SOLID WASTE FACILITY PERMIT

Facility Number: 43-AN-0023

1. Name and Street Address of Facility:	2. Name and Mailing Address of Operator:	3. Name and Mailing Address of Owner:
Premier Recycle 260 Leo Avenue San Jose, CA 95112	Premier Recycle 348 Phelan Avenue San Jose, CA 95112	Robert Hill 21760 Heber Way Saratoga, CA 95070

4. Specifications:

a. Permitted Operations:

- ☐ Solid Waste Disposal Site
- ☒ Transfer/Processing Facility (MRF)
- ☐ Composting Facility (Green Material)
- ☐ Transformation Facility
- ☐ Other: _____

b. Permitted Hours of Operation:

Receipt of C&D Mat'l - Premier only trucks: 3:00am – 6:00pm, Monday – Sunday

Receipt of C&D Mat'l – Contracted, non-Premier trucks: 7:00am – 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: DEC 05 2013

8. CalRecycle Concurrence Date: DEC 20 2013

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). The site is located on the south side of Leo Avenue, approximately 400 feet west of South 7th 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 adopted 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.

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

	Date		**Date**
Transfer/Processing Report	November 2013 and subsequent amendments	Santa Clara County, Countywide NDFE 5th Amendment (Premier, pgs 33, 34) 12th Amendment (Premier, pgs 33, 34)	 May 2000 April 2011
Mitigated Negative Declaration State Clearinghouse # 2011112033	Dec. 9, 2011	Conditional Use Permit Amendment CPA97-011-01	Dec. 14, 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
a. A **Daily Incoming** report shall be submitted to the LEA by the 15th 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&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.	MS Excel spreadsheet with dynamic calculations Monthly
b. A **Materials Flow** report shall be submitted to the LEA by the 15th 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.	MS Excel spreadsheet with dynamic calculations Monthly
c. Operator shall maintain a list of the **current Contract Haulers** which are approved by Premier Recycle to transport C&D material to Premier Recycle for sorting and recycling, and a list of **current Recycling Haulers** which are approved by Premier Recycle to enter the facility, receive sorted material loads, and transport them off site.	List of Hauler name contact information, and date of approval. Quarterly
d. Incidents such as fires, injury, accidents, flooding, complaints pertaining to the facility, or any other unusual event at the site shall be recorded in the **Log of Special Occurrences (LSO)**, including the date, time, details of the occurrence, and what, if anything, was done to correct the problem.	As Noted On site for review
e. 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 **LSO**.	As Noted On site for review

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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, by the appropriate governmental agency.

e. 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 consistent with the current operating phase. Approval by the LEA to step up to the next phase will be based on the facility's recent performance, and evident permit compliance.

f. Should any extenuating circumstances arise (i.e. unanticipated large C&D clean-up jobs, natural disasters, fires, etc.) the operator may request a temporary increase in the daily tonnage up to 550tpd. First the operator shall contact the LEA by phone and explain the situation, giving the following specifics about the job: the company name and location of the job; the anticipated materials and total tonnage; and the requested daily tonnage increase. Following the phone call the operator will provide specifics via e-mail to the LEA. Extenuating circumstances shall be logged into the LSO accordingly. The facility's daily tonnage limit may be increased or decreased at the LEA's discretion.

g. Potentially-marketable recyclable (PMR) materials (materials not addressed in TPR) shall be stored in a separate on-site bunker until such time the material can be recycled. Premier Recycle must contact the LEA via email in advance regarding the intent to salvage these materials for recycling. Each of the approved PMR material types shall be sent out for recycling as soon as practicable, and shall not be stored longer than 6 months.

h. 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.

i. The operator shall notify the LEA in advance of any changes that are desired to be made at the facility. The LEA will determine whether the change(s) is/are minor or significant. Significant changes require a permit revision. In no case shall the operator implement any change(s) which causes the design or operation of the facility not to conform to the terms and conditions of this permit without first submitting a TPR Amendment of the proposed change(s) to the LEA at least 180 days in advance.

j. This permit is subject to review by the LEA and may be suspended, or revoked at any time for sufficient cause, in accordance with Division 30 of the Public Resources Code, Part 4, Chapter 4, Article 2, Sections 44305 et seq. and associated regulations.

18. LEA Specifications:

a. Facility personnel shall survey, each operating day, the nearby roadway, gutters, and sidewalks for dust and debris deposited outside the facility gate from the incoming and outgoing solid waste loads; and that material shall be collected and disposed of correctly.

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 for vehicle traffic, a sign must be present stating that those entering shall wear appropriate safety equipment. Facility personnel including contract haulers at or near the working floor (tipping, loading, or scale areas) SHALL wear appropriate safety equipment as described in the TPR.

d. The operator shall comply with dust control measures as described in the TPR section 3.2.2.

e. 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.

f. 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.

g. Residual material shall be removed from the site at a minimum of every 48 hours.

h. The operator shall sort and stockpile incoming materials as described in the TPR, Section 2.1.4. Sorting and processing of materials in the central processing area shall not interfere with facility operations or cause a nuisance. The LEA reserves the right to limit the size of the processing area to protect public health and safety.

i. 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.

j. All incoming and outgoing loads shall be tarped.

k. The addition of a sort line shall require a TPR amendment approved by the LEA prior to its operation.