



DATE: July 27, 2016

TO: Waste Management Authority Board

FROM: Wendy Sommer, Executive Director

BY: Debra Kaufman, Senior Program Manager

SUBJECT: Vision Recycling Compost Facility CoIWMP Amendment – Public Hearing and Adoption

SUMMARY

At its June 22, 2016 meeting, the WMA Board considered proposed Ordinance 2016-01 to adopt changes to the Alameda County Integrated Waste Management Plan for the Vision Recycling Compost Facility at 30 Greenville Road, held the first reading of the ordinance, and scheduled the public hearing, second reading and adoption for July 27, 2016.

DISCUSSION

The P&O and the Recycling Board recommended at their June 9 meeting that the Waste Management Authority hold a first reading of the ordinance at the June 22 WMA meeting, and schedule a public hearing, second reading and adoption for July 27.

The staff memo to the June 9 Planning and Organization Committee/Recycling Board/Local Task Force (detailing and discussing the proposed changes) can be found here:

[CoIWMP Amendment-Vision Recycling.06-09-16.pdf](#)

The WMA Board, at its meeting on June 22, held the first reading of the ordinance by considering proposed Ordinance 2016-01 by title only and waiving the requirement to read the full text and recommended a public hearing, second reading and adoption for July 27.

The vote was 11-0 (Carson, Ellis, Kalb, Maass, Martinez, and Turner absent) in support of the above.

RECOMMENDATION

The Recycling Board and the WMA Board recommend that the WMA board hold a public hearing, second reading and adoption of Ordinance 2016-01 on July 27.

Attachments:

Attachment A: Ordinance 2016-01

Exhibit 1: CoIWMP Amendment Text

Exhibit 2: Siting Criteria Findings

Exhibit 3: Conditions of Approval

Attachment A

ORDINANCE 2016-01

AN ORDINANCE ADOPTING AMENDMENTS TO THE COUNTY INTEGRATED WASTE MANAGEMENT PLAN, AND FINDING PLAN CONFORMANCE FOR THE VISION RECYCLING COMPOST FACILITY AT 30 GREENVILLE ROAD, LIVERMORE, CA 94551

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

SECTION 1 (Enactment)

The Board of the Authority does hereby enact this Ordinance in full consisting of Section 1 through Section 7.

SECTION 2 (Findings)

- (a) The Authority finds that the California Integrated Waste Management Act (California Public Resources Code §§ 40000 et seq.) requires the preparation and adoption of a County Integrated Waste Management Plan (“CoIWMP”).
- (b) The Authority finds that the Alameda County Joint Exercise of Powers Agreement for Waste Management directs that the Authority prepare, adopt, revise, amend, administer, enforce, and implement the CoIWMP.
- (c) The Authority finds that it adopted a CoIWMP, dated February 26, 2003, and has adopted minor amendments since then. A five-year review of the CoIWMP was conducted in November 2009, a factual update was adopted in April 2010, and amendments were made in January 2011, December 2011, July 2013, and April 2015.
- (d) The Authority finds that on February 1, 2016, the County Planning Commission of Alameda County issued a conditional use permit for the Vision Recycling Compost Facility at 30 Greenville Road, unincorporated Livermore Area of Alameda County after preparing, considering, and adopting a negative declaration and initial study for the Facility as required by the California Environmental Quality Act (“CEQA”).
- (e) The Authority finds that on May 9, 2016, the Facility applicant submitted the required information to the Authority to amend the CoIWMP to site the Facility on an existing site at 30 Greenville Rd. in the unincorporated area of Livermore.
- (f) The Authority 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 Authority has considered the CoIWMP Amendment, including any comments by the Local Task Force, and has recommended approval of the CoIWMP Amendment and conformance finding.
- (g) The Authority finds that Authority staff provided all required notice and held a duly noticed public hearing on July 27, 2016 to consider the CoIWMP Amendment and conformance finding for the Facility.
- (h) The Authority finds that the Authority Board considered all materials and testimony presented by the public, Local Task Force, applicant for the Facility, and Authority staff.
- (i) The Authority finds that it is a Responsible Agency under CEQA, that this project underwent the required review under CEQA, and that the Authority’s action is within the scope of activities addressed by the County of Alameda’s negative declaration and initial study (“ND/IS”), except

for part of the source of the feedstock for the Facility, which the Authority concluded would not affect the conclusions in the ND/IS regarding the project's environmental impacts.

- (j) The Authority finds that the Authority Board has independently reviewed and considered the County of Alameda's ND/IS along with the additional information submitted by Vision Recycling.
- (k) The Authority finds that since the County of Alameda's adoption of the ND/IS, no substantial changes have occurred and no new information or changed circumstances exist that require revisions of the ND/IS due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (l) The Authority concurs with the County of Alameda that the Facility will not result in any significant environmental impacts.

SECTION 3 (CEQA Determinations)

- (a) The Authority'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 ND/IS and additional information submitted by Vision Recycling.

SECTION 4 (Amendment of CoIWMP)

The Authority hereby amends the CoIWMP as set forth in the CoIWMP Amendment text attached hereto as Exhibit 1 and made a part of this Ordinance.

SECTION 5 (Conformance Determination)

The Authority 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 Ordinance, and that the compost operation to be operated under the Enforcement Agency Notification level regulations for the project as conditioned by the Conditions of Approval attached hereto as Exhibit 3 would be in conformance with the CoIWMP as amended.

SECTION 6 (Designation for Ordinance Summaries)

The Authority Board does hereby designate the Authority Executive Director as the official responsible for preparing summaries of ordinances.

SECTION 7 (Notice and Effective Date)

This ordinance shall be posted at the Authority Office for at least thirty (30) days after its second reading by the Board and shall become effective thirty (30) days after the second reading.

Passed and adopted this 27th day of July, 2016 by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

I certify that under penalty of perjury that the foregoing is a full, true and correct copy of ORDINANCE NO. 2016 – 01.

Wendy Sommer
EXECUTIVE DIRECTOR

Exhibits:

Exhibit 1: Amendments to Alameda County Integrated Waste Management Plan for the Vision Recycling Compost Facility at 30 Greenville Road in the Unincorporated Area of Livermore

Exhibit 2: Siting Criteria Findings

Exhibit 3: Conditions of Approval

EXHIBIT 1

Amendments to Alameda County Integrated Waste Management Plan for the Vision Recycling Compost Facility at 30 Greenville Road in the Unincorporated Area of Livermore

The Alameda County Integrated Waste Management Plan, February 26, 2003 and last amended in April, 2015, 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. In Chapter II under the heading of "Participants" section 6 "Private Companies," add the following bulleted paragraph directly before Table 2-4:

Tom DelConte and Roberto Aguirre are co-owners/operators of the Vision Recycling Compost Facility located at 30 Greenville Road in the unincorporated area of Livermore. The Vision Recycling Compost facility will be an EA Notification Tier Compost facility. The facility will take green materials from Vision Recycling facilities, including its nearby chip and grind facility, to be composted in an aerated static pile system. Finished compost will be brought back to the chip and grind facility, or one of Vision's other facilities for sale, or directly to customers for sale. This facility is expected to become operational in 2016 upon issuance of all applicable permits.

2. In Chapter II, after the section on Transfer Stations, add a **section 3 "Compost Facilities"** with the following text:

Vision Recycling Compost Facility

In 2016, Alameda County's first compost facility will be located at 30 Greenville Road in the unincorporated area of Livermore on a 3.47 acre site, under EA notification tier regulations enforced by the Alameda County LEA. The facility is limited to 12,500 cubic yards at any one given time and will process a maximum of 12,000 tons per year. The facility will handle green materials only, including wood chips, mulch, soil amendment and co-generation fuel from the nearby chip and grind facility. Composting the materials will add value and create a more marketable end product. The materials will be composted using a two stage aerated static pile compost system. This system forces oxygen into the piles with the use of blower to maintain aerobic conditions and thereby avoid odors. Finished compost will be brought back to Vision Recycling's chip and grind facility for sale to customers, brought to Vision Recycling's other chip and grind facility in Newark, or transported directly to Bay area customers. Materials will be transported efficiently in large trailer trucks. This facility is expected to be operational in 2016 after receiving all applicable permits.

EXHIBIT 2

SITING CRITERIA FINDINGS FOR VISION RECYCLING COMPOST FACILITY AT 300 GREENVILLE ROAD IN THE UNINCORPORATED AREA OF LIVERMORE

The Alameda County Waste Management Authority (“Authority”) has reviewed the materials submitted in connection with the Vision Recycling Compost Facility (“Facility”). Based on that review, the Authority hereby makes the following determinations pursuant to the relevant provisions of ColWMP Section VI, Table 6-2:

- **Seismic** – The Facility is located in the Greenville Earthquake Fault Zone. State and County guidelines require that a fault rupture hazard investigation be performed for development which includes structures that are intended for human occupancy, but structures intended for human occupancy are not part of this project. No permanent structures are planned for this site. There will be no residential use of the site. An employee of the existing nearby chip and grind operation will manage the site on a part time basis as needed. The site is located on rock units mapped as Pliocene age Orinda Formation which are not susceptible to liquefaction or seismic settlement. Therefore, the risk associated with liquefaction or seismic settlement is minimal (excerpted from Initial study, page 39-40).
- **Floodplains** – The Facility is within an area of minimal flood hazard. The proposed project is over .5 mile from the nearest floodplain.
- **Wetlands** –The Facility is located in an area that has been leveled and graded and does not contain riparian habitat, wetlands or other sensitive natural community.
- **Endangered Species Habitat** –The nearest documented special status species observation was of California tiger salamander .4 miles to the west-northwest of the proposed project and California red-legged frog .5 miles southeast of the proposed project area. These species’ habitat consists of wetlands. The proposed project area does not contain suitable habitat due to its lack of wetland characteristics.
- **Unstable Soils**- The proposed project will not disturb site soils or result in new activities that could cause or accelerate erosion at the site. The project site is already graded to drain internally and would not result in substantial soil erosion or the loss of topsoil. The project would have no impact related to substantial soil erosion or the loss of topsoil. The project area is located on rock units that are not susceptible to liquefaction, seismic settlement or lateral spreading. The site is not located in an area that is known for subsidence from groundwater or petroleum withdrawal. The site soils are not of the types that are prone to hydro compaction or collapse due to wetting. The project would have no impact related to on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- **Major Aquifer Recharge Areas** – The proposed project will prevent discharges to waters through internal drainage and retention of stormwater on-site through use of a stormwater pond and 1-foot perimeter berm. The stormwater basin was designed as a retention basin for a 24-hour, 25-year design rain event, with a total capacity of over 360,000 gallons. The retention basin would be completed with a machine-compacted, native clay-lined bottom. The basin is located at an elevation of approximately 60 feet above the surrounding valley. According to the Natural Resources Conservation Service the project stormwater pond is located on the

Altamont clay soil unit (moderately deep, 30 to 45 percent slopes, eroded). According to the USDA soil data, these soils have moderate water holding capacity (USDA 1966; p.13); with an 11.56 inch net actual evaporation (precipitation minus annual evaporation) [USDA 1966; p. 9]. The stormwater pond sizing, the lining, the dense natural clay soils and the significant height above the surrounding terrain would all protect groundwater quality.

- **Depth to Groundwater** – See Major Aquifer Recharge Area above. The Facility will comply with all local and state construction requirements. The underlying groundwater basin is not utilized as a water supply, and no discharge to or pumping of the basin is permitted.
- **Permeable Strata and Soils** – the project is located on soil units identified by the USDA as Altamont clay (moderately deep, 30 to 45 percent slopes, eroded). According to the USDA soil data, these soils are identified as having a Unified Soil Classification System symbol of CH, that suggests highly plastic clay. Highly plastic clays are typically also highly expansive. The effects of expansive soils could damage foundations of structures, paved roads and streets, and concrete slabs. Soil creep can occur on sloped ground with expansive soils and cause damage to structures with vertical walls below grade. Paved roads are not planned as part of the project, and the project will not construct any structures with foundations. Additionally, as a condition of approval to secure a building permit, the project applicant will be required to obtain an engineer’s certification that all access routes are all-weather and will support the load of a 75,000 pound piece of apparatus. The site soils have a high percentage of clays that would result in low permeability and may limit the use of septic tanks with leach fields. Waste water disposal is not part of the project, therefore the low permeability of the soils would have no impact related to the use of septic tanks or alternative waste water disposal systems.
- **Non-attainment Air Areas:** The BAAQMD states that “for any project that does not individually have significant operational air quality impacts, the determination of significant cumulative impact should be based on an evaluation of the consistency of the project with the local general plan and of the general plan with the regional air quality plan” (BAAQMD 1999, p. 19). The Alameda County Community Climate Action Plan aims to “encourage participation in recycling and composting throughout the community” (Alameda County 2014b, p. 9). The proposed project would provide infrastructure to achieve this goal. Therefore, the proposed project is consistent with the local general plan and would not have cumulative air quality impacts.
- **PSD Air Areas** – Operation of the Facility shall be in compliance with all requirements of the BAAQMD.
- **Mineral Resources Area:** The site surface is disturbed and compacted, no soil, sand or gravel will be extracted from the site. The project will not prevent the extraction of any known mineral resource or result in the loss of the availability of any mineral resource recovery site identified in the County GP or any other plan.
- **Prime Agricultural Lands/Open Space** – The project area is located in the east end of the Livermore Valley. This unincorporated area is characterized by industrial uses near Greenville Road and agricultural uses to the east and south. The Project site is zoned “A” (Agricultural), which allows for composting facilities as a conditional use (Alameda County 2014a, section 17.06.035). The site is not used for agriculture; it is currently used to store construction equipment.
- **Military Lands** – The Facility is not sited on any Military lands.

- **Other Federal, State, and Indian Lands** – The Facility is not located on any Federal, State, or Indian lands.
- **Proximity to Major Transportation Routes** – the compost facility is roughly 6,383 feet, a little over one mile, from CA 580.
- **Proximity to Development:** Directly to the north, concrete road dividers are stored in an open area. Further to the northwest are the existing chip and grind facility and several construction company offices with outdoor equipment storage. The nearest residence is the lessor, the adjacent 125-acre Mills Ranch property. The site is not near any public schools, churches, hospitals, civic buildings or libraries.
- **Proximity to Public Services** –Water and sewer will not be needed as utilities on the site. The one employee working on site will be splitting time between this Facility and the Livermore Chip and Grind Facility and will have access to the portable restroom at that site. Water used in the composting process will be from a water truck that is filled from the purple, recycled water hydrant near the intersection of Isabel and Portola Ave. Power will be brought in underground from the nearest telephone pole. The Facility is only just over one mile from CA 580; emergency response times would be minimal.
- **Proximity to Waste Stream** – This Facility is not a public facility; material will be transferred to this Facility from other Vision Recycling sites, primarily from the nearby chip and grind site. Thus proximity to residentially zoned areas is not necessary.
- **Appropriate Zoning** –Project site is zoned “A” (Agricultural) by the County, which allows for composting facilities as a conditional use.
- **Conformance with Approved Countywide Siting Element of the Integrated Waste Management Plan** – The Facility is consistent with the goals and policies of the Countywide Siting Element and has been designed to enhance landfill diversion of materials for Alameda County and to promote the production of high quality, marketable compost and is an integral part of the countywide system.
- **Recreational, Cultural, or Aesthetic Areas** – The Facility is not located in an area of any recreational, cultural, or aesthetic significance.
- **Airport Zones** – This facility is located 31 miles from the nearest airport, the Oakland Airport, and does not occupy any restricted zones as defined by the Alameda County Airport Land Use Policy Plan.
- **Gas Migration/Emission** – Not Applicable.
- **Contingency** – This Facility is not a public facility. An emergency contingency plan for the continuation of service in the event of a natural or man-made disruption is not applicable since Vision Recycling can shut off flow of incoming material at any time internally.
- **Aesthetics** - The project site is located in the eastern portion of the Livermore Valley, in an unincorporated area of Alameda County. Surrounding land uses are primarily grassy, rolling open space to the north, south, east, and west of the property. Directly to the north, concrete road dividers are stored in an open area. Further to the northwest are the existing chip and grind facility and several construction company offices with outdoor equipment storage. The nearest residence is the lessor, the adjacent 125-acre Mills Ranch property. The site is not near any public schools, churches, hospitals, civic buildings or libraries.

EXHIBIT 3

Conditions of Approval for CoIWMP Amendment and Conformity Determination for the Vision Recycling Compost Facility

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

1. Operations at the Vision Recycling Compost Facility (“Facility”) shall comply with all requirements governing the design and operation of green material compost operations under the EA notification tier as set forth in Title 14 of the California Code of Regulations.
2. The materials that may be processed through the Vision Recycling Compost Facility may include only green materials and no food materials.
3. The total site capacity of 12,500 cubic yards per day shall not be exceeded.
4. The ordinance to which these Conditions of Approval is attached shall take effect only upon Vision Recycling’s acceptance of these conditions and its agreement to indemnify and hold harmless the Authority, its agents, officer, and employees according to the terms in paragraph 5 below.
5. Vision Recycling shall indemnify and hold harmless the Authority, its agents, officers and employees for any costs, including attorneys’ fees, incurred by the Authority, its agents, officers or employees in the defense of any action brought against the Authority, its agents, officers or employees, in connection with the approval or implementation of Authority Ordinance No. 2016-01. Vision Recycling shall reimburse the Authority, its agents, officers or employees for any costs, including attorneys’ fees, that the Authority, its agents, officers or employees incur as a result of such action. This indemnification shall be binding upon the Authority, Vision Recycling and all their successors and assigns.
6. Vision Recycling shall comply with the Alameda County Integrated Waste Management Plan, all applicable existing and future ordinances and resolutions of the Authority and all conditions imposed by the County of Alameda and other regulatory agencies.
7. These conditions of approval shall restrict the operation of the Facility.
8. Any activities beyond those provided for by Ordinance 2016-01 shall require a new CoIWMP amendment and conformance determination by the Authority.