

# SOLID WASTE FACILITY PERMIT

Facility Number:

**43-AN-0033**

**1. Name and Street Address of Facility:**

ZERO WASTE TO ENERGY  
DEVELOPMENT COMPANY  
ANAEROBIC DIGESTION FACILITY  
685 Los Esteros Road  
San Jose, CA 95134

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

ZERO WASTE TO ENERGY DEVELOPMENT  
COMPANY  
1500 Berger Drive  
San Jose, CA 95112

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

CITY OF SAN JOSE  
200 East Santa Clara Street  
San Jose, CA 95113

**4. Specifications:**

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

**b. Permitted Hours of Operation:** 24 Hours per day, 7 days per week, 8 am-6pm (7 days per week for material delivery and export)

**c. Permitted Maximum Tonnage:** 500 Tons per Day

**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 bearing EA and CalRecycle validations):**

	Total	Disposal	Transfer/Processing	Composting	Transformation
Permitted Area (in acres)	22.45	0	22.45		
Design Capacity (cu.yds)			100,000		
Estimated Closure Year					

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:**

  
Diane Buchanan, Acting Deputy Director

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

CITY OF SAN JOSE  
PLANNING, BUILDING AND CODE ENFORCEMENT/LEA  
200 East Santa Clara Street/4<sup>th</sup> floor  
San Jose, CA 95113

**7. Date Received by CalRecycle:** **OCT 28 2013**

**8. CalRecycle Concurrence Date:** **NOV 19 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 Exhibit "A" of the RCSI, dated 05-19-2013

## 13. Findings:

- a. This permit is consistent with the Santa Clara County Integrated Waste Management Plan, which was approved by CalRecycle (formally known as the California Integrated Waste Management Board (CIWMB) on July 1996. The location of the facility is identified in the Nondisposal Facility Element, pursuant to Public Resources Code (PRC), Section 50001(a).
- b. This permit is consistent with the standards adopted by 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. A Mitigated Negative Declaration was filed with the State Clearinghouse (SCH #2011042023) and adopted by the City Council of the City of San Jose on June 21, 2011. The Special Use Permit (SP09-057), dated December 22, 2011, describes and supports the design and operation which will be authorized by the issuance of this permit. A Notice of Determination was filed with the Santa Clara County Recorder's Office on January 12, 2012.

## 14. Prohibitions:

The permittee is prohibited from accepting the following wastes:

Hazardous, radioactive, 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, except as identified in the Report of Facility Information and approved amendments thereto and as approved by the enforcement agency.

**Exemptions:** Hazardous or designated waste found as a result of a Hazardous Waste Exclusion/Load-Check Program may be stored in compliance with all the applicable federal, state storage and disposal regulations.

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

	Date		Date
Report of Composting Facility Information(RCSI)	08-30-2013	Mitigated Negative Declaration	06- 21-2011
Special Use Permit (SP09-057)	12-22-2011	Notice of Determination SCH#2011042023	01-12-2013

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## 16. Self Monitoring:

The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period (*for example, 1<sup>st</sup> quarter = January – March, the report is due by April 30, etc.. Information required on an annual basis shall be submitted with the 4<sup>th</sup> quarter monitoring report, unless otherwise stated.*)

Program	Reporting Frequency
a. The types and quantities (in tons) of mixed solid waste, green material, pre and post consumer food material, compostable material, agricultural material, including separated or commingled recyclables, entering the facility per day.	Monthly
b. Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Quarterly
c. The Operator shall record all environmental and regulatory complaints regarding this facility and the operator's actions taken to resolve these complaints shall be entered in the log of special occurrence. The Operator shall notify the LEA within 24 hours.	Per Occurrence
d. An employee training log with dates of training and course descriptions shall be maintained and kept current and available upon request by LEA.	Maintain Onsite
e. The Operator shall notify the LEA upon receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA within 72 hours, or on the next business day, following written receipt of a Notice of Violation or upon receipt of written notification of complaints regarding the facility which have been received by other agencies.	Per Occurrence
f. The Operator shall maintain a "Log of Special Occurrences" as required by CCR Title 14 and 27 and shall be made available to LEA upon request.	Maintain Onsite
g. The Operator shall maintain Composting and Facility records as required by CCR 17869 and described in 17868.1-5	Maintain Onsite

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## 17. Enforcement Agency (EA) 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.
- b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, complaints, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA at all times.
- c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the EA.
- d. The maximum permitted daily tonnage for this facility is 500 tons per day, and shall not receive more than this amount without a revision of this permit.
- e. This permit is subject to review by the EA and may be temporarily suspended or revoked at any time by the EA for sufficient cause, in accordance with Division 30 of the Public Resource Code, Part 4, Chapter 4, Article 2, Sections 44305 et seq and associated regulations.
- f. The EA reserves the right to suspend or modify waste receiving and handling operations due to an emergency, a potential health hazard, or the creation of a public nuisance.
- g. 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 changes(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 RCSI/TPR Amendment of the proposed change(s) to the LEA at least 180 days in advance.
- h. The Operator shall adhere to the terms of this permit and its related documents.
- i. A copy of this permit and the current Report of Composting Site Information (RCSI) as amended or approved by the EA shall be maintained at the facility and available to site personnel and the EA at all times.
- j. The following activities are prohibited: 1. Public or Employee Scavenging 2. Vector propagation and harborage 3. Off-site migration of waste litter or leachate 4. Burning waste
- k. Load Checking for hazardous waste shall be performed in accordance with standards prescribed in CCR, Title 14, Section 17409.5
- l. The operator shall periodically test digestate at the request of the EA for Maximum Metals Concentrations and Pathogen Reduction as per CCR, Title 14, Chapter 3.1, Article 7, sections 17868.3.
- m. A copy of the Odor Impact Minimization Plan shall be maintained at the facility gatehouse. The Operator's phone number shall be made available to the general public should there be any questions or complaints regarding possible objectionable odors.
- n. The LEA shall enforce conditions of this permit and processes/procedures within the current approved RCSI.