallen leaves, do make their way into the Facility incidental to CDI debris. Typically, green waste generates a less foul odor than other decomposing types of waste, such as food scraps. However, as green waste would not be directly accepted, gas migration and emission impacts would be less than significant.

### **Z. Contingency**

The Facility has been in operation since 2001 and has an existing CERS Consolidated Emergency Response/Contingency Plan.

## Attachment A

### Exhibit 3: Conditions of Approval

#### **Conditions of Approval for the CoIWMP Amendment and Conformity Determination for the Certified Blue Recycling CDI Transfer/Processing 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 CoIWMP amendment and conformity determination enacted by the resolution to which this exhibit is attached is subject to the conditions below:

1. Operations at the Certified Blue Recycling (CBR) Transfer/Processing Facility (“Facility”) located at 2075 Williams Street in the City of San Leandro 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. The materials that may be processed by the Facility are limited to the materials that the Facility is currently permitted to take. Inbound materials shall be visually inspected for unacceptable materials upon arrival to the site and rejected, as appropriate.
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 350 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 256 truck loads per day.
6. The Facility shall be constructed and operate in compliance with the descriptions and assumptions made in the Initial Study/Negative Declaration adopted by the City of San Leandro.
7. The Facility operator must identify the weight of all waste materials received at the transfer station, by jurisdiction of origin, and report the results to the WMA, as provided by WMA Ordinance 98-01. The transfer station operator must identify the weight of all material transferred for disposal, by landfill destination.
8. The resolution to which these Conditions of Approval is attached shall take effect only upon CBR’s 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. CBR and Bluewater Environmental Services, Inc. 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

## Attachment A

connection with the approval or implementation of WMA Resolution 2020-02. The WMA may elect, at its sole discretion, to participate in the defense of such action, and CBR and Bluewater Environmental Services, Inc. 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. CBR and Bluewater Environmental Services 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, CBR and Bluewater Environmental Services, Inc. and all their successors and assigns.

10. Applicant shall maintain a facilities plan that includes the Operator's Load Check Program outlining activities Operator will implement to identify and reject non-Construction, Demolition and Inert materials from incoming loads to facility. Activities should be consistent with the doubling of operations requested as part of the Conditional Use Permit and Full SWFP.
11. CBR is currently a Recycling Certification Institute (RCI) certified Mixed C&D processing facility. CBR shall maintain its certified status with RCI, or an equivalent third-party facility certification program, while operating in the City of San Leandro.
12. CBR 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 San Leandro, including those under Conditional Use Permit PLN19-0057, and other regulatory agencies.
13. These conditions of approval shall restrict the operations of the Facility and shall be incorporated in, and enforceable under, CBR's Full Solid Waste Facilities Permit issued by the Alameda County Local Enforcement Agency and may be enforced by the City of San Leandro in connection with its enforcement of its permits for the Facility.
14. Any activities beyond those provided for by Resolution 2020-02 shall require a new CoIWMP amendment and conformance determination by the WMA.