

<p>1. Name and Street Address of Facility:  <b>Zanker Road Class III Landfill*</b>  <b>705 Los Esteros Road</b>  <b>San Jose, CA 95134</b></p> <p><b>*NOTE:</b> The Facility's original 1983 EIR doatmeot refers to the site as the Nine-Par Sanitary Landfill , Nine-Par is an older closed landfill which includes the site.</p>	<p>3. Name and Mailing Address of Operator:                  Zanker Road Resource Management Ltd.                  705 Los Esteros Road                  San Jose, CA 95134</p>	<p>4. Name and Mailing Address of Owoer:  <b>Zanker Road Resource Management Ltd.</b>                  625 Charles Street                  San Jose CA 95112</p>
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**5. Specifications:**

- a. Permitted Operations:
- |  |  |
|--|--|
| <input type="checkbox"/> Compostiog Facility (mixed wastes)          | <input type="checkbox"/> Processing Facility   |
| <input checked="" type="checkbox"/> Compostiog Facility (yard waste) | <input type="checkbox"/> Transfer Station  |
| <input checked="" type="checkbox"/> Landfill Disposal Site           | <input type="checkbox"/> Transformation Facility   |
| <input checked="" type="checkbox"/> Material Recovery Facility       | <input checked="" type="checkbox"/> Other: <u>Soils Bioremediation Site and Waste Tire Storage</u> |

- b. Permitted Hours of Operation :
- Commercial and Industrial Disposal Operations ..... 6:00 AM to 6:00 PM, Mooday-Friday: and 8:00 AM- 4:00 PM Saturday-Suoday  
 Public Disposal Operations ..... 6:00 AM to 6:00 PM, Monday-Friday; and 8:00 AM- 4:00 PM Saturday-Sunday  
 Resource Recovery Operations ..... 6:00 AM to Midnight (if needed), seven days a week  
 Equipment Maintenance ..... 12:00 Midnight to 6:00 AM (if needed), seven days a week

c. Permitted Peak Tons per Operating Day (to the gate) ..(\* Maximum Peak Daily Tonnage (See Cooditions #C4)...

Permitted Peak Tons Landfilled (buried) per Operating Day.....	Total: <u>1300</u> Tons/Day
Noo-Haxardous - Inerts	<u>1300</u> Tons/Day
Non-Hazardous - Sludge	<u>N/A</u> Tons/Day
Noo-Haxardous - Separated or commingled recyclables	<u>Included in 'c' above</u>
Noo-Haxardous - Outer (See Section 14, of this Permit, 'PROHIBITIONS')	<u>N/A</u> Tons/Day
Designated (See Section 14, of this Permit, 'PROHIBITIONS')	<u>N/A</u> Tons/Day
Hazardous (See Section 14, of this Permit, 'PROHIBITIONS')	<u>N/A</u> Tons/Day
Permitted Peak Tons to Composting per day .....	Total: <u>200</u> Tons/Day

- d. Permitted Traffic Volume:
- |  |   |
|--|---|
| Incoming waste materials                             | Total: <u>Equivalent of 1300* Tons per Day</u> Vehicles/Day |
| Outgoing waste materials (for disposal)              | <u>N/A</u> Vehicles/Day                                     |
| Outgoing materials from material recovery operations | <u>N/A</u> Vehicles/Day                                     |

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting**	Transformation
Maximum Throughput	1300 Tons Per Day	300 Tons Per Day	N/A	Limited by Total	200 Tons per day	N/A
Permitted Area (in acres)	70 Acres	46 Acres	N/A	46 Acres	6 Acres	N/A
Design Capacity remaining		1.021 Million Cubic Yards cy	N/A	N/A	N/A	N/A
Max. Elevation (Ft. M.S.L.)		80 ft				
Max. Depth (Ft. below M.S.L.)		0 ft				
Estimated Closure Date		2003 Estimate Only				

(\*\* Compostiog Operations are currently cocoaotrated in the 6-acre expansion area, in the former soils bioremediation stockpile site, and oo the top deck level).  
 The permit is granted to the operator named above. Upoo a change of owoer or operator, the LEA shall be notified 45 days in advance so that the LEA may make a determination for an amendment, modification or revisioo to the permit. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

<p>6. Approval:</p> <p>_____                  Approving Officer Signature?</p> <p><u>James R. Derryberry, Director, Planning, Building and Code Enforcement</u>                  Name/Title</p>	<p>7. Enforcement Agency Name and Address:</p> <p>City of San Jose                  Department of Planning, Building and Code Enforcement                  777 N. First St. Suite 700                  San Jose, CA 95112</p>
<p>8. Received by CIWMB: <u>2003-08-1997</u></p>	<p>9. CIWMB Concurrence Date: <u>21-8</u></p>
<p>10. Permit Review Due Date:</p>	<p>11. Permit Issued Date:</p>

# SOLID WASTE FACILITY PERMIT - Pg. 2 of 5

Facility/Permit Number:

SWIS No. 43-AN-0007

12. Legal **Description** of Facility (refer to attached Site Vicinity and Site Location Maps, as shown in the RDSI Figures 1,2,3): Located at the Eastern terminus of LOS Esteros Road where it becomes Zanker Rd., in Section 2 of Township 6 S. Range 1 W. Mount Diablo Baseline and Meridian (APN 015-38-004). The site latitude and Longitude are approximately 37 degrees 21 minutes 23 seconds North and 121 degrees 56 minutes 52 seconds West, City of San Jose, Santa Clara County.

### 13. Findings:

- a. The County-wide Integrated Waste Management Plan (dated November, 1995) was approved by the CIWMB on July, 1996 (see Attachment 'B').
- b. [PRC §50001, Conformance Finding] This facility is identified in, and is consistent with the County-wide Integrated Solid Waste Management Plan (CIWMP) adopted November, 1995, adopted by the CIWMB on July, 1996. (See attachment B.)
- c. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- d. The design and operations of the facility are in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA. (The City of San Jose Local Enforcement Agency) during the inspections of - April 29, 1997. A Violation was noted for PRC 44004 (Significant Change), and 44014 (b) (Terms & Conditions) due to the fact that the permit is overdue for a revision. Adoption of this SWFP will correct these violations.
- e. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. (See Attachment C: "Fire District Compliance") San Jose Fire Dept. Approval date February 3, 1997.
- f. Environmental determinations (i.e. Notice of Determination) were filed with the State Clearinghouse (SCH # 91023024) to identify current and proposed changes, pursuant to Public Resources Code, Section 21081.6. The environmental documents were filed by the City of San Jose Planning Department and adopted on March 25, 1991 and on June 28, 1991. (See attachment D: "Environmental Determination")

### 14. Prohibitions:

**NOTE: Acceptance of prohibited wastes will require this facility to comply with requirements set forth in California Code of Regulations, Title 14, Article 45. Implementation of Federal Municipal Solid Waste Landfill Minimum Standards.**

The permittee is prohibited from accepting any putrescible garbage, household wastes (-HOUSEHOLD WASTES- CCR Title 27, §20164, or putrescible municipal solid waste). This prohibition includes garbage, food and restaurant waste, putrescible agricultural wastes, dead animals, or any organic waste capable of putrefaction. This section is not intended to prohibit the acceptance of non-putrescible construction and demolition materials from household sources, as described in CCR Title 27, §20164.

The permittee is also prohibited from accepting any liquid waste sludge, designated wastes, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable agencies. Wastes requiring special handling, other than those defined in the RDSI, shall require LEA approval for authorization of special handling methods. All non-solid wastes containing less than 50 percent solids must be handled and disposed of as described in a waste management plan approved by the Regional Water Quality Control Board (RWQCB) and the Local Enforcement Agency (LEA). Handling of hazardous materials, including asbestos containing materials, is prohibited.

#### EXCEPTIONS :

- ~~A. Triple Rinsed containers in accordance with Title 22, CCR, Section 66261.7~~
- ~~B. Operator may landfill friable asbestos only in accordance with CCR Title 14 Section 17897. Prior to disposal, Operator must document full compliance with this section in the Operating Record.~~
- ~~C. Contaminated Soils and other Industrial Wastes are permitted with prior approval by the LEA and the RWQCB and in compliance with all other regulatory requirements.~~

The permittee is additionally conditioned by the following items:

- n A. Untreated medical waste, as defined in Chapter 6.1, Division 0 e HCode and Safety is prohibited

### 15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

	DATE
[x] Report of Disposal Site Information <u>12-11-96, revised 10-13-97</u>	
[x] Land Use Permits and Conditional Use Permits: PD 90-11-90 PD 91-02-008	3-25-91 and <u>6-28-91</u>
[x] Air Pollution Permits and Variances: Permit #3312 to operate Plant 3312	<u>6-1-96</u>
[x] EIR SCH # 82 122805	<u>9-14-83</u>
[x] Preliminary Closure/Post Closure Plan	<u>November 1995</u>
[x] Closure Financial Responsibility Documents- RDSI Appendix Y	<u>12-11-96</u>
[x] Updated Waste Discharge Requirements Order No. 87-032 and 93-113	<u>4-15-87 and 9-15-93</u>

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16. **Self Monitoring:**

Results of the following self-monitoring programs will be reported as follows:

(The monitoring documentation, where applicable, will be delinquent 30 days after the end of the reporting period)

Program	Reporting Frequency	Agency Reported To
<p>b. 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.</p>	As noted	LEA
<p>c. 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 occurrences. Operator shall notify the LEA within one day if they receive any complaints of a serious or egregious nature.</p>	As noted	LEA
<p>d. Reports of all special or unusual occurrences and the operator's actions taken to correct these problems shall be entered into the 'Log of Special Occurrences'.</p>	As noted	LEA
<p>e. The operator shall maintain a log to record the quantities and types of hazardous wastes, untreated medical wastes, or otherwise prohibited wastes found in the waste stream, the date they were discovered and the disposition of those materials. This log shall be part of the 'operating record', and shall be made available to LEA staff. The log record shall indicate those incidents which occurred as a result of the random load checking program.</p>	Recorded 'Operating Record	LEA
<p>f. The operator shall make brief entries into their 'Log of Special Occurrences' calendar, recording incidents of unlawful disposal of prohibited materials and the operator's actions taken. The record entry shall be made on the date of occurrence. Detailed incident reports, as appropriate, should be entered as part of the log entered above.</p>	Recorded on date of occurrence	LEA
<p>g. The operator shall maintain and make accessible on-site records within their 'operating record' for the LEA to document the following:                      daily gross tonnage through the gate:                      -daily gross tonnage buried;                      -daily gross tonnage to the Compost operation;</p>	As noted	LEA
<p>Daily gross tonnages along with the monthly totals will be made available to the LEA. The operator shall maintain these records on the facility's premises for a minimum of one year and make them available to any Enforcement Agency's personnel on request.</p>	As Noted	LEA
<p>h. The operator shall report the following information to the LEA in writing, within 30 days of the end of the month being reported:                      -monthly gross tonnage through the gate;                      -monthly gross landfilled tonnage;                      -monthly gross tonnage to the Compost operation;</p>	Monthly as Noted	LEA
<p>i. The operator shall report future results of the leachate monitoring program. The operator shall monitor leachate generation as required by future and current WDRs. In the future, the operator will collect, treat and effectively dispose of the leachate in a manner approved by the CRWQCB, with the results, reports and other documentation being copied to the LEA.</p>	As required by WDRs	LEA
<p>j. The Operator shall provide one annual topographical map showing all current fill locations. Maps shall be on white bond with a scale no smaller than one inch = 200 feet or as otherwise approved by the LEA.</p>	<p><u>Annually</u>                      As approved by the LEA</p>	LEA
<p>k. The Operator shall provide Black and White Stereo Pair copies of Aerial Photos to the LEA.</p>	<p><u>Annually</u>                      AS approved by the LEA</p>	LEA

16. self **Monitoring:**

results of the following self-monitoring programs will be reported as follows:  
 (The **monitoring documentation**, where applicable, will be due 30 days after the end of the reporting period)

Program	Reporting Frequency	Agency Reported To
<p>b. <b>Operator</b> shall notify the LEA upon receipt of a Notice of <b>Violation</b> from any <b>regulatory</b> agency. In addition, the operator shall notify the LEA within 72 hours, or 00 the next business day, <b>following</b> written receipt of a Notice of <b>Violation</b> or upon receipt of <b>written notification</b> of complaints regarding the <b>facility</b> which have <b>been received</b> by other <b>agencies</b>.</p>	As noted	LEA
<p>c. <b>Operator</b> shall record all <b>environmental</b> and <b>regulatory complaints</b> regarding this <b>facility</b> and the <b>operator's</b> actions <b>taken</b> to resolve these complaints shall be entered in the log of special <b>occurrences</b>. <b>Operator</b> shall notify the LEA within one day if they receive any complaints of a serious or <b>egregious nature</b>.</p>	As noted	LEA
<p>d. <b>Reports</b> of all special or <b>unusual occurrences</b> and the <b>operator's actions taken to correct these problems</b> shall be entered into the 'Log of Special Occurrences'.</p>	As noted	LEA
<p>e. <b>The operator</b> shall maintain a log to record the quantities and types of <b>hazardous wastes, untreated</b> medical wastes, or otherwise prohibited wastes found in the waste <b>stream, the date</b> they were discovered and the disposition of those <b>materials</b>. This log shall be part of the '<b>operating record</b>', and shall be made available to LEA staff. The log record shall indicate those incidents which <b>occurred</b> as a result of the random load <b>checking program</b>.</p>	Recorded 'Operating Record	LEA
<p>f. <b>The operator</b> shall make -brief- entries <b>into their</b> 'Log of <b>Special Occurrences</b>' calendar, recording incidents of unlawful disposal of prohibited materials and the operator's actions taken. <b>The</b> record entry shall be made on the date of occurrence. -tailed incident reports, as <b>appropriate</b>, should be <b>entered</b> as part of the log <b>entered</b> above.</p>	Recorded on <b>date of occurrence</b>	LEA
<p>g. <b>The operator</b> shall maintain and make accessible on-site records within their '<b>operating record</b>' for the <b>LEA</b> to <b>document</b> the <b>following</b>:                      daily gross tonnage <b>through</b> the gate:                      -<b>daily</b> gross tonnage buried;                      -daily gross tonnage to the Compost operation;                       Daily gross <b>tonnages</b> along with the monthly totals will be made available to <b>the LEA</b>. <b>The operator shall maintain these records on the facility's premises for a minimum of one year</b> and make them <b>available</b> to any Enforcement <b>Agency's</b> personnel on request</p>	As noted  As Noted	LEA  LEA
<p>b. <b>The operator</b> shall report the following information to the LEA in <b>writing, within</b> 30 days of the end of the month <b>being</b> reported:                      -<b>monthly</b> gross <b>tonnage through the gate</b>;                      monthly gross <b>landfilled</b> tonnage;                      -monthly gross <b>tonnage</b> to the Compost operation;</p>	Monthly as Noted	LEA
<p>i. <b>The operator</b> shall report <b>future</b> results of the <b>leachate monitoring</b> program. The operator shall monitor <b>leachate</b> generation as required by future and <b>current WDRs</b>. In the <b>future</b>, the <b>operator</b> will collect, treat and effectively dispose of the <b>leachate</b> in a <b>manner</b> approved by the CRWQCB, with the results, <b>reports</b> and <b>other documentation</b> being copied to the <b>LEA</b>.</p>	As required by <b>WDRs</b>	LEA
<p>j. <b>The Operator</b> shall provide one annual topographical map showing all current fill locations. Maps shall be on white <b>bond</b> with a scale no smaller than one inch = 200 feet or <b>as</b> otherwise approved by the LEA.</p>	<u>Annually</u> As approved by <b>the</b> LEA	LEA
<p>k. <b>The Operator</b> shall provide Black and White <b>Stereo</b> Pair copies of Aerial <b>Photos</b> to the LEA.</p>	<u>Annually</u> As approved by the LEA	LEA  21-10

## 17. LEA Conditions (continued)

## C. Specifications (continued)

5. Because this site is an inert disposal site only, the facility is prohibited from **taking** putrescible garbage or putrescible household wastes. As a result of this prohibition, in effect since the site's opening, Subtitle D cover requirements will not apply. **Instead**, the **new** permit will **require** the site to follow the Title 14 CCR cover requirements as specified in Section 17628. In this section, sites receiving **less than 50 TPD** for disposal may cover every 48 hours. **The** operator **may** be directed to cover more frequently, if required by the LEA, in the event of a public health issue or a public nuisance.
6. Any type of ADC approved for this site may be amended by the LEA **and/or** other Agency **authorizations**.
7. Upon successful completion of an approved ADC pilot project and upon **administrative concurrence** by the LEA, **CIWMB**, and the RWQCB the **Operator may** commence ongoing **non-experimental** ADC use.
8. This **facility** must comply with **all** applicable Federal, State and local enactments, **laws** and regulations, including the State Minimum Standards **established** by the **C.I.W.M.B.** in CCR **Title** 14, and CCR Title 27, administered **locally** by the Local Enforcement Agency. The Local Enforcement Agency is the City of San Jose, **Department** of Planning, Building and Code **Enforcement**.
9. **Stockpiling** of recyclable **materials**, such as **construction/demolition wastes**, concrete, wood, roofing materials, **hogfuel** and **yardwaste** will be **carried** out in the manner described in the most recent **LEA** approved **RDSI**. The volumes **and** spacing of these **stockpiles will** be arranged to be in **conformance** with City **Fire** Codes and the 1994 Uniform Fire Code (Section **3003, 902.2.2.1**, and Sections 1103.35 to **1103.3.5.4**) so that stockpiles will be limited to a vertical height of no more than 20 feet, with a maximum volume of 150,000 cubic feet, **and** with access-way spacings of 20 feet in between piles. The LEA may **amend** or further reduce these stockpile heights, if in their opinion it is **necessary in order** to protect public health and safety **and** the environment, or to prevent **hazardous** site **conditions**.
11. Any **future** Soils **Bioremediation** projects must **first** be approved of by the Bay **Area** Air Quality Management District (**BAAQMD**), the LEA, the RWQCB, **and** the **CIWMB**.
12. All Facility operations shall be **conducted** in accordance with the operations and design described in the RDSI, as approved by the LEA, and in compliance with all State Statutes, Regulations, City of **San** Jose Municipal Codes and **Ordinances, and** Land Use Permits.
13. **The Facility Operator** shall survey access roads a minimum of one time per month and shall patrol the perimeter of the property boundary of the Facility **at** least once each **operational** day and **shall** remove for legal disposal **any** **Jitter, waste,** or other illegally disposed **materials** (Note: Medical Wastes, Hazardous **Wastes** or Extremely **Hazardous Wastes** shall be removed in **compliance with** applicable laws and standards governing their handling and **disposal**).
14. **The Facility Operator** shall provide water misting equipment and watering trucks as **necessary** in order to **control nuisance** dust resulting from Facility operations, as determined **necessary** by the LEA **and** the Air District **The Facility Operator** shall provide **watering** and cleaning equipment **as** frequently **as necessary** in order to **maintain** access roads and **internal** roads in a manner that will **minimize** dust, mud accumulation and **airborne nuisances**, as determined by the LEA **and** the Air **District**. Water cleaning of access roads shall be limited to the roadway (east **and** west) within 250 feet of the **entrance** road for the **landfill**.
15. prior to acceptance of any friable asbestos for **landfilling**, the operator must document in the Operating Record that the site is in full compliance with the most recent asbestos regulations of Title 14 CCR section 17897. **This** will include **documentation** that the **site has** complied with **section** 17897 provisions for establishing a designated asbestos containing waste disposal area approved of by the LEA.