

# SOLID WASTE FACILITY PERMIT

Facility Number:

**43-AN-0023****1. Name and Street Address of Facility:**

Premier Recycle  
260 Leo Avenue  
San Jose, CA 95112

**2. Name and Mailing Address of Operator:**

Premier Recycle  
348 Phelan Avenue  
San Jose, CA 95112

**3. Name and Mailing Address of Owner:**

Robert Hill  
21760 Heber Way  
Saratoga, CA 95070

**4. Specifications:**

- a. Permitted Operations:**
- Solid Waste Disposal Site  Transformation Facility
- Transfer/Processing Facility (MRF)
- Composting Facility (Green Material)  Other: \_\_\_\_\_

- b. Permitted Hours of Operation:** Receipt of C&D Mat'l - Premier only trucks: 3:00 am - 6:00pm, Monday - Sunday  
Receipt of C&D Mat'l - Contracted, non-Premier trucks: 6:00am - 5:00pm, Mon - Sun  
Facility Operating Hours: 24 hrs/day, Monday - Sunday, start time 12:00am

- c. Permitted Maximum Tonnage:** 550 Tons per Day, maximum limit of all materials through the gate

**d. Permitted Traffic Volume:**

Traffic will be regulated by CCR, T14 section 17418.3: Traffic flow through the facility shall be controlled to prevent the following: (1) Interference with, or creation of, a safety hazard on adjacent public streets or roads, (2) on-site safety hazards, and (3) interference with operations.

**e. Key Design Parameters (Detailed parameters are shown on site plans within the applicable EA approved TPR):**

	Total	Disposal	Transfer/Processing	Composting	Transformation
Maximum/peak daily tonnage	550 tpd		550 tpd max		
Permitted Area (in acres)	1.75 ac		1.75 acres		

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

**5. Approval:**

\_\_\_\_\_  
Approving Officer Signature  
Diane Buchanan, Acting Deputy Director, Code Enforcement

**6. Enforcement Agency Name and Address:**

City of San Jose  
Department of Planning, Building and Code Enforcement  
Code Enforcement Division, Local Enforcement Agency  
200 East Santa Clara Street  
San Jose, CA 95113

**7. Date Received by CalRecycle:****JAN 07 2013****8. CalRecycle Concurrence Date:****9. Permit Issued Date:****10. Permit Review Due Date:****11. Owner/Operator Transfer Date:**

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## 12. Legal Description of Facility:

The legal description of this facility is contained in section F of the Transfer/Processing Report (TPR) dated October 2012. The site is located on the south side of Leo Avenue, approximately 400 feet west of South 7<sup>th</sup> Street. The Assessors Parcel Number for the site is: 477-25-040. The site address is 260 Leo Avenue, San Jose, California.

## 13. Findings:

- a. This permit is consistent with the Santa Clara County Integrated Waste Management Plan (CIWMP), which was revised in March 2010 and submitted to CalRecycle. The location of the facility was first identified in the Fifth Amendment to the NDFE (Nondisposal Facility Element) pursuant to Public Resources Code (PRC), Section 50001(a).
- b. This permit is consistent with the standards adopted by the CalRecycle, pursuant to PRC 44010.
- c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.
- d. The City of San Jose Fire Department has determined that the facility is in conformance with applicable fire standards, pursuant to PRC, 44151.
- e. The environmental determination, a Mitigated Negative Declaration (MND) for the current project was filed with the State Clearinghouse on November 10, 2011 (SCH #2011112033), and approved by the City of San Jose on December 9, 2011. The Initial Study describes and supports the design and operation, which will be authorized by the issuance of this permit.

## 14. Prohibitions:

The permittee is prohibited from intentionally accepting or receiving the following wastes:

Hazardous, radioactive, dead animals, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other wastes requiring special treatment or handling. Wastes other than those defined in the Transfer/Processing Report (TPR) shall require LEA approval for authorization of special handling methods.

As this facility is a Transfer/Processing facility permitted for Construction & Demolition debris [defined in CCR Title 14, Section 17381(e)], materials coming onto the site for recycling shall come from Construction/Demolition projects. In addition to the aforementioned prohibited wastes, municipal solid waste, putrescible wastes including green wastes, and tires are prohibited.

The grinding or shredding of materials on the site is prohibited.

## 15. The following documents describe and/or restrict the operation of this facility:

	Date		Date
Transfer/Processing Report	October 2012	Santa Clara County, Countywide NDFE 5 <sup>th</sup> Amendment (Premier, pgs 33, 34) 12 <sup>th</sup> Amendment (Premier, pgs 33, 34)	May 2000 April 2011
Mitigated Negative Declaration	Dec 9, 2011	Conditional Use Permit Amendment CPA97-011-01	Dec 14, 2011
State Clearinghouse # 2011112033	Nov 10, 2011		

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## 16. Self Monitoring:

The owner/operator shall submit the results of all self monitoring programs to the Local Enforcement Agency (LEA) within 30 days of the end of the reporting period if not otherwise specified or approved. Late submittal will result in the issuance of an Area Of Concern, or a Violation of the terms and conditions of this permit.

Program	Submittal Method and Frequency
<p>a. A <b>Daily Incoming</b> report shall be submitted to the LEA by the 15<sup>th</sup> day of the following month. That report shall give the data for each operating day, by day and date, as 1) the quantity (in tons) of C&amp;D recycling material entering the facility, including separated or commingled recyclables, and 2) the number of incoming loads dropped off for processing. The total tonnage for the month shall also be included in the report.</p>	<p>MS Excel spreadsheet with dynamic calculations Monthly</p>
<p>b. A <b>Materials Flow</b> report shall be submitted to the LEA by the 15<sup>th</sup> day of the month following the reporting period. This report shall include these totals for the month: 1) the type and tonnage of materials diverted, 2) the tonnage processed/sorted, and 3) the amount (tons) of residual sent off for disposal. Additional material quantity records can be requested by the LEA at any time.</p>	<p>MS Excel spreadsheet with dynamic calculations Monthly</p>
<p>c. Within 30 days after the reporting period ends, the City of San Jose <b>Construction and Demolition Diversion Deposit (CDDD)</b> report shall be submitted to the LEA.</p>	<p>MS Excel spreadsheet with dynamic calculations Monthly</p>
<p>d. Operator shall maintain a list of the <b>current Contract Haulers</b> which are approved by Premier Recycle to transport C&amp;D material to Premier Recycle for sorting and recycling, and a list of <b>current Recycling Haulers</b> which are approved by Premier Recycle to enter the facility, receive sorted material loads, and transport them off site. Being on this list means the hauling company and its personnel entering the site have knowledge and clear understanding of the operating procedures of the facility. They agree to comply with all Health and Safety policies. Additionally, all incoming and outgoing loads shall be tarped.</p>	<p>List of Hauler name contact information, and date of approval. Quarterly</p>
<p>e. Incidents such as fires, injury, accidents, flooding, or any other unusual event at the site shall be recorded in the <b>Log of Special Occurrences (LSO)</b>, including the date, time, details of the occurrence, and what, if anything, was done to correct the problem. In addition, Operator shall record in the LSO all complaints received pertaining to the facility, noting the complaining party's name, address, phone number, nature of complaint and any corrective actions taken by Premier to minimize/eliminate the issue. Operator shall notify the LEA the next business day of any complaints of a serious or egregious nature.</p>	<p>As Noted On site for review</p>
<p>f. Operator shall perform load checking for excluded/prohibited materials, on every load, upon tipping and in conjunction with the sorting of materials at the site. The finding of excluded or prohibited materials/wastes shall be recorded in the <b>LSO</b>. The entry shall include the material type and quantity; the date and time it was found; the action Premier Recycle took to remove and properly dispose of it; the facility from which it originated or the Contract Hauler that transported it; and the action taken against the offending facility/hauler.</p>	<p>As Noted On site for review</p>
<p>g. The Operator shall maintain and make available upon request of the LEA or other Regulatory Agency, records of employee training for Health and Safety Operation.</p>	<p>As Noted On site for review</p>

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## 17. LEA Permit Conditions:

- a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in Title 14, California Code of Regulations, Chapter 3.
- b. The Operator shall maintain at the facility copies of the LEA approved Transfer Processing Report (TPR) and this permit for review.
- c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the LEA. The operator shall utilize Best Management Practices when conducting on-site activities.
- d. The maximum permitted daily tonnage through the gate for this facility is **550** tons per day. The facility shall not receive more than this amount without a revision of this permit. The operator shall keep accurate daily records. To verify compliance with the weight limit the facility scale shall be kept in good working order and be certified annually, or as needed.
- e. This permit is subject to review by the LEA and may be suspended, revoked, or revised at any time for sufficient cause.
- f. The LEA reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.
- g. Any changes that cause the design or operation of the facility not to conform (such as the addition of a sort line, or allowing public access) to the terms and conditions of this permit are prohibited. Changes considered significant require a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of a TPR amendment, to the LEA at least 180 days in advance of the change.
- h. The Operator shall utilize specific safety equipment and implement health/safety measures that may be required as determined by any applicable Injury Illness and Prevention Plan (I.I.P.P) and/or requirements of the Local Enforcement Agency.
- i. The Operator shall maintain and make available for review by authorized Regulatory Agencies records of employee training regarding Health and Safety, and operational policies and procedures of the facility.
- j. All equipment, vehicles, storage or roll-off containers, and C&D materials outside of the buildings, shall be located and stored only in permitted areas as described in the Transfer Processing Report (TPR – October 2012), the Conditional Use Permit Amendment (CPA97-011-01), and in compliance with all conditions of this Solid Waste Facility Permit.
- k. The site shall be kept free from unused, inoperable, broken, or stored equipment and materials.
- l. Potentially-marketable recyclable (PMR) materials (not addressed in TPR) shall be stored in a separate on-site bunker until such time the material can be recycled. Since these PMR materials were not addressed in the TPR, nor given a designated on-site space, Premier Recycle must contact the LEA via email in advance regarding the intent to salvage these materials for recycling. Approval by the LEA must be given before the materials are sent out for recycling. Each of the material types shall be sent out for recycling as soon as practicable, and shall not be stored longer than 6 months.
- m. The allowable daily tonnage limit at this facility will be implemented in a five-phase approach to ensure that the facility can satisfactorily comply with the permit conditions and State Minimum Standards at each phase prior to the next phase and daily tonnage limit. The initial phase, **Phase 1**, has a tonnage limit of 350 tons per day (TPD) of incoming material. **Phase 2** has a 400TPD limit, **Phase 3** a 450TPD limit, **Phase 4** a 500TPD limit, and the highest phase, **Phase 5** has a 550 TPD maximum permitted limit. The operator may make a request in writing to the LEA to move into a higher phase once the facility has operated: 1) for a period of at least 6 months at the current phase, and 2) with a daily operating tonnage average\* that is consistently in the upper 50-percentile of the current operating phase TPD limit. Approval by the LEA to step up to the next phase will be based on the facility's recent past performance, and evident permit compliance. Should any extenuating circumstances arise (i.e. unanticipated large C&D clean-up jobs, natural disasters, fires, etc.) the operator may request in writing for a temporary increase in the daily tonnage. The facility may have their daily tonnage limit increased or decreased at the LEA's discretion.

\* Calculation for the average TPD will use only the material-receiving days each week, minus the one day with the lowest tonnage.

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## 18. LEA Specifications:

- a. Facility personnel shall survey, each operating day, the nearby roadway, gutters, and sidewalks for extra dust and debris deposited from the incoming and outgoing solid waste loads. Every operating morning and evening, debris and excess dust outside the facility gate shall be collected and disposed of correctly. All incoming and outgoing loads shall be tarped.
- b. The Operator shall install and maintain a visible sign at the entrance indicating that the facility is "NOT OPEN TO THE GENERAL PUBLIC".
- c. When the front gate is fully open to the street, a sign must be present stating that those entering shall wear appropriate safety equipment (high-visibility vest, bump cap, shoes). Everyone on the working floor (tipping, loading, or scale areas) SHALL wear appropriate safety equipment.
- d. The Operator shall submit, within 30 days of permit approval, a written Dust Control Plan to the LEA for approval.
- e. Each non-Premier hauler truck shall be met by a Premier employee upon entering the facility. Once verification is made that the hauler is on the Premier Approved Hauler list, the hauler will be directed to the scale and (un)loading space by the Premier employee.
- f. Sorted-material piles at the edge of the facility (South and East sides) shall not have the outer edge of the pile higher than the retaining bunker, wall, or fence.
- g. All material piles within the facility shall not exceed 15 feet in height. The distance between the center pile and the sorted-materials piles shall not be closer than 15 feet apart while vehicles still need access to the back area for emptying or loading. Haulers must always have access to a clear pathway to the scale.
- h. Residual material shall be removed from the site at a minimum of every 48 hours.
- i. The center comingled materials pile should be sorted into its various recyclable material piles as completely as possible by the end of each operating day. Every Monday morning (or the first operating day of the week) the comingled material pile shall be completely removed, by separating it into its various material types.
- j. Bunkers for containing sorted C&D materials shall be clearly defined by walls of adequate height, in good repair, and properly labeled identifying the material type.