

RESPONSE TO PUBLIC COMMENTS

**CALIFORNIA WASTE SOLUTIONS
10TH Street Recycling Facility
1820 10th Street, Oakland, CA 94607
SWIS No. 01-AA-0324**

Alameda County Department of Environmental Health, Office of Solid/Medical Waste Management, the Local Enforcement Agency (the LEA) for the Department of Resources, Recycling and Recovery (CalRecycle) has received comments in response to the Public Notice on the LEA Acceptance of Registration Permit Application for California Waste Solutions (CWS) 10th Street Recycling Facility.

The following are questions and answers to address the comments and to provide clarification and additional information.

Why did CWS submit an application for a Registration Permit now, and what impact does this have on how they operate?

CWS has been operating as a recycling center since 1992 and was not a permitted as a solid waste facility. Recycling centers are not required to be permitted by the LEA. In February 2017, as part of the Cal-EPA Environmental Justice Oakland Initiative, in collaboration with CalRecycle and other regulatory agencies, Alameda County LEA conducted an inspection of California Waste Solutions 10th Street Recycling Facility. Inspections found that materials being received and processed at CWS had greater than ten percent (10%) residuals and the amount of putrescible in the recyclable materials caused nuisance such as flies, rats and odor and therefore, CWS did not qualify as a recycling center. The Operator of CWS 10th Street Recycling Facility was required to apply for a solid waste facility permit and is subject to solid waste regulations. The LEA is currently inspecting the facility on a monthly basis.

CWS 10th Street Recycling Facility was required to reduce the amount of materials it receives and is currently accepting up to 100 tons per day. Prior to being regulated as a solid waste facility and the issuance of the Registration Permit, CWS was receiving approximately 200 tons per day (tpd) based on the tonnage records reviewed by the LEA. The approved Registration Permit strictly limits the CWS 10th Street Recycling Facility to receive and process up to 100 tpd of residential and commercial recyclable materials only. Municipal solid wastes (MSW), organics (such as food material, green wastes, etc.), construction, demolition and inert (CDI) debris materials are not accepted at the facility. Additional information on the regulation of solid waste including the types of facilities and permits can be found at <https://www.calrecycle.ca.gov/SWFacilities/>.

What is the meaning of the Notice I received and why wasn't there a public hearing on the application?

There are different notice and hearing requirements based on the type of solid waste operations that are proposed. This facility applied for a Registration Tier permit which requires public notice prior to issuance of the permit, but does not require a public hearing. (See 14 California Code of Regulation 18104.2) A public hearing is only required prior to issuing a full solid waste facility permit where a facility is allowed to accept and process greater than 100 tons per day of solid wastes. CWS 10th Street Recycling Facility was issued a Registration Permit, not a Full Permit.

The LEA received and completed review of the registration permit application package received from CWS 10th Street Recycling Facility and on September 26, 2018 determined it was complete and correct. The LEA is required by regulation to notice the public if an approved registration permit is issued.

More noticing requirements information are available through CalRecycle website under **Frequently Asked Questions: Permit Implementation Regulations:**

<https://www.calrecycle.ca.gov/LEA/Hearing/FAQs/>

Are the hours of the operation increasing?

Per the approved 1992 Conditional Use Permit (CUP) issued by the City of Oakland Planning Department, CWS 10th Street Recycling Facility is allowed to operate seven (7) days per week, between 6:00 A.M. to 9:00 P.M. However, in practice, CWS's Material Recovery Facility (MRF building where recyclables are sorted) operates from 6 am to 2:30 pm. Cleaning and routine equipment maintenance may occur during scheduled non-operating hours.

Is there somewhere I can report complaints about how the facility is operating?

According to solid waste regulations, the LEA regulates the issues such as noise, traffic, and/or nuisances at solid waste facilities. You may send these types of complaints to the LEA for investigation at the following address:

Alameda County Department of Environmental Health
Office of Solid/Medical Waste Management
1131 Harbor Bay Parkway
Alameda, CA 94502
Telephone: (510) 567-6790

Depending on the nature of the complaint, you may want to contact other agencies such as the City of Oakland Code Enforcement, Regional Water Quality Control Board or the Air District.

Do you have any information about relocation of the facility?

We have been informed that a proposed relocation of CWS facility to the Port of Oakland site is in the planning stage.

To find out more about the proposed CWS facility at the new location, please refer to the link below to the Oakland Army Base EIR (Item #4 in the list).

<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157>

What is the process for an appeal?

If you believe that the LEA has failed to act as required by Parts 4, 5, or 6 of Division 40 of the California Public Resources Code (the "PRC"), or implementing regulations, you may file a petition requesting a hearing to review the alleged failure to act. (See PRC §44307) The petition must be filed within thirty (30) days from the date you discovered, or reasonably should have discovered, the facts on which the allegation is based. The petition must include a request for a hearing and a statement of issues. (See PRC § 44310(a))