



March 3, 2015

TO: Planning & Organization Committee/Recycling Board, as the Local Task Force

FROM: Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director

BY: Debra Kaufman, Senior Program Manager

SUBJECT: Request by Todd Fitch and Mike Tejero for an Amendment to the Alameda County Integrated Waste Management Plan to Site the Hayward Transfer Station, a CDI facility, at 3458 Enterprise Avenue in Hayward

On January 14, 2015, Todd Fitch and Mike Tejero submitted the required information to the Authority to amend the Alameda County Integrated Waste Management Plan (“CoIWMP”) to site the Hayward Transfer Station, a medium volume construction, demolition, and inert debris processing facility at 3458 Enterprise Avenue in Hayward. This report sets forth the background of the proposed amendment, a description of the Facility, the process for considering the amendment, the environmental review for the Facility, and a staff recommendation. Staff recommends approval of the amendment and a finding of conformance with the CoIWMP.

BACKGROUND

Todd Fitch and Mike Tejero currently operate a business at the proposed site of the transfer station, which consists of a construction and demolition debris box set out and collection service, portable toilet and sanitary wash unit rental, temporary fencing operations, contractor’s storage yard, and waste cooking oil recycling processing operated by Krause and Nagy Environmental Solutions as a lessee. Fitch and Tejero are proposing to expand operations at the current site to add a medium volume construction and demolition/inert debris (CDI) transfer/processing station facility.

The Facility site is located within the City of Hayward and is in the local land use authority of the City of Hayward. In December, 2014, the City of Hayward issued a mitigated negative declaration and initial study for the facility and approved an administrative use permit for the project.

DESCRIPTION OF FACILITY

The project site is located on a 3.32 acre parcel at 3458 Enterprise Avenue, between Whitesell Street to the west and Nickle Avenue to the east in Hayward. The project is located to the northwest of Interstate 880, north of State Route 92 and east of the Hayward Shoreline. The project is located within the industrial corridor of the City of Hayward, surrounded by industrial properties. Part of the site (16,403 square feet) is leased by Krause & Nagy Environmental Solutions to operate a waste cooking oil processing/storage facility.

The proposed CDI transfer/processing facility will share the project site with the other activities currently operating there. The project will expand operations at the site to accept source separated and clean construction and demolition debris and inerts from self haul construction projects, contractors, and demolition company haulers. Source separated CDI materials will be placed in debris bins or separate bunkers and hauled in covered trailers to certified CDI transfer/processing facilities, and/or business for recycling and reuse. Commingled CDI materials will be unloaded into separate debris bins or bunkers, separated by an excavator and front loader, and then manually sorted to maximize recovery of recyclables. The facility will have bunkers with wall dividers for separated and sorted materials including concrete, drywall/sheet rock/metal, wood and other materials as available. Materials separated via sorting from commingled materials will be placed with the other source separated materials for recycling and/or reuse. These materials will be loaded and hauled in covered trailers to permitted CDI processing/transfer, recycling, or reuse businesses for processing. Materials that cannot be recycled will be disposed at landfill facilities. The facility will recycle and divert by weight from landfilling 100 percent of incoming concrete/asphalt materials, and fifty percent of other types of CDI materials received. Only CDI materials will be accepted. The facility will offer a discount to encourage maximum source separation by its customers.

The transfer/processing facility consists of a 720 square foot administrative office with four full time employees, fourteen parking spaces for employees and customers, a certified commercial scale, a 13,248 square foot sorting and transport bunker for mixed CDI adjacent to a 2944 square foot vehicle staging area for the mixed CDI. In addition, the facility will include several small bunkers (3,645 square feet) for clean source separated drop-off of CDI materials and a storage area for a hazardous materials locker and a truck scale. A 10,894 square foot area will be shared by the transfer station operation and the debris bin (drop boxes) hauling operation. Fitch and Tejero already provide construction and demolition debris box set out and collection services to construction project sites in several cities in the county. Equipment on site will initially consist of one front end loader, one fork lift, and one water truck. Site sweeping and transfer hauling services will be contracted.

The facility will have a maximum capacity of 174 tons per day of CDI materials and will be open 6:00 am to 5:00 pm, 362 days per year. Hours of operation include public hours, materials receipt and transfer, processing of materials, and facility maintenance. It is estimated that the CDI processing operation will receive a maximum of 190 vehicles incoming per day and up to 15 demolition/transfer trailer trips removing material per day. Roll off truck routes will operate five days per week, Monday through Friday, for collection and delivering recycling/processing/transfer and returning to the construction site, or delivering roll off CDI

debris or bins or removing bins for replacement at other sites or return for temporary storage at the project site.

Our agency and the City of Hayward worked with the applicant to modify the original proposal to increase the recycling rate at the facility from less than 5 percent to a blended rate of 60% (100% of concrete and asphalt and 50% of other CDI materials). The City of Hayward has placed a number of mitigation measures on the facility to help ensure that maximum recycling occurs at this facility. These include material specific recycling requirements, limits on the use of materials as ADC, requiring the facility to be listed on StopWaste's list of C&D facilities, and regular detailed monthly reporting. In the Authority's Conditions of Approval for the CoIWMP amendment, the requirement to be listed on StopWaste's list of C&D facilities has been clarified to include the requirement to be on our list or equivalent alternative as approved by the Executive Director or his representative (#3 in Exhibit 3). Staff recommends that the City of Hayward Conditions of Approval, with amendments noted in Exhibit 3, be included as Authority Conditions of Approval for the CoIWMP amendment.

CoIWMP AMENDMENT AND FINDING OF CONFORMANCE

An amendment to the CoIWMP is needed to add the facility to the CoIWMP. Under the criteria set forth in the CoIWMP, the facility would be considered a Medium-Scale Transfer Station/Waste Diversion Facility, which is defined in the CoIWMP as serving individual jurisdictions or a sub-regional area. Activities typically include recover (sorting) and processing for transportation (recycling) but may also include composting activities, with capacities up to 199 TPD. If the amendment is approved, the Authority Board could then find the proposed project to be in conformance with the CoIWMP.

Before the Authority 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 & Organization Committee of the Authority. If the Authority Board approves the amendment, the changes will be forwarded to Cal Recycle for processing and approval.

ENVIRONMENTAL REVIEW

For purposes of the California Environmental Quality Act ("CEQA"), the City of Hayward is the Lead Agency for this project. A mitigated negative declaration and initial study were prepared by the City of Hayward that considered the environmental impacts of the facility and mitigation measures to reduce any significant impacts. The mitigated negative declaration concluded that the proposed project could not have a significant effect on the environment with the implementation of mitigation measures. The mitigation includes a number of measures to help ensure that maximum recycling occurs at this facility.

The Authority is a Responsible Agency under CEQA. As a Responsible Agency, the Authority must independently evaluate the environmental review prepared by the City of Hayward, consider the environmental impacts identified in such review, and make the findings required by CEQA.

Authority staff has reviewed the City of Hayward's documents for the mitigated negative declaration, including the mitigated negative declaration, initial study, and Mitigation Monitoring and Reporting Program. Authority staff finds 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 Hayward mitigated negative declaration.

LOCAL TASK FORCE AND PLANNING & ORGANIZATION COMMITTEE REVIEW

The Recycling Board, as the Local Task Force, and the Planning & Organization Committee of the Authority will consider the proposed CoIWMP at its meeting on March 12, 2015 at 3 p.m. in Oakland. In its advisory capacity, the Local Task Force will review and provide comments on the proposed CoIWMP (which can include a comment recommending adoption). The Planning & Organization Committee will receive the staff report and take action on the proposed CoIWMP Amendment.

STAFF RECOMMENDATION

Authority staff recommends that the Planning & Organization Committee and the Recycling Board (in its role as Local Task Force) recommend to the Authority Board that it hold a public hearing and first reading of the CoIWMP Amendment ordinance (Attachment A) at the March 25th meeting to (1) amend the CoIWMP (Exhibit 1) to include the Hayward Transfer Station medium volume construction, demolition and inert debris processing facility in the City of Hayward, and make additional changes for consistency, (2) find that the Hayward Transfer Station Facility conforms to the CoIWMP as amended, (3) make the findings required by CEQA and (4) adopt the Authority Conditions of Approval (Exhibit 3).

Attachments:

Attachment A: Ordinance 2015-02

Exhibit 1: CoIWMP Amendment Text

Exhibit 2: Siting Criteria Findings

Exhibit 3: Authority Conditions of Approval

Attachment a: City of Hayward Conditions of Approval

Attachment A

ORDINANCE 2015-02

AN ORDINANCE ADOPTING AMENDMENTS TO THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN, AND FINDING PLAN CONFORMANCE FOR THE HAYWARD TRANSFER STATION MEDIUM VOLUME CONSTRUCTION, DEMOLITION & INERT DEBRIS PROCESSING FACILITY AT 3458 ENTERPRISE AVENUE IN THE CITY OF HAYWARD

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 6.

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 Countywide 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, and July 2013.
- (d) The Authority finds that on December 22, 2014, the City of Hayward issued an administrative use permit for the Hayward Transfer Station Medium Volume Construction, Demolition & Inert Debris Processing Facility (“Facility”) at 3458 Enterprise Avenue in the City of Hayward after preparing, considering, and adopting a mitigated negative declaration, initial study, and mitigation monitoring and reporting program for the Facility as required by the California Environmental Quality Act (“CEQA”).
- (e) The Authority finds that on January 14, 2015, the Facility applicant submitted the required information to the Authority to amend the CoIWMP to site the Facility on an existing site at 3458 Enterprise Avenue in the City of Hayward.
- (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 March 25, 2015 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 City of Hayward's mitigated negative declaration and initial study ("MND/IS").
- (j) The Authority finds that the Authority Board has independently reviewed and considered City of Hayward's MND/IS.
- (k) The Authority finds that since the City of Hayward's adoption of the MND/IS, no substantial changes have occurred and no new information or changed circumstances exist that require revisions of the MND/IS due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (l) The Authority finds that the City of Hayward required changes to the project or mitigation measures that ensure 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 MND/IS.
- (b) Authority hereby adopts, and incorporates herein by reference, the City of Hayward's Mitigation Monitoring and Reporting Program, to the extent applicable to the Facility.

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, subject to the Conditions of Approval attached hereto as Exhibit 3.

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 a Solid Waste Facility Permit 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 (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 ___ day of _____, 2015 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. 2015 - 02.

GARY WOLFF
EXECUTIVE DIRECTOR

Exhibits:

Exhibit 1: CoIWMP Amendment Text

Exhibit 2: Siting Criteria Findings

Exhibit 3: Authority Conditions of Approval

Attachment a: City of Hayward Conditions of Approval

Exhibit 1

Amendments to Alameda County Countywide Integrated Waste Management Plan for the Hayward Transfer Station Medium Volume Construction, Demolition & Inert Debris Processing Facility at 3458 Enterprise Avenue in the City of Hayward

The Alameda County Countywide Integrated Waste Management Plan, February 26, 2003 and last amended in September 14, 2013, 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:

Todd Fitch and Mike Tejero will be the owner/operator of the Hayward Transfer Station located at 3458 Enterprise Avenue in Hayward. The Hayward Transfer Station will be a medium volume construction, demolition, and inert debris processing facility. The facility will encourage customers to bring source separated construction and demolition materials, which will be transported to recycling and reuse facilities. Mixed loads of construction, demolition, and inert materials will be sorted into source separated categories for recycling or reuse with the residuals going to a landfill or other CDI facility. The facility will receive no more than 174 tons per day. The facility is expected to achieve an overall 60% recycling rate with 100% of asphalt and concrete being recycled and 50% of all other materials being recycled. This facility is expected to become operational in 2015 upon issuance of all applicable permits including a full solid waste facilities permit by the state of California and Alameda County LEA.

2. In Chapter II, under the heading of “The System Components” section 2 “Transfer Stations,” change the second paragraph of the section as follows:

In 2015, **seven** transfer stations **will operate** in Alameda County: the Davis Street Transfer Station in San Leandro, the ACI Transfer/Processing Facility in San Leandro, the Berkeley Transfer Station in Berkeley, the Pleasanton Transfer Station in Pleasanton, the BLT Transfer Station in Fremont, ~~and~~ the Livermore Sanitation Inc. direct transfer station in the City of Livermore, **and the Hayward Transfer Station**. In 2015, the Recology East Bay Organics Pre-Processing Facility will also likely be operational. ~~Table 2-7~~ describes the capacity and geographic watershed of each of these transfer stations. Figure 2-~~Bb~~ presents a map showing the location of the transfer stations and landfills in Alameda County and the origin and direction of waste flows. Long haul transfer vehicles used at the Davis Street, Berkeley, Pleasanton, **and Hayward** Transfer Stations include “moving floor” and “possum belly” vehicles, each designed to transport an average of 21 to 25 tons of compacted waste, per trip. The Recology East Bay Organics Pre-Processing Facility is also expected to use long haul trailers to transport solid waste residuals that cannot be digested after preprocessing to landfills or Material Recovery Facilities, as needed.

3. In Chapter II, add the Hayward Transfer Station to Figure 2-B.

4. Table 2-7 summarizes information regarding transfer stations in Alameda County. Amend Table 2-7 to include the information provided below:

TRANSFER STATION	OWNER/ OPERATOR	WASTESHEDS	DISPOSAL TONNAGE TOTAL TPY/TPD-5	SITE ACREAGE	DESIGN / PERMITTED CAPACITY
<u>Hayward Transfer Station</u>	<u>Todd Fitch and Mike Tejero/Hayward Transfer Station, LLC</u>	<u>Alameda County</u>	<u>62,988/174 TPD-5 throughput expected</u>	<u>3.4 (with 2.5 acres devoted to this operation)</u>	<u>174 TPD/ 174 TPD</u>

5. In Chapter II, under the heading “The System Components” section 2 “Transfer Stations,” add paragraph (h), as follows:

h) Hayward Transfer Station

Hayward Transfer Station. The Hayward Transfer Station is a medium volume construction, demolition, and inert debris processing facility located at 3458 Enterprise Avenue in Hayward on a 3.32 acre site, 2.5 of which is dedicated to this operation. The transfer station is co-located with other commercial activities at this site, including a contractor’s storage yard, waste cooking oil recovery operation, portable toilet rentals, and temporary fencing operation. The facility is compatible with adjacent land uses, which are industrial.

The facility will receive self-hauled construction, demolition, and inert materials. Only construction, demolition, and inert materials will be accepted. The site will include a commercial scale, a large bunker for C&D materials, and several small bunkers for clean source separated C&D materials, as well as a storage area for drop boxes, vehicles, and equipment. The facility will offer discounts for the public to bring in clean source separated C&D materials. All incoming loads will be weighed on a commercial scale. Source separated C&D materials will be hauled in roll off trucks, demolition trucks or transfer trailers to various businesses for recycling or reuse. Mixed C&D residuals, after sorting and segregation for recyclables, will be hauled to landfills or CDI facilities. The facility also provides debris box rental and collection service for C&D materials in cities that allow non-franchised haulers to do so (several cities in Alameda County, including Hayward, only allow the franchised hauler to provide this service).

The facility is required to recycle all incoming concrete and asphalt and 50% of remaining materials. This will give the facility an overall recycling rate of 60%.

The facility expects to receive no more than 174 tons per day of material. This facility is expected to be operational in 2015 after receiving all applicable permits.

Exhibit 2

SITING CRITERIA FINDINGS FOR HAYWARD TRANSFER STATION MEDIUM VOLUME CDI TRANSFER/PROCESSING FACILITY AT 3458 ENTERPRISE AVENUE IN THE CITY OF HAYWARD

The Alameda County Waste Management Authority (“Authority”) has reviewed the materials submitted in connection with the Hayward Transfer Station, LLC Medium Volume Construction, Demolition, and Inert Debris Transfer/Processing Facility (“Facility”). Based on that review, the Authority hereby makes the following determinations pursuant to the relevant provisions of CoIWMP Section VI, Table 6-2:

- **Seismic** – The Facility is not located within 200 feet of a known active fault. The Facility is approximately 3.46 miles from the Hayward fault zone.
- **Floodplains** – The Facility is not located within the 100-year flood plain.
- **Wetlands** – The Facility is located in a fully developed industrial area within the City of Hayward; no wetlands are impacted by its development.
- **Endangered Species Habitat** – The Facility is located in a fully developed industrial area within the City of Hayward and located on a site developed with industrial uses and once entirely paved. No special-status species have a potential to occur at the project site.
- **Unstable Soils** – The project site is subject to seismic liquefaction and may be affected by strong seismic ground shaking. The buildings and improvements on-site will be designed and constructed in accordance with California Building Code seismic design standards to assure the structural integrity of the Facility, including considerations for seismic hazards, liquefaction, and lateral spreading.
- **Major Aquifer Recharge Areas** – The Facility is not located in an aquifer recharge area.
- **Depth to Groundwater** – Groundwater on the site is shallow. 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 Facility is located on soils characterized by the US Geologic Service as Soil Type D that includes some Quaternary muds, sands, gravels, silts, and mud. Any construction on site would be required to meet the standards of the California Building Code. A large portion of the Facility site has pavement.
- **Non-attainment Air Areas** – The Facility operation would comply with all requirements and not conflict with or obstruct the implementation of the Bay Area Air Quality Management District (“BAAQMD”) Plan. For regional emissions, the Facility would not exceed the numerical thresholds of significance established by the BAAQMD, would not result in a significant CO “hotspot”, and would not exceed the BAAQMD Greenhouse Gas annual threshold. The Facility would also have a less than significant impact from operational source emissions and odor, and a less than significant impact to sensitive receptors, and would not result in significant adverse health conditions.
- **PSD Air Areas** – Operation of the Facility shall be in compliance with all requirements of the BAAQMD..

- **Mineral Resources Area** – The Facility is located in an area mapped by the California Department of Conservation, Division of Mines and Geology that indicates no significant mineral deposits are present. Furthermore, the siting of this Facility would not preclude the extraction of minerals in the future if needed.
- **Prime Agricultural Lands/Open Space** – The Facility is located in a fully developed industrial area within the City of Hayward and not on agricultural lands.
- **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 Facility site is located off State Highway Route 92, between the east end of the Hayward-San Mateo Bridge and the I-880 corridor.
- **Proximity to Development** – Access to the Facility will be from the I-880 corridor to State Highway Route 92. Roadway access to the Facility is through industrial and commercial roadways, and not through residential areas or areas where institutional and public facilities are present. A traffic analysis was done and concluded the project had a less than significant impact on all intersections studied.
- **Proximity to Public Services** – The Facility is located in a fully developed industrial park area and connected to public utilities. Captured storm water from the Facility site will be pumped and discharged to the nearby City of Hayward Pollution Control Facility (sewage treatment plant). Fire, police, and emergency medical services are readily available at this urban location.
- **Proximity to Waste Stream** – The Facility is located in the City of Hayward with excellent access to all areas of the City and the broader Bay Area via major roadways and highways.
- **Appropriate Zoning** – The Facility is compatible with adjacent industrial land uses and zoning; it is located within the City of Hayward Industrial (I) Zoning District.
- **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 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** – The Facility is not located near an airport, within a Federal Aviation Agency approach zone, installation compatible use zone, or safety zone.
- **Gas Migration/Emission** – Not Applicable.
- **Contingency** – The Facility will maintain an Emergency Contingency Plan as part of the Solid Waste Facility Permit in the Facility's Transfer/Processing Report to provide for continuity of service in the event of disruptions caused by natural or man-made events.
- **Aesthetics** - The Facility is an approved use located in a fully developed industrial area within the City of Hayward. Additional landscaping along the Facility frontage will be added to make the site more visually attractive.

Exhibit 3

Conditions of Approval for CoIWMP Amendment and Conformity Determination for the Hayward Transfer Station Medium Volume Construction, Demolition, and Inert Debris Transfer/Processing 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. Construction and operations at the Hayward Transfer Station Medium Volume Construction, Demolition, and Inert Debris Transfer/Processing Facility (“Facility”) at 3458 Enterprise Avenue in Hayward shall comply with all requirements governing the design and operation of such facilities as set forth in Title 14 of the California Code of Regulations.
2. Hanson & Fitch, Inc. and Hayward Transfer Station, LLC (collectively, “Applicant”) shall construct and operate the Facility in compliance with the assumptions made and mitigation measures included in the Mitigated Negative Declaration and Initial Study prepared by the City of Hayward for Administrative Use Permit No. PL-2014-0373.
3. Applicant shall comply with the City of Hayward’s December 22, 2014 Conditions of Approval for Administrative Use Permit No. PL-2014-0373, attached hereto as Attachment A, to the extent applicable to the Facility. Notwithstanding the foregoing and condition number 2 above regarding compliance with mitigation measures, for Hayward’s Condition Number 15 and Mitigation Number 9, the Facility must be listed on StopWaste’s mixed C&D facility diversion/recycling rate report or, equivalent alternative as approved by the Authority Executive Director, or authorized representative of the Authority, after any required compliance with CEQA. Additionally, for Hayward’s Condition Number 20 and Mitigation Number 14, requiring the applicant to submit all documents recording the recycling rate to the City at least twice annually prior to StopWaste’s Mixed C&D Facility Diversion/Recycling Rate Report, those documents shall be submitted in months six and twelve.
4. Applicant shall defend (with counsel acceptable to the Authority), indemnify and hold harmless the Authority, its agents, officers and employees for any costs (including legal costs, attorneys’ fees, expert witness or consultant fees, staff time, or other expenses) incurred by the Authority, its agents, officers or employees from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (collectively, “Action”) against the Authority, its agents, officers or employees, in connection with the Facility or approval or implementation of Authority Ordinance No. 2015-02. The Authority may elect, in its sole discretion, to participate in the defense of such Action, and Applicant shall reimburse the Authority 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, Applicant and all their successors and assigns.
5. Applicant shall comply with the Alameda County Integrated Waste Management Plan and all applicable existing and future ordinances and resolutions of the Authority (including, but not limited to, Ordinance 2009-01 and Resolution 2009-03).
6. Applicant shall comply with all Alameda County jurisdictions’ local rules and regulations including franchise restrictions on hauling construction and demolition debris by third party, non-franchised haulers.

7. Applicant shall pay all applicable Alameda County Waste Management fees on any disposed waste, including waste that is disposed in county and out-of-county.
8. These Conditions of Approval shall restrict the operation of the Facility and shall be incorporated in, and enforceable under the Facility's Solid Waste Facilities Permit issued by the Alameda County Local Enforcement Agency and may be enforced by the Authority and City of Hayward in connection with enforcement of their permits for the Facility.
9. Any activities beyond those provided for by Ordinance 2015-02 shall require a new CoIWMP amendment and conformance determination by the Authority.

ACCEPTANCE BY APPLICANT

This CoIWMP amendment and conformance determination is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by Applicant. The undersigned hereby acknowledge the approved terms and conditions and agrees to fully conform to and comply with said terms and conditions.

_____	_____
By:	
Its:	Date

_____	_____
By:	
Its:	Date

Attachment A to Exhibit 3

CITY OF HAYWARD DECEMBER 22, 2014 CONDITIONS OF APPROVAL FOR HAYWARD TRANSFER STATION

1. All the conditions of approval of Administrative Use Permit No. PL-2012-0104 shall be completed prior to the operation of a Medium Volume construction and demolition/inert debris (CDI) transfer/processing station facility.
2. Prior to commencement of the facility all required permits shall be secured. The Office of Solid Waste/Medical Waste Management, Alameda County Department of Environmental Health Department shall issue a Registration Permit to allow 174 tons per day. In addition, Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council shall make the Conformation of Findings which shall be issued and approval of an Amendment to the Alameda County Integrated Waste Management Plan (ColWMP).
3. The applicant shall submit for building permits for the construction or alteration of any building or structures. This includes the installation of office trailers which require permanent foundations and shall meet all California Building Code requirements.
4. The applicant shall submit for a sign permit for all business signs. All signs shall meet the regulations of the Sign Ordinance.
5. Graffiti. The applicant shall be responsible for keeping the building free of graffiti. Graffiti shall be removed within forty-eight hours after the owner has been advised of the occurrence.
6. Directional Signage. The applicant shall provide directional signage on the site adequate to ensure safe on-site vehicle circulation, including queuing for weighing and drop off of recyclable materials.

Mitigation Measures

7. **Mitigation Measure 1:**
Loads for intake to the Medium Volume Construction Debris and Inert Materials Transfer/Processing Facility are subject to check to assure that wastes that are typically associated with generating odors are not accepted.
8. **Mitigation Measure 2:**
Waste typically associated with generating odors (e.g., food waste, septic tank sludge, liquid waste, water treatment plant sludge, municipal solid waste, organic garbage, etc...) is prohibit from being accepted by the Medium Volume Construction Debris and Inert Materials Transfer/Processing Facility.
9. **Mitigation Measure 3:**

The three, 10,000 gallon recycled cooking oil tanks are to meet the requirements of the California Building Code and are to be seismically secured to the satisfaction of the Building Official and the Fire Department.

10. **Mitigation Measure 4:**

Portable Toilets and Sanitary Wash Units & Washing

The only acceptable sanitary sewer discharge shall be from normal potable water usage, such as bathroom wastewater, or employee breakroom wastewater. Any other use of water or generation of wastewater, inside or outside the building, requires the user to contact Water Pollution Source Control at 881-7900 for approval and further information.

11. **Mitigation Measure 5:**

Waste Cooking Oil Processing and Storage

- a. Develop and maintain a Spill Response Plan. The Plan shall be submitted prior to the commencement of operation of any transfer/processing station activities.
- b. Place an adequate stockpile of spill cleanup materials where it will be readily accessible.
- c. Spot clean leaks and drips routinely.
- d. Clean leaks, drips, and other spills with as little water as possible. Use rags for small spills, a damp mop for general cleanup, and dry absorbent material for larger spills.
- e. Remove the absorbent materials promptly and dispose of properly.
- f. Minimize the distance between waste collection points and storage areas.
- g. Contain and cover all solid and liquid wastes – especially during transfer.
- h. Keep the spill from entering the street, gutter, or storm drain.

12. **Mitigation Measure 6:**

Non-Hazardous Construction and Demolition Debris Recycling, Processing and Transfer Station; Temporary Fencing Storage and Construction and Demolition Box Hauling.

- a. All outdoor equipment and materials storage areas must be covered and bermed, or must be designed with best management practices to limit the potential for runoff to contact pollutants.
- b. Outdoor Process Equipment Areas (such as process equipment areas associated with industrial activity): Process equipment areas must not discharge to the storm drain system.
- c. Storage areas containing non-hazardous liquids must be covered by a roof and be contained by berms, dikes, liners, vaults or similar spill containment devices. Discharge to the storm drain system is prohibited.
- d. Protect materials stored outside from rainfall and wind dispersal.
- e. Protect materials stored outside from stormwater contact and/or run-on.
- f. Dust suppression system, provided for each load leaving the yard shall be maintained and fully functional at all times to mitigate airborne contaminants from leaving the site (by means of vehicles, equipment, trailers, air, and surface waters).

13. **Mitigation Measure 7:**

Employee Training

- a. Train employees on stormwater best management practices;
- b. Train staff on the proper maintenance of the facility.
- c. Train employees on the facility's spill control plan and proper spill containment and cleanup procedures.
- d. Establish a regular training schedule, train all new employees, and conduct annual refresher training.

- e. Use a training log or similar method to document training.

14. **Mitigation Measure 8:**

Miscellaneous

- a. Keep outside areas free of trash and debris.
- b. All on-site storm drain inlets shall be cleaned at least once per year immediately prior to the rainy season. Additional cleaning may be required by the City.
- c. Prior to operations, all on-site storm drain inlets shall be clearly stenciled “No Dumping, Drains to Bay.”

15. **Mitigation Measure 9:**

Applicant is required to be listed on StopWaste.Org’s mixed C&D Facility Diversion/Recycling rate report which requires completing information on the Mixed C&D Facility Diversion Document Report and also agree to a site visit by StopWaste.Org staff to verify recycling activities at the facility. <http://www.stopwaste.org/resource/reports/diversionrecycling-rates-local-mixed-cd-processing-facilities>

16. **Mitigation Measure 10:**

If the facility hauls mixed C&D debris to a landfill for use as Alternative Daily Cover (ADC), which is a lower quality use than recycling, it is required to be a landfill that meets state ADC requirements, which require reducing the size of the material, not just spreading of materials. Materials should only go to landfills that have the capacity to size reduce C&D materials to a grain size specification by volume of ninety-five percent less than twelve inches and fifty percent less than six inches as determined by the EA and meet all State ADC requirements found here:

17. **Mitigation Measure 11:**

Only the City of Hayward franchised hauler is allowed to provide debris box rental and collection for C&D materials. The Hayward Transfer Station is not allowed to provide debris box rental and collection for C&D materials.

18. **Mitigation Measure 12:**

Hayward Transfer Station shall maintain a Load Check Program that requires personnel to check all loads. The operator shall provide the City with copies of the written inspections conducted by the Alameda County Environmental Health Department, the results of those inspections, and Applicant’s response plan.

19. **Mitigation Measure 13:**

Facility Description and Plan (Plan): The applicant shall submit a revised Plan to indicate its best management practices to comply with the conditions below.

- a. CDI debris stored for more than fifteen days that has not been processed and sorted for resale or reuse shall be subject to enforcement action

Applicant’s intention is to shall transfer CDI and clean source separated materials more frequently than the subject requirement.

- b. 17383.5(c) CDI that has been processed and sorted for resale or reuse may be stored on site for up to one year or will be subject to enforcement action “Operator intention is to shall transfer clean source separated materials more frequently than the subject requirement.”
- c. 17383.5(d) Maximum amount of material on site, including unprocessed, being processed, processed, is 30 days times the amount of material multiplied by the maximum amount of material permitted each day.

Applicant's intention is to transfer CDI and clean source separated materials frequently so as not to exceed the subject requirement.

20. **Mitigation Measures 14:**

Provide Monthly Reports of All Inbound and Outbound Materials -Reports are required for each month when some portion or all of the facility is operating. The monthly reports indicating all inbound tonnage delivered to and outbound materials removed from the Applicant's site, whether for recycling or landfilling,

- a. For all incoming loads, whether for recycling or landfilling, data shall include the truck number, truck weight (GVW and tare), the net weight of each load, and the name, street address and city of each location from which the loads were transported.
- b. For each outbound load, provide tons by material type and indicate the designated end use for each of those material types, including whether each material type is to be recycled (including mulch, bio mass, and compost), used for beneficial reuse or landfilled, and the facility name, address and contact phone number where the indicated activity took place.
- c. Prior to StopWaste.Org's Mixed C&D Facility Diversion/Recycling Rate Report, the applicant shall submit all documents recording the recycling rate to the City at least twice annually.

Each monthly report shall be submitted to the City's Solid Waste Manager and is due by the 15th of the following month. Timely receipt of the monthly reports is required because this data is required for the City to complete reports to CalRecycle in accordance with state law. If the Applicant fails to provide the requisite reports on the due date and does not confirm that the data will be provided on the following Monday, then staff may initiate appropriate enforcement action including the assessment of fines and up to and including revocation of the Administrative Use Permit within ten (10) days of the late submittal.

21. **Mitigation Measure 15:**

All abandoned debris, regardless of the type of materials or quantity, shall be removed daily from the Enterprise Avenue right-of-way within 300 feet of any property line of the facility. All costs related to such removal shall be borne exclusively by the Applicant or subsequent operator/owner.

22. **Mitigation Measure 16:**

Pursuant to the City's Franchise Agreement with Waste Management of Alameda County, contractors other than Waste Management of Alameda County may collect Construction and Demolition Debris only under these provisions:

"Construction and Demolition Debris which is: (1) removed from a premise by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes or similar apparatus; or (2) directly loaded onto a fixed body vehicle and hauled directly to a facility for Recycling, Composting or Disposal and that holds all applicable permits."

23. **Mitigation Measure 17:**

Daily sweeping of the entire parcel beginning one hour prior to each day that the facility is in operation, and ending one hour after the facility has closed for the day to Reduce Litter and Other Debris from Escaping the Facility and to Deter Rodents.

24. **Mitigation Measure 18:**

Trucks may only deliver materials during the facility's approved operating hours and trucks may not block access to nearby businesses: All loads must also be covered to prevent any materials from blowing out of the vehicles. Failure to do so could result in fines assessed.

25. **Mitigation Measure 19:**

If the facility is not operating for any reason, operator may not accumulate any additional materials on site.

26. **Mitigation Measure 20:**

The Applicant/operator shall regularly update the Facility Description and Plan, including a list of all facilities that deliver materials for processing to that facility, along with the address, contact name and phone number for each of those facilities. Regular updates to the Plan shall be submitted to City of Hayward, Solid Waste Manager.

27. **Mitigation Measure 22:**

The Applicant/operator shall recycle 100 percent of all concrete and asphalt and fifty percent of all other materials, in order to be consistent with the City of Hayward's C&D Ordinance. The requirement to recycle all of the concrete and asphalt and fifty percent of all other materials shall exclude such uses as Alternative Daily Cover and Other Beneficial Reuse.

28. **Mitigation Measure 23:** Construction and demolition materials used as Alternate Daily Cover must conform to state law and permit requirements:

<http://www.calrecycle.ca.gov/Laws/Regulations/Title27/ch3sb4a.htm#Article2>.

29. **Mitigation Measure 24:**

Compliance with these regulations requires a sufficient area, including floor space to rigorously sort and segregate for recycling these co-mingled materials and large storage areas for transfer of the materials. The area is to be approved by City of Hayward, Solid Waste Manager.

30. **Mitigation Measure 25:**

If the facility hauls mixed C&D debris to a landfill for use as Alternative Daily Cover (ADC), which is a lower quality use than recycling, it should be a landfill that meets state ADC requirements, which require reducing the size of the material, not just spreading of materials. Materials should only go to landfills that have the capacity to size reduce C&D materials to a grain size specification by volume of ninety-five percent less than twelve inches and fifty percent less than six inches as determined by the EA and meet all State ADC requirements found here:

<http://www.calrecycle.ca.gov/Laws/Regulations/Title27/ch3sb4a.htm#Article2>

Landscape

31. The landscape and irrigation plans are to be to the satisfaction and shall be approved by the City of Hayward, Landscape Architect with the following conditions:

- a. Existing Enterprise Avenue frontage landscape is located in Public Right-Of-Way. The ten-foot-wide front setback area shall be provided along the Enterprise Avenue frontage in compliance with Zoning Ordinance for Industrial District. Required setback areas except for permitted driveways and walkways shall be landscape with water-conserving trees, shrubs, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed. Trees shall be a minimum one 24-inch-box size per twenty to forty linear feet of frontage.

- b. Where landscape area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the finished pavement.
 - c. The end of parking rows shall be capped with landscape islands and shall be planted with tree, shrub, ground cover, or a combination thereof.
32. Prior to issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City Landscape Architect and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect and comply with the City's *Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes*.
33. Automatic weather based water efficient irrigation system shall be installed within all required landscaped areas.
34. Backflow prevention assembly shall conform to the City Standard SD-202.
35. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over thirty percent dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch should be organic recycled chipped wood in the shades of Dark Brown Color. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

Fire Department

General

36. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire access apparatus access road shall extend to within 150 feet of all portion of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Identify fire apparatus road on the site plan. In another word, building shall be built within 150 feet hose lay distance of a fire access road.
37. Fire apparatus access roads shall have an unobstructed width of not less than twenty feet. The minimum fire apparatus access road with fire hydrant(s) is twenty-six feet.

38. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 pounds and shall be surfaced so as to provide all-weather driving capability.
39. Dead-end fire apparatus access road in excess of 150 feet in length shall be provided with a turnaround meeting the Hayward City Standard and the 2007 California Fire Code Section D103. The outside radius shall be a minimum forty-five feet and inside radius to be 19.8 feet (WB-50 template).
40. Fire apparatus access roads twenty to twenty-six feet wide shall be posted on both sides as a fire lane, twenty-six feet to thirty-two feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
41. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.
42. The new fire hydrant shall be located along fire access road and the location of fire hydrants shall be approved by fire department.
43. Fire hydrants shall be placed at least fifty feet from the building to be protected. Where it is not feasible to place them at that distance, they may be in closer proximity in approved locations.
44. Type of fire hydrant(s) to be installed shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2 inch outlet and two 4-1/2 inch outlets). Fire hydrant(s), when installed as part of the fire sprinkler system service line, shall be installed on the line so as to remain independently controlled and in operable condition when the fire sprinkler system is closed.
45. Identify the location of Fire Department connection on a revised site plan. It shall be located on the street/fire apparatus access side of buildings, within 100 feet to a fire hydrant, fully visible and recognizable from the street or nearest point of fire department vehicle access. Fire department connection shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus.
46. Identify the gate on the plan to be submitted to the Fire Department for review and approval prior to building permit submittal. The minimum width of the gate is twenty feet. A key switch is required and mounted on a stationary place on the outside of the gate. The key switch shall be mounted three to five feet above ground. The key switch shall be purchased from Hayward Fire Department.
47. Fire sprinkler system shall be provided in the building with combustible liquids in accordance with the latest NFPA 30.
48. Secondary containment shall be provided in accordance with the California Fire Code, including water volume of twenty minutes sprinkler water flow.

Hazardous Materials Division

49. Formal plans shall be submitted for review to the City of Hayward Fire Department through the City of Hayward Building Department.
50. Alternate Means of Protection (AMP) document shall be submitted and approved.
51. Secondary containment is required for all cooking oil tanks. Attach signage identifying contents of each tank and attach new NFPA 704 placards. In addition, include the secondary containment calculations for new concrete bermed tank trailer storage yard.
52. Provide a complete chemical inventory for the Waste Cooking Oil Recycling processing storage facility. Contact the Hazardous Materials Division for a copy of the City of Hayward Fire Department's Chemical Inventory form at (510) 583-4927.
53. Per our discussions the plans will be submitted in two phases; Phase 1 will involve storing waste cooking oils on a temporary basis in existing tanks under the MAQ volumes in the 2010 California Fire Code, and Phase 2 will involve the installation of building sprinklers per the City of Hayward Fire Department standards and the full use of all cooking oil tanks in the building.
54. Facility is to have the federally mandated SPCC plan onsite and available for inspection.
55. The future proposed exterior tanks identified on this plan shall require the submittal of plans and the approval of the City of Hayward Fire Department.
56. Per our meeting discussions, porta potty liquid disinfectants will not be stored on-site and will only be added and mixed at off-site locations.
57. Violations. Violation the conditions of approval and any related permit requirements may result in revocation at a public hearing before the Planning Commission.