Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Davis Street Transfer Station
SWIS No. 01-AA-0007
August 8, 2017

Background Information, Analysis, and Findings:
This report was developed in response to the Alameda County Department of Environmental Health Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Davis Street Transfer Station (DSTS), SWIS No. 01-AA-0007, located in the City of San Leandro, Alameda County and owned by Waste Management of Alameda County, Inc. and the City of San Leandro and operated by Waste Management of Alameda County, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

A proposed permit was initially received on June 12, 2017. New proposed permits were received on July 21, 2017 and on August 4, 2017. Action must be taken on this permit no later than October 3, 2017. If no action is taken by October 3, 2017, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes:
The following changes to the first page of the permit are being proposed:

	Current Permit (2004)	Proposed Permit
Name of Owner	Waste Management of Alameda County, Inc.	Waste Management of Alameda County, Inc. and City of San Leandro
Permitted Operations	Transfer/Processing Facility (MRF) Other: Wood/Greenwaste Grinding and Food Waste Storage/Transfer Recycling	Transfer/Processing Facility (MRF) Anaerobic Digester/In-Vessel Composting Other: Wood/Greenwaste Grinding and Food Waste Storage/Transfer Recycling
Permitted Hours of Operation	Open 7-days week: 24hrs./day for Waste Management of Alameda County (WMAC) vehicles, and 5:00 am to 5:00 pm for non-WMAC commercial vehicles. Public Monday- Friday, 7:00 am to 5:00 pm, Sat. and Sun. 8:00 am to 4:00 pm	Public Hours: Monday through Friday, 7 am – 5 pm; Saturday - Sunday, 8 am – 4 pm; WMAC/Non-WMAC Commercial Vehicles/Transfer Trucks: Monday through Sunday, 24 hours

	Closed Easter Sunday, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, Christmas Day & New Year's Day, and closed after 1:00 pm on Christmas Eve and New Year's Eve.	OMRF: Monday – Saturday 4 am – 11:59 pm (See TPR) OMCF: Monday – Friday 4 am – 11:59 pm; Saturday: one shift (See TPR) Holiday Closures (See TPR)
Permitted Maximum Tonnage	5600 Tons/Day – Total includes non-hazardous general and non-hazardous separated or commingled recyclables not to exceed 5600 tpd	5600 Tons per Day
Permitted Area	53 acres	53.8 acres
Design Capacity	9600 tpd	See Table 2 in TPR

Other changes include edits to the following sections of the SWFP: "Legal Description of Facility," "Findings," "Prohibitions," documents that describe and/or restrict the operation of the facility, "Self-Monitoring," and "Enforcement Agency (EA) Conditions" for the purpose of updating and/or clarifying, and updates to the Transfer Processing Report (TPR).

Key Issues:

The proposed permit will allow for the following:

1. Increase the total acreage from 53 acres to 53.8 acres. The current permit states the facility is 53 acres; however, the actual area within the existing Assessor's Parcel Number (APN) 079A-0475-007-32 for the facility is 53.2 acres and has been previously identified as the existing facility boundary. Approximately 0.6 acres (APN 079A-0475-010-05), is owned by the City of San Leandro and has historically been used for transfer station activities without being recognized within the existing SWFP.

2. DSTS is constructing three new buildings, which are to be recognized in this permit action:

   - **Employee Building**
     - 4,600 square feet – Phase 1;
     - Will contain office area for administrative staff, restrooms, locker space, break area, and training/conference rooms for employees.

- **Organics Material Recycling Facility (OMRF)**
  - 61,400-square foot building - Phase 1;
  - Receive between 1,000 to 1,300 tons per day (tpd) of waste from multi-family, single family residential and commercial trash;
  - Self-automated material recovery facility which includes screening, air separation and optical sorting technology;
  - Will remove recyclable and inorganic material to prepare feedstock for onsite composting.

- **Organics Materials Composting Facility (OMCF)**
  - Approximately 135,000 square feet;
  - Pre-treatment processing system - Phase 1
    - Maximum peak tonnage of 1,000 tpd;
    - System is focused on recovering ferrous metals, glass and inerts and preparing the materials for active composting;
    - Will include mechanical sorting and material preparation system and two (2) Rotary Drum Reactors to remove non-recyclable paper and fiber products.

  - In-vessel Composting Lanes - Phase 2
    - 8-lanes (with potential to expand to 16 lanes);
    - Removable hard covers;
    - Rotating lane turner;
    - Automated temperature monitoring system;
    - Annual maximum design processing capacity is approximately 78,000 tons (250 tpd of material on average over the six (6) days).

  - Compost Refining Processing system - Phase 2
    - Will receive an expected average of 216 tpd, 6-days a week with a design capacity maximum of 250 tpd;
    - Focus on recovering remaining ferrous and non-ferrous metals, a plastics fraction, a residual fraction, and further separate compost sizes.

  - Anaerobic Digester (AD) - Phase 3
    - 10-tunnels;
    - Renewable biogas will create fuel for a heat and power system;
    - Digestate will be fed into in-vessel composting lanes or to other permitted composting facilities;
    - Capable of processing approximately 40,000 tons of organic material each year (250 to 325 tons of material loaded into a digester every 2 to 3 working days).

3. OREX Press:

    - Specialized receiving station and process control system made up of tanks and pumps, along with bio-separator, to allow for the introduction of a slurry product to be pumped into tanker trucks for transfer to nearby wastewater treatment facilities and or loaded as a wet fraction for composting;
    - Process 200-400 tpd of organic fraction of municipal solid waste and source separated food waste;
    - Located within the existing Organics Processing and Transfer Building.

4. Increase permitted hours for Non-WMAC Commercial Vehicles/Transfer Trucks from 5:00 am to 5:00 pm seven days a week to Monday through Sunday, 24 hours. These new hours for the Non-WMAC will be the same hours as the WMAC vehicles.

Background:

DSTS is an existing large volume transfer/processing facility that receives and processes up to 5,600 tpd. The existing facility includes numerous material recovery operations, including four material recovery facilities, in various buildings and other areas on site to divert recoverable and recyclable materials away from landfill disposal. Three new buildings will be constructed for the handling and processing of solid waste as well as an indoor compost processing facility and AD.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated June 12, 2017 (Revised July 21, 2017).	☑ Acceptable ☐ Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on June 19, 2014. The LEA provided a copy to the Department on July 1, 2014.	☑ Acceptable ☐ Unacceptable

27 CCR Sections	Findings	
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on August 4, 2017.	☑ Acceptable ☐ Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on June 12, 2017 provided a finding that the facility is consistent with Public Resource Code (PRC) 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated July 5, 2017.	☑ Acceptable ☐ Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on July 19, 2017. See Compliance History below for details.	☑ Acceptable ☐ Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on July 21, 2017 that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	☑ Acceptable ☐ Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	Public Informational Meetings were held by the LEA on May 2, 2017 and on June 1, 2017. Oral comments were addressed by LEA staff and the operator. Four written comment letters/emails were received by LEA staff. Two written comment emails were received by Department staff. See Public Comments section below for details.	☑ Acceptable ☐ Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	☑ Acceptable ☐ Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on July 19, 2017 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the DSTS's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2017 (April) - One violation of 14 CCR 17410.1 - Solid Waste Removal

- 2016 – 2012 - No violations were noted.

The violation was corrected to the satisfaction of the LEA.

Environmental Analysis:
Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of San Leandro Community Development Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include the addition of new facilities: OMCF, OMRF, and employee building; hours for Non-WMAC Commercial Vehicles/Transfer Trucks; and addition of 0.6 acres to the permitted boundary.

These changes are supported by the following environmental documents.

A Mitigated Negative Declaration (MND), titled 1997-2001 Master Plan for the Davis Street Transfer Station, dated February 1998, State Clearinghouse No. (SCH#) 1998012037, was circulated for a 30 day comment period from January 15, 1998 to February 13, 1998. The MND, developed for Conditional Use Permit 96-1, allowed up to 5,600 tons per day (tpd) of waste to be accepted at DSTS, as well as, implemented a number of facilities at the DSTS to provide comprehensive solid waste services.

A Negative Declaration (ND), titled Davis Street Transfer Station Master Plan Improvements, dated November 2010 (SCH# 2010112069), was circulated for a 30 day comment period from November 24, 2010 to December 23, 2010. The ND was prepared to further describe and analyze the remaining facilities to be built. The project analysis concluded there were no significant impacts associated with the project. The ND was adopted by the Lead Agency on January 4, 2011, and the Notice of Determination was filed with the County Clerk's office on January 5, 2011.

An Addendum to the ND and MND, was prepared by the LEA, acting as a Responsible Agency, on May 17, 2017 due to the recognition of 0.6 acres of property the City of San Leandro owns, which DSTS has leased from the City of San Leandro since 2003 and historically considered as part of their facility boundary.

Under CEQA Guidelines, Section 15162, when an Environmental Impact Report (EIR) has been certified or a ND adopted for a project, no subsequent environmental

document shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:

   (A) The project will have one or more significant effects not discussed in the previous EIR or ND;

   (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PRC Section 21068 defines “Significant effect on the environment” as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines Section 15382 further defines, a “Significant effect on the environment” as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A lead or responsible agency may prepare an addendum to a previously adopted EIR or ND if some changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or Neg Dec have occurred, pursuant to Section 15164(a) of the CEQA Guidelines. Thus, Section 15164(a) of the CEQA Guidelines provides that an addendum to the MND and ND is the appropriate documentation when the lead agency or responsible agency has

determined that none of the conditions described in CEQA Guidelines Section 15162 exist – specifically there are no new significant environmental effects as a result of the changed project.

On April 28, 2017, petitioners Antoinette (Toni) Stein and Arthur Boone filed a Petition for Writ of Mandate with the Alameda County Superior Court of California, which the following was stated/requested: the court to override the Alameda County Waste Management Authority (also known as StopWaste) project approval determination based off of inadequate public notification and hearing; the proposed processing system within the OMCF was inadequately identified, and that the OMCF would compost approximately 1,000 tpd of material, rather than the 250-350 tpd as originally identified within the ND; the project will have a significant environmental effect, because little is understood about emissions released from AD operations; the project failed to consider all of the new cumulative impacts from the Port of Oakland, nearby airport and nearby freeway. Since 2011, the area has been designated as a very high risk zone in the regional air district's Community Air Risk Evaluation program; there is no evidence to support the operator's claim that the OMCF/OMRF will not influence the public's choice in participating in source-separating programs; the operator has provided no evidence that the proposed project can achieve technical competence in sorting mixed material or producing market-ready compost; the proposed project is inconsistent with the Alameda County waste reduction and recycling ordinance and state law; the local task force never considered any programs to improve source-separation; and the petitioners claimed the City of San Leandro failed to evaluate air quality concerns.

The Alameda County LEA, has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND, ND and Addendum as prepared by the Lead and Responsible Agencies in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND, ND and Addendum are adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department. Despite the existence of CEQA litigation, the Department, as a responsible agency, must assume that the environmental document fully meets the requirements of CEQA and continue to process the permit absent a stay or injunction issued by the court (CEQA Guidelines Section 15233).

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND and ND adopted by the Lead Agency and Addendum prepared by the Responsible Agency, and other documents and materials utilized by the Department in reaching its decision on

concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held two public informational meetings. The first public meeting was held on May 2, 2017 at the San Leandro Public Library, San Leandro, and the second public meeting was held on June 1, 2017 at the Marina Community Center, San Leandro. The decision to hold a second public meeting was due to the LEA wanting to include a residential area (project is located mostly in an industrial area) that was outside of the original project notification mailing area of a 1,000-foot radius. Five members of the public attended the first meeting and seven members of the public attended the second meeting.

Based on comments discussed below, the LEA has added Condition (u) to the SWFP to limit the amount of composting to a maximum of 350 tpd to correlate with the amount identified within the environmental documents (250-350 tpd) adopted for the project.

Public Meeting Oral Comments

During the May 2, 2017 meeting, comments received from the public and LEA/Operator responses to those comments are summarized below:

- Three (3) comments were received regarding temperature monitoring:
    - Response: The LEA provided references to the In-Vessel Digestion Regulations, sampling and testing requirements that will take place, and the proposed System Temperature Monitoring Plan within the in-vessel composting system.
- One (1) comment was received in regards to toxins within digestate:
    - Response: The LEA stated the resulting compost will be subject to the In-Vessel Digestion Regulatory Requirements and testing.
- One (1) comment was received in regards to percolate within Anaerobic Digestion:
    - Response: The LEA stated there are no regulations under their authority that apply to percolate composition or constituents.

During the June 1, 2017 meeting, comments received from the public and LEA/Operator responses to those comments are summarized below:

- Two (2) comments were received regarding air quality that are within the authority of the local air district and not within the authority of the LEA/Department.

- One (1) comment was received regarding 14 CCR, Environmental Health Standards:

    - Response: The Operator stated the requirements have been meet under Title 14 following a comment that heavy metals, BPA, plastics, phthalates should be addressed.

- Six (6) comments were received regarding 14 CCR, Operating Standards:

    - Response: In regards to noise, the operator stated the new buildings and operations will be fully enclosed.
    - Response: In regards to hazardous material, the operator stated it will be properly disposed of when encountered.
    - Response: In regards to odor, the LEA and/or operator stated the Odor Impact Minimization Plan (OIMP) has been developed and odorous complaints will be reviewed by the LEA; as well, odor complaints regarding DSTS and the adjacent water treatment plant will be addressed to find the source; woodchips will be used as a biofilter to the proposed facility which would address odor issues; and lastly, the biofilter would emit a woody smell.

- Twelve (12) comments were received regarding the operational design of the facility:

    - Response: In regards to equipment, the operator stated stationary equipment runs on electricity and mobile equipment is under a Tier 4-permit and runs on natural gas; the operator also stated not all details of the facility are identified in the presentation.
    - Response: In regards to storage of green waste, the operator stated the material will not be stored outside, and the operator provided the approximate location of the building where green waste storage will take place.
    - Response: In regards to the amount of material proposed to be processed in the OMCF/OMRF buildings, the operator clarified 250-350 tons per day will be composted onsite, the site proposes to process approximately 1,000 tons per day, but the site does not have the capacity to compost 1,000 tons per day of material, and that digestate may or may not stay onsite.
    - Response: In regards to the tonnage received on a daily basis, the operator identified approximately 3,500 tons per day is received.
    - Response: In regards to handling percolate, the operator stated percolate is discharged to the sanitary district across the street.

- Response: In regards to permit parameters, the operator stated there will be about 6-10 vehicles reduction in traffic and there will be no change in operating hours.

- Five (5) comments were received not related to the proposed project:

  - Response: Waste Management identified themselves as the entity that is funding the project; addressed vehicle safety and the operator's efforts in maintaining a good record (three comments); and stated they have made an effort to make themselves available to the public for any questions, and that the City (San Leandro) is in the process of securing parcels for an alternative route which would allow trucks to avoid potential safety related incidents from a nearby residential area.

- One (1) memo was received from Arthur R. Boon (no date available) as an extension to the May 2, 2017 meeting. No questions were posed - instead, a history of the developing area, compost, and project site were discussed. The author of the memo also identified his interest in the project as mainly within mixed waste processing and anaerobic digestion.

Written Comments received by the LEA

The LEA received 24 written comments from the public (from four separate entities),and below are the LEA's summarized responses to those comments:

- Five (5) comments were received related to the conditional use permit, air quality and water quality that are within the authority of the local governing agency, local air district, and regional water quality control board, and not within the authority of the LEA/Department.

- Five (5) comments were received in regards to the facility design and operation:

  - Response: The LEA stated the feedstock will not consist of diseased animals; water supply will consist of potable water and reclaimed water, and wastewater will be discharged into the local waste water treatment plant; in response to the building design affecting view shed or breezes, the LEA stated the proposed project was approved by the local Planning Department; feedstocks identified within the TPR and CEQA document are consistent, and the documents identify some green material as being an organic fraction of the municipal solid waste; the material that will be processed (1,000 tons per day) will contribute to the 250-350 tons per day of material composted on site which is consistent with the CEQA document.

- Two (2) comments were received in regards to the proposed permit parameters:

  - Response: The LEA stated the facility is permitted up to 5,761 vehicles trips per day and there is no increase in vehicle trips proposed.

- Six (6) comments were received regarding the use of a Notice of Exemption, cumulative impacts, and consistency with CEQA:

    - Response: The LEA stated they are unaware of an exemption being used for the proposed project.
    - Response: The LEA stated the ND developed for the proposed project has been determined to meet the requirements of CEQA, and a significant cumulative effect expected from a proposed adjacent airport expansion project does not trigger the need for CEQA to be re-evaluated.
    - Response: The LEA identified the components of the proposed project are consistent with the ND; any changes made to the project are consistent with the ND; the ND has gone through the CEQA process and is consistent with the proposed project; the requirements of CEQA have been met, and additional review based off of new significant information is not warranted.

- Three (3) comments were received regarding traffic, noise, and odor under 14 CCR, Operating Standards:

    - Response: Without being able to clarify the source of the odors mentioned in the comment (residents are near a wastewater treatment plant), the LEA stated an OIMP has been developed to minimize odors from the facility; another facility was identified as having multiple odor complaints, the LEA identified the facility as once having an outdoor composting activity which may be the reason for multiple complaints – the LEA stated they will address any complaints of odor, noise, etc.; lastly, the LEA stated they are required to comply with the terms and conditions of the permit and must follow the TPR to ensure operating standards are being followed.

- One (1) comment was received regarding the elements of the proposed permit action should have been reflected in the current permit:

    - Response: The LEA stated the reason for the permit revision is to recognize the proposed project that will be implemented.

- One (1) comment was received regarding 14 CCR, Environmental Health Standards:

    - Response: As a source of contamination for the state from PVC materials, the composting project was requested to not be approved. The LEA identified the regulatory Sampling Requirements the compost must meet (Maximum Metal Concentration, Pathogen Reduction, and Physical Contamination).

- One (1) comment was received in support of the project from the City of Emeryville, City Councilmember.

Written Comments received by the Department

The following comments were received by Department staff via email from two members of the public in opposition of the project; comments were mainly focused around air quality issues (e.g., nonattainment and particulate matter) which are not within the Department's statutory or regulatory authority. Another comment was received requesting environmental health requirements be added to the heating, ventilation and air conditioning (HVAC) system and a mandatory zero recirculation of air through the HVAC system in all indoor composting facilities since there may be a possibility of mold growth within the system. It is Department staff's understanding that only the operator's personnel will have access to the enclosed composting facility, thus concerns related to indoor air quality are under the authority of the California Department of Industrial Relations, Division of Occupational Safety and Health and not within the Department's statutory or regulatory authority. One commenter also stated the proposed technology is largely an untried hypothesis in California, and that some composting programs are better than other composting programs. Below are responses to questions posed by one of the commenters:

- "Is the digestate given a series of tests to measure any toxics?"

  Response: The proposed project is required to meet 14 CCR, Chapter 3.2, Article 6, Digestate Handling Standards, Section 17896.59, Maximum Metal Concentrations; Section 17886.60, Pathogen Reduction; and Section 17896.61, Physical Contamination Limits (effective January 1, 2018).

- "We were asked if some of the plastics that are found inside the AD vessels leach chemicals into the percolate which, as we understand, is recirculated continually, are there testing systems in place that make sure the percolate is removed/drained off from the closed system when levels get too high for some standards?"

  Response: As identified within the TPR, percolate will be recirculated between the percolate tank and the digester where the pH will be rebalanced. During the July 1, 2017 Public Information Meeting, the operator stated percolate will occasionally be discharged to the adjacent sanitary district. The testing that will occur will be for Maximum Metal Concentrations, Pathogen Reduction, and Physical Contamination Limits (effective January 1, 2018) as required by 14 CCR, Chapter 3.2, Article 6, Digestate Handling Standards. In addition, the operator will have to meet any requirements established by the waste water treatment plant if discharged to the sanitary sewer.

Additional comments were received by Department staff via email following the posting of the Staff Report, dated July 24, 2017. Below are responses to questions posed by the commenters:

- “Mr. Tackett's drawings seen in the presentation to the Alameda County Waste Management Agency on February 22, 2017, shows four parts within the compostable reception areas. His drawings include what you do the OMRF (called in February "Food Waste Organic Recycling Facility") and the OMCF (called in February the "Food Waste/Organic/ Green Waste Compost Facility") but his drawings show two other parts of the building labelled as "Green Waste Enclosure" (lower right) and "Food/Green Waste xxxx [not readable] Floor". The problem with this project has been that Mr. Tackett has changed his mind many times about what he intends to do and doesn't seem to realize that the public wants him to have a plan so we can understand and comment on it.”

  Response: The LEA held two public information meetings on May 2, 2017 and on June 1, 2017. The proposed project presented during those meetings is consistent with the project as understood by the Department.

- “The proposed DSTS project is not consistent with and violates the 2011 CEQA approval mitigating provisions. Specifically, the 2011 CEQA approval states clearly that only "Between 250 and 350 tpd will be composted on site, and the rest of the material will be shipped for composting off site."

  Response: Response No. 3 provided by the LEA in the Questions and Comments Summary emails, dated June 5, 2017, adequately addresses this question.

- “The proposed SWFP confusingly includes a condition for the Organic Material Composting Facility (OMCF) that is erroneously limited to "producing" 350 tons of compost per day" which is not the same provision or limitation that is spelled out in the 2011 CEQA limits. Note the 2011 CEQA limits clarified specifically that it was a max of 350 tpd of feedstock material that could be composted in the OMCF not that 350 tpd of compost could be produced in the OMCF.”

  Response: The condition in reference states, “OMCF is limited to producing 350 tons of compost per day.” To clarify, the referenced CEQA document states “Under this Master Plan Improvements, the Food Waste/Organics/Green Waste Composting Facility will process approximately 1,000 tpd of food and green wastes along with other mixed organics will be processed. Between 250 and 350 tpd will be composted on site, and the rest of the material will be shipped for composting off site.” The condition in the SWFP is consistent with the proposed project and is consistent with the CEQA document.

- “The SWFP should reference all of the CEQA documents listed in the TPR and vis versa all of the CEQA documents listed in the SWFP should be formally listed in the TPR.”

  Response: It is under the LEA’s discretion to identify any supporting documents within Section 15 of the SWFP and within the TPR. However, in Section 13 of

the SWFP, the LEA will identify the supporting CEQA for the issuance of the permit.

- "The proposed SWFP fails to include any CEQA documents that evaluate or address the processing of MMF."

  Response: Per Title 27 CCR, Applicant Requirements, Section 21570, the applicant is required to submit evidence of CEQA compliance for the proposed project. The applicant has met this regulatory requirement. Referencing previous CEQA documents is not required under 14 CCR or 27 CCR.

- "Importantly missing is environmental review by the fire chief to include needed impact mitigations for the newly proposed AD processing facility and equipment."

  Response: Elements of the project that are related to fire hazards are within the authority of the local fire district and not within the authority of the LEA/Department.

- "The project description fails to list that there are any emission controls used on the AD equipment only bio filters are listed to be installed in the OMCF building that is described to be a separate building."

  Response: Elements of the project that are related to air quality are within the authority of the local air district and not within the authority of the LEA/Department.

- "Nowhere is it clarified how digestate will be transferred after the AD ends from the separate AD building so as not to emit more methane or VOCs into the environment."

  Response: The information provided in the In-Vessel Digestion Report has met digestate handling regulatory requirements under 14 CCR.

- "The LEA has improperly included documents not received for this Proposed SWFP. Noticed Public comment period. It includes letters that were not sent to the AC DOEH for the approval of the proposed Project Proposal namely Grant letters from: (multiple letters listed)…. They should be removed from the so called response to comments document."

  Response: As identified in the original Staff Report, dated July 24, 2017, only one comment letter was noted in support of the project. Even though the letters are associated with the project, Department staff found they do not pertain to the current proposed project. There are no regulatory requirements restricting what can be submitted in the application package as required under 27 CCR, Section 21570, CalRecycle - Filing Requirements.

- “Stein submitted (June 5th 2017) comments (EXHIBIT 2) to the AC DOEH LEA have not been included in the LEA's published comments received (Exhibit 3) They were not responded to including my comments that point out that the biofilter at zankar appears not to be capturing all of the odorous VOCs since odors complaints shown in the BAAQMD presentation slides shows that the complaints rose to 3000 complaints per year after the ZWED AD was piloted and permitted.”

  Response: Department staff have confirmed the June 5, 2017 email comments have been included in the LEA’s published comments from the public. Response No. 8 provided by the LEA in the referenced Exhibit 2, Questions and Comments Summary emails, dated June 5, 2017, adequately addresses this question.

- “It’s unclear why my submitted comments have not been put into the same url zone with all of the other public comments received. SWISS database "Public Comment" document that you pointed me to in on 7/31/17 call here http://www.calrecycle.ca.gov/SWFaci!ities/Directory/01-AA-0007/Document/317752. I would appreciate if you would correct this error and provide additional public review time. I'm concerned that my public comments are being quashed and held back while other comments that were actually not sent in for this noticed process have been included.”

  Response: Department staff posted comments directed to the agency on its Public Notice webpage – this is consistent with all permitting actions. Comments directed to the LEA are submitted as an application package and is viewable within the Department’s SWIS Facility Directory Webpage – this is consistent with all permitting actions. However, the exhibits and attachment received with the email dated August 1, 2017 directed to the Department, which include documentation already submitted to the Department from the LEA as part of the proposed permit application package, are posted (in duplication) on the agency’s Public Notice webpage.

- “The proposed SWFP fails to list the relevant BAAQMD permit documents for this specific proposed project.”

  Response: It is not within the Department’s authority to require a permit from BAAQMD be issued prior to the issuance of the SWFP.

Department staff provided an opportunity for public comment during the Monthly Public Meeting on June 20, 2017 and July 18, 2017. No comments were received during the June 20, 2017 or July 18, 2017 meetings.