

Permitting & Assistance Branch Staff Report
 Revised Solid Waste Facilities Permit for the
 City of Berkeley Solid Waste Management Center & Transfer Station
 SWIS No. 01-AC-0029
 June 28, 2021

Background Information, Analysis, and Findings:

This report was developed in response to the City of Berkeley Department of Public Works, Zero Waste Division's request for the Department of Resources Recycling and Recovery (Department) issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the City of Berkeley Solid Waste Management Center & Transfer Station, SWIS No. 01-AC-0029, located in the City of Berkeley, in Alameda County and owned and operated by the City of Berkeley. The Department currently serves as the Enforcement Agency (EA) for the City of Berkeley. A copy of the proposed revised SWFP is attached. This report contains Permitting & Assistance Branch (PAB) staff's analysis, findings, and recommendations.

The application for a revised SWFP was accepted as complete and correct on April 2, 2021. Action must be taken on this SWFP no later than July 29, 2021.

The following are the key design parameters of the proposed project:

Parameter	Current SWFP (2011)	Proposed SWFP
Permitted Maximum Tonnage	560 Tons per Day	620 Tons per Day
Days and Hours of Operation	5:00 a.m. to 9:30 p.m. Monday through Friday, and 6:00 a.m. to 4:30 p.m. Saturday and Sunday	3:00 a.m. to 9:30 p.m. Monday through Friday, and 3:00 a.m. to 4:30 p.m. Saturday and Sunday.
Permitted Traffic Volume	Not Specified	Traffic will be regulated pursuant to Title 14 CCR 17418.3
Design Capacity (tons per day)	560	620

Background:

The City of Berkeley Solid Waste Management Center & Transfer Station is an existing Transfer Processing Facility on 4.68 acres in a Manufacturing zoned area. The facility began operations in 1983 and takes commercial and residential waste and recyclable materials in the City of Berkeley. Material is either taken to a disposal facility, processing facility, or sent to recyclers.

Findings:

Staff recommends concurrence and 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 and issuance. 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	Finding
21685(b)(1) EA Certified Complete and Correct Report of Facility Information	Acceptable: PAB staff accepted the application package as complete and correct on April 2, 2021.
21685(b)(2) EA Five Year Permit Review	Acceptable: A Permit Review Report (PRR) was prepared by PAB staff on June 15, 2021.
21685(b)(3) Solid Waste Facilities Permit	Acceptable: PAB staff prepared a proposed Solid Waste Facilities Permit on May 28, 2021.
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated June 18, 2021.
21685(b)(8) Operations Consistent with State Minimum Standards	Acceptable: 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 April 23, 2021. See Compliance History below for details.
21685(b)(9) EA CEQA Finding	Acceptable: PAB staff finds that the proposed SWFP is consistent with and supported by the CEQA analysis. See Environmental Analysis below for details.
21650(g)(5) Public Notice and/or Meeting, Comments	Acceptable: A virtual Public Informational Meeting was held by the City of Berkeley Planning & Development Department Zoning Adjustments Board on July 23, 2020. No members of the public participated. No written comments were received by Department staff. See Public Comments below for details.
CEQA Determination to Support Lead Agency's Findings	Acceptable: The Department is a Responsible agency under CEQA with respect to this project. PAB staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on April 23, 2021 and found the facility to be in compliance with applicable state minimum standards and permit conditions.

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

- 2021 (April) – 2016 (January) – No violations were noted.

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. The Department is a Responsible Agency under CEQA for the proposed.

The changes that will be authorized by the issuance of the proposed permit include:

- Increase the permitted maximum tonnage from 560 tons per day to 620 tons per day; and
- Increase in facility operating hours from 5:00 a.m. to 9:30 p.m. Monday through Friday, and 6:00 a.m. to 4:30 p.m. Saturday and Sunday to 3:00 a.m. to 9:30 p.m. Monday through Friday, and 3:00 a.m. to 4:30 p.m. Saturday and Sunday.

An Initial Study & Negative Declaration (ND), State Clearinghouse No. 2020060134, was circulated for a 30-day comment period from June 5, 2020 to July 6, 2020. The project analysis concluded there are no significant impacts. The ND was approved by the City of Berkeley Planning & Development Department Zoning Adjustments Board on July 23, 2020, and a Notice of Determination was filed with the State Clearinghouse on September 11, 2020.

Department staff recommends the ND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project and for the issuance of the revised SWFP 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 Department.

The administrative record for the decision to be made by the Department includes the administrative record, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the ND, and other documents and materials utilized by the Department in reaching its decision to issue 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 EA is required to conduct a public information meeting pursuant to 27 CCR 21660.2 to provide information to the public and receive comments on the EA's proposed action to revise the SWFP. The EA is allowed to substitute a previously held public meeting on the same project if the meeting took place within one year prior to the date of the complete and correct determination by the EA. Consistent with the provisions of Executive Order N-25-20 for COVID-19 safety, a virtual public meeting was held online via Zoom by the City of Berkeley Planning & Development Department Zoning Adjustments Board on July 23, 2020 at 7:00 p.m. to receive comments and approve Use Permit Modification #ZP2019-0077 and to adopt a Negative Declaration SCH# 2020060134. The EA was recognized by the presider of the public hearing and was available to answer questions. This public meeting meets the requirements of 27 CCR 21660.4 for substitute meetings. No members of the public participated.

A notice of substitute public informational meeting was mailed to property owners within 1,000 feet of the facility on April 28, 2021 and posted to the City of Berkeley's website, CalRecycle's website, and posted at three public bulletin boards near the facility. No comments were received by Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 15, 2021. No comments were received by Department staff.

Attachment: Proposed Revised SWFP