

# SOLID WASTE FACILITY PERMIT

Facility Number:

**43-AN-0014**

1. Name and Street Address of Facility:

**BFI Newby Island  
Recyclery**1601 Dixon Landing Road  
San Jose, CA 94538

2. Name and Mailing Address of Operator:

Browning-Ferris Industries of  
California, Inc  
1601 Dixon Landing Road  
Milpitas, CA 950353. Name and Mailing Address of Land  
OwnerLos Esteros Ranch, LLC  
1125 N Amphlett Blvd  
San Mateo, CA 94401**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: 24 hours a day, 7 days a weekAncillary Operations/Facility Operating Hours: 24 hours a day, 7 days a weekc. Permitted Maximum Tonnage: 1,600 Tons per Dayd. Permitted Traffic Volume: Traffic will be regulated as per CCR, Title 14, section 17418: Traffic flow through the facility shall be controlled to prevent the following: (1) Interference with, or creation of a safety hazard on adjacent public streets or roads, (2) on-site safety hazards, and (3) interference with operations.**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)	10 Acres	N/A	5 Acres	N/A	N/A

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 SignatureDiane 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 95113-19057. Received by CalRecycle: **January 20, 2016**

8. CalRecycle Concurrence Date:

9. Permit Issued Date:

10. Next Permit Review Due Date:

11. Permit Modification Date:

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**12. Legal Description of Facility:**

Located on the South side of Dixon Landing Road, approximately 1,700 feet westerly of Interstate 880, Section 36 of Township 5S, Range 1 W, Mount Diablo Baseline and Meridian (portion of APN 015-31-033). The site latitude and longitude are approximately 37 degrees 27 minutes 14 seconds North and 121 degrees 55 minutes 45 seconds West, City of San Jose, Santa Clara County, CA.

**13. Findings:**

- a. This permit is consistent with the Santa Clara County Integrated Waste Management Plan (November, 1995), which was approved by CalRecycle on July, 1996.
- b. The location of the facility is identified in the Countywide Siting Plan as a Non-disposal Facility Element, pursuant to Public Resources Code (PRC), Section 50001(a).
- c. This permit is consistent with the standards adopted by CalRecycle, pursuant to PRC 44010.
- d. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.
- e. The San Jose Fire Department has determined that the facility is in conformance with applicable fire standards, pursuant to PRC, 44151.
- f. An Environmental Impact Report SCH# 2007122011 was certified by the City of San Jose Planning Commission on June 6, 2012. This Amended EIR describes and supports the design and operations which will be authorized by the issuance of this permit.

**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.

Exceptions: Triple Rinsed Containers in accordance with Title 22 CCR § 66261.7.

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

	Date		Date
Transfer/Processing Report (and subsequent Amendments)	June, 2015	Land Use and/or Conditional Use Permit	PD-AD 97-03-251, Mar, 1997 ER 93-04-015, June, 1993 PD 93-09-032, Nov, 1993
		Additional Land Use Permits	PD 95-068,AD-06-605, June, 2006 PD 95-068, AD 11-1008, Jan, 2012
BAAQMD Permit to Operate # 5472	Nov., 2015		
Negative Declaration; SCH# 198712513 Environmental Impact Report SCH# 2007122011	Sept., 1987 June, 2012		

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

Program	Reporting Frequency
a. The operator shall maintain and make accessible on-site records for the LEA to document the following: daily gross tonnage through the gate. (The daily or monthly tonnage through the gate for the Recyclery includes the permitted MRF recyclables and transfer station materials.) The operator shall maintain these records on the facility's premises for a minimum of one year and make them available to LEA personnel upon request.	As Noted
b. Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints. The LEA shall be notified within one day if the complaint is confirmed by the operator.	As Noted
c. In addition, the operator shall notify the LEA on the next business day or within 72 hours following written receipt of a Notice of Violation regarding the facility which has been received from other agencies.	As Noted
d. The operator shall maintain a log to record the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream, the date they are segregated and the disposition of those materials shall be noted. This log shall be part of the 'operating record' and shall be made available to LEA staff upon request.	As Noted

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## 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, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property 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. Please refer to the current approved Transfer/Processing report for examples.
- 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 1,600 tons per day, and shall not receive more than this amount without a revision of this permit. *(The maximum tonnage consists of all materials received including recyclables and residual waste.)*
- 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 (as determined by the LEA), 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 and receiving approval for that change.
- h. This permit supersedes all previous SWFPs for this site. A copy of this permit shall be maintained at the facility and available to LEA and site personnel.
- i. Stockpiling of recyclable materials will be carried out in the manner described in the LEA approved Transfer/Processing Report. The LEA may amend or further reduce stockpile heights, if in their opinion it is necessary in order to protect public health, safety and/or the environment..
- j. All Facility operations shall be conducted in accordance with the operations and design described in the TPR and as approved by the LEA.
- k. The Operator should survey access roads and the perimeter of the property boundary of the Facility at least once each operational day and should remove for legal disposal any litter, waste or other illegally disposed materials.
- l. The Operator shall provide water misting equipment and watering trucks as necessary in order to control nuisance dust resulting from Facility operations, as deemed necessary by the LEA. 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.
- m. Operational controls shall be established to preclude the receipt and disposal of hazardous wastes or other types of prohibited wastes. Load Checks will be performed as described in Appendix E of the TPR. The minimum number of load checks per month at this facility is four (4). The LEA may increase the number of load checks for sufficient cause.