

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

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April 6, 2016

Bob Bates, REHS
Local Enforcement Agency (LEA)
City of San Jose
Planning, Building and Code Enforcement
200 E. Santa Clara St.
San Jose, CA 95113

SUBJECT: Request to Withdraw the Proposed Modified Solid Waste Facilities Permit for Kirby Canyon Recycling and Disposal Facility - Facility No. 43-AN-0008

Dear Mr. Bates:

On March 30, 2016, the Department of Resources Recycling and Recovery (CalRecycle) received your request to withdraw the proposed Modified Solid Waste Facilities Permit (SWFP) received on February 19, 2016. As you indicated, the operator of the subject facility has waived the time limit for the LEA to consider the current application to revise the solid waste facility permit and for CalRecycle to concur, in order to allow completion and submittal of the Preliminary Closure and Postclosure Maintenance Plan (PCPCMP) and updated JTD.

Once CalRecycle receives the complete and correct Joint Technical Document (JTD) containing all the elements of the PCPCMP, including updated cost estimates reflecting current unit costs, the proposed permit can be submitted, and CalRecycle will complete a timely processing of the permit toward an action.

Please call or email me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Eric Kiruja".

Eric Kiruja
Waste Permitting, Compliance & Mitigation Division
Department of Resources Recycling and Recovery (CalRecycle)

Enclosure: Proposed modified Solid Waste Facilities Permit



SOLID WASTE FACILITY PERMIT

Facility Number:
43-AN-0008

1. Name and Street Address of Facility
Kirby Canyon Recycling and Disposal Facility
910 Coyote Creek Golf Drive
Morgan Hill, CA 95037

2. Name and Mailing Address of Operator:
Waste Management of California, Inc.
PO Box 1870
Morgan Hill, CA 95038

3. Name and Mailing Address of Land Owner:
Waste Management of California, Inc.
PO Box 1870
Morgan Hill, CA 95038

4. Specifications:

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

b. Permitted Hours of Operation: Receipt of Refuse/Waste:

Commercial Disposal Operations: 12:00 am to 5:00 pm, Monday through Saturday*

*Operations may be conducted on the Sunday following a major holiday or special occurrence which occurs on a normal working day.

Public Disposal Operations: 7:00 am to 5:00 pm, Monday through Sunday

c. Permitted Maximum Tonnage: 2,600 Tons per Day of Solid Waste and 1,000 Tons per Day of Sludge

d. Permitted Traffic Volume: 575 Round Trips per Day

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)	743 Acres	311 Acres	N/A	N/A	N/A
Design Capacity Remaining (cu.yds)		16.20 M CY as of July, 2015	N/A	N/A	N/A
Max. Elevation (Ft. MSL)		1,200' MSL			
Max. Depth (Ft. MSL)		N/A			
Estimated Closure Year		2059			

+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, Deputy Director
Planning, Building and Code Enforcement

6. Enforcement Agency Name and Address:

City of San Jose Local Enforcement Agency (LEA)
Planning, Building and Code Enforcement Department
200 East Santa Clara Street, T-4
San Jose, CA 95113-1905

7. Received by CalRecycle: February 19, 2016

8. CalRecycle Concurrence Date:

9. Permit Issued Date:

10. Next Permit Review Due Date:

11. Permit Modification Date:

SOLID WASTE FACILITY PERMIT

Facility Number:

43-AN-0008

12. Legal Description of Facility:

The Santa Clara County Assessor's Parcel Numbers for the property are 729-51-006, 729-51-007 and 729-52-029.

The legal boundary plan for the property is shown on Figure 2-2 in the RDSI.

13. Findings:

- a. This permit is consistent with the Santa Clara County Integrated Waste Management Plan (November, 1995), which was approved by CalRecycle on June, 1996. The location of the facility is identified in the Countywide Siting Plan as a Disposal 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 City of San Jose Local 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 Negative Declaration was filed by the City of San Jose Planning Department in 1993 with the State Clearinghouse (SCH #93033053). The Negative Declaration describes and supports the design and operation which will be authorized by the issuance of this permit.
- f. The City of San Jose Planning Department has determined that the facility is 1) consistent with and designated in the general plan and 2) that the surrounding land use is consistent with the facility operation.

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.

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

	Date		Date
JTD Amendments	May, 2015	Preliminary Closure and Postclosure Maintenance Plan	January, 2005
Waste Discharge Requirements Order No. R2-2007-0021	February, 2008	Closure Financial Assurance Documentation	Annual update
BAAQMD Title V	November, 2008	Operating Liability Certification	Annual update
Negative Declaration; SCH# 93033053	September, 1993	Land Use and/or Conditional Use Permit: PD 84-5-55, PDA 84-1-55, PD 85-7-57, PD 85-01-057, PD 89-9-77	9/8/84, 1/31/93, 9/26/85, 4/22/93, 2/22/92
Environmental Impact Report SCH# 83052408	December, 1983		

SOLID WASTE FACILITY PERMIT

Facility Number:

43-AN-0008

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, 1st quarter = January – March, the report is due by April 30, etc.. Information required on an annual basis shall be submitted with the 4th quarter monitoring report, unless otherwise stated.)

Program	Reporting Frequency
a. The types and quantities (in tons) of waste, including separated or commingled recyclables, entering the facility per day.	Quarterly
b. The number and types of vehicles using the facility per day.	Quarterly
c. 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
d. Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints. Notification to the LEA within one day following the complaint is still required.	Monthly
e. Results of the landfill gas perimeter and structure monitoring program.	Quarterly
f. Wet weather preparedness report/winter operations plan.	Annually (due November 1 st)
g. Topographical map* showing proposed Fill Sequencing Plan for the forthcoming year.	Annually (due January 1 st)
h. Topographical map* which indicates all cuts into native material from the previous year to the present date. (* maps must be scaled no smaller than 1"=200' unless approved by the LEA)	Annually (due January 1 st)
i. Remaining site capacity	Annually (due January 1 st)

SOLID WASTE FACILITY PERMIT

Facility Number:

43-AN-0008

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 (surface and underground), explosions, the discharge and disposition of hazardous liquids or gases, or unpermitted wastes, and significant injuries, accidents or property damage (including slope 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 LEA at all times. Any of these specified entries made in this log must be immediately reported to the LEA.
- 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.
- d. The maximum permitted daily tonnage for this facility is 2,600 tons per day of solid waste and 1,000 tons per day of sludge. It shall not receive more than this amount without a revision of this permit.
- e. This permit is subject to review by the LEA and may be temporarily suspended or revoked at any time by the LEA 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 LEA 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. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring 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 an RFI amendment, to the LEA at least 180 days in advance of the change.
- h. A copy of this permit shall be maintained at the facility.
- i. The minimum number of random load checks per week is three (3). The LEA reserves the right to increase the required number of load checks performed per day or week.
- j.
- k.