

Community Development

Contra Costa County

**COUNTY PLANNING COMMISSION  
TUESDAY, NOVEMBER 30, 2004 AT 7:00 P.M.**

**I. INTRODUCTION**

The West Contra Costa Sanitary Landfill (WCCSL) Bulk Materials Processing Center (BMPC) Project (Project) consists of a Land Use Permit # LP 022026, which would amend the existing Land Use Permit (LUP) 2054-92 for the WCCSL Bulk Materials Processing Center. The Project applicant is West Contra Costa County Sanitary Landfill, Inc. (Applicant) and the property owner is West County Landfill, Inc. (Owner).

**II. RECOMMENDATION**

Staff recommends that the County Planning Commission make a recommendation to the County Board of Supervisors to approve LP 022026 (amending LUP 2054-92), subject to the Conditions of Approval that are attached as Exhibit A.

**III. GENERAL INFORMATION**

A. General Plan: The County General Plan designation for the subject property is Open Space (OS) and Class I Waste Disposal. The WCCSL site is within the North Richmond Shoreline Specific Plan Planning Area (designated to be used as Parks and Open Space following the cessation of existing recycling activities which will continue for an undetermined period that may be 30 years or more).

B. Zoning: The subject property is in the North Richmond P-1 zoning district.

C. CEQA Status: On November 6, 2003, a Draft EIR was circulated for review, beginning the 45-day public comment period; the Zoning Administrator held a public hearing in North Richmond on November 25, 2003 to provide further opportunity for public comments on the Draft EIR; on June 25, 2004 the Final EIR/Response to Comments document was distributed as required by the California Environmental Quality Act (CEQA); on July 6, 2004, the County Zoning Administrator conducted a closed public hearing regarding the adequacy of the Final EIR, and recommended to the Board that the EIR be certified as being in compliance with CEQA; on July 13, 2004, the County Board of Supervisors certified the EIR as being in compliance with CEQA. A copy of the approved Board Order is attached as Exhibit B. No action was taken on adoption of findings or approval of land use permit conditions.

D. Previous Applications:

LUP 2054-92: This permit allowed the construction and operation of the BMPC consisting primarily of asphalt/concrete recycling operation and a wood recovery operation at the unincorporated portion of the landfill site. The County Board of Supervisors approved LUP 2054-92 in July 1993. This Project (LP 022026) is being processed as an amendment to LUP 2054-92.

LUP 2043-94: This permit amended LUP 2054-92 to allow the development of a Soil Remediation Facility onsite to treat soils contaminated with hydrocarbons. This

operation began in 1996 and has since been terminated by the applicant; the Soil Remediation Facility building was demolished in 2004. The County Board of Supervisors approved LUP 2043-94 in May 1995. All conditions related to this Soil Remediation Facility have been removed in the proposed amended Conditions of Approval attached as Exhibit A.

E. Regulatory Programs:

1. Active Fault Zone: The subject site is not located within the Alquist-Priolo fault zone area.
2. Flood Hazard Area: Undeveloped portions of the WCCSL site are located within the 100-year flood plain.
3. Redevelopment Area: A portion of the WCCSL site is located within the North Richmond Redevelopment Area; the remainder of the site is located within the City of Richmond.
4. Hazardous Waste: The site is within 2,000 feet of a known hazardous waste site, the inactive (closed) Class 1 waste disposal area which is referred to as the WCCSL Hazardous Waste Management Facility (HWMF).
5. 60 dBA Noise Contour: The site is not within a 60 dBA noise contour. (Source: County General Plan Noise Element)

F. Other Regulatory Approvals/Entitlements Required:

Numerous permits regulate activities at the WCCSL. The following list shows which existing permits will be affected by LP 022026, specifically for those activities proposed to occur within the unincorporated portion of the WCCSL site:

<u>Permit title and number</u>	<u>Issuing agency</u>
Land Use Permit, 1993 No. 2054-92, 1995 No. 2043-94	Contra Costa County
Solid Waste Facility Permit, Landfill, 1998 No. 07-AA-001	LEA/CIWMB
Composting Facility Permit, 1996 No. 07-AA-0044	LEA/CIWMB
Waste Discharge Requirements, 2002 Order No. R2-2002-0066	RWQCB
NPDES Permit No. 2 07S005532	RWQCB
Authority to Construct/Operate (annual) Plant No. 1840	BAAQMD

SWFP No. 07-AA-001 will be revised to include the landfill modifications as well as all other BMPC additions and changes, exclusive of the Composting Facility. New permits will also be required from the Bay Area Air Quality Management District (BAAQMD), as of November 1, 2004 no application for this Project had yet been filed with the BAAQMD. In addition, a permit would be required from the Bay Conservation and Development Commission for development of the Trail.

**IV. SITE DESCRIPTION**

The figure attached as Exhibit C shows existing land use near the WCCSL. The northern portion of the WCCSL is within the unincorporated Contra Costa County area, while the remainder of the site is within Richmond's city limits. The WCCSL contains two waste management units—an inactive Class I waste disposal area (HWMF) that has been closed

pursuant to Federal and State regulations, and the active Class II municipal solid waste landfill that is expected to close in January 2006. Existing BMPC recycling activities include a green waste/wood waste processing area, a composting area, and a concrete/asphalt processing area.

Area A of the WCCSL contains the Class II landfill gas (LFG) power plant, a plant for treatment of leachate (water/liquids that has come in contact with waste within the landfill itself) from the HWMF, and an area formerly used for stockpiling clay soils. Area B is an enclosed runoff control pond located directly south of the Class II landfill that receives surface drainage from the WCCSL. Area C, west of the landfill, is a lagoon open to San Pablo Bay. Area C was originally intended to be used for expansion of the Class II landfill, but such plans were subsequently abandoned by WCCSL.

**V. AREA DESCRIPTION**

A variety of commercial and industrial land uses exist near the WCCSL. The WCWD Wastewater Treatment Plant occupies the greatest land area. Treated leachate from the HWMF and untreated leachate from the Class II landfill are piped to the WCWD facility for treatment and/or disposal. The WCWD facility would also be the source of biosolids for the Applicant's proposed Soil Reclamation and Biosolids/Dredged Material Spreading activities.

The Richmond Sanitary Service Corporation Yard is to the east, and San Pablo Creek comes within 30 feet of the WCCSL to the east and southeast. The major industries in the area include horticultural growers (Color Spot), a material recycling plant (Central IRRF), and the Chevron Refinery. The Richmond Parkway is a major roadway in the area that extends from Interstate 580 near the east approach to the Richmond-San Rafael Bridge northeasterly to Interstate 80 near Hilltop Drive.

The Richmond Parkway is the major approach roadway to the WCCSL. Portions of the Parkway have adjoining residential land uses. Appropriate sections of the EIR considered these residential land uses relative to compatibility with proposed Project operations and/or projected increases in Project-related traffic. To the south of Parr Boulevard, several areas of older residential uses exist with the closest to the WCCSL (about 1 mile away) being a two-story apartment building on the north side of the Gertrude Avenue/Richmond Parkway intersection. Approximately 7- to 8-foot-high sound walls were installed in these areas when the Parkway was constructed to lower noise levels. To the north of Parr Boulevard, newer residential uses exist with the closest being about 1.7 miles from the WCCSL. With the exception of the residential use along the north side of the Hilltop Drive/Richmond Parkway extension, these residential uses are either set back from the Parkway about 100 feet with sound walls, or below grade. These features help to reduce exposure to traffic-generated noise from the Parkway. The residential land use at the Hilltop Drive/Richmond Parkway extension is not significantly set back nor is there a sound wall.

**VI. PROPOSED PROJECT**

The Project consists of a Land Use Permit # LP 022026, which would amend the existing Land Use Permit (LUP) 2054-92 for the WCCSL BMPC. The aspects for the project proposed to occur within the unincorporated portion of the WCCSL site is summarized as follows:

- Increase the amount and types of compostables and wood waste processed.
- Increase the amount of asphalt and concrete waste processed.
- Construction of a Public Access Trail along the northern shoreline portion of the WCCSL site and the eastern border along San Pablo Creek (remainder of proposed Public Access Trail around the site will be within the City of Richmond)

The Applicant has also applied for and received a conditional use permit from the City of Richmond for other aspects of the proposed BMPC, which will occur wholly within the City of Richmond; those aspects approved by the city are summarized below:

- Establish a new spreading/drying operation for wastewater sludge and dredged materials.
- Establish a new soil reclamation/processing operation to reclaim non-contaminated soils, and to combine high moisture content mud and sludges and with powdery materials to create a product suitable for Alternative Daily Cover (ADC), final cover, final cap, or off-site use.
- Establish a new solid waste transfer station (referred to in the EIR as the Waste Recycling Center or WRC) at the WCCSL to recycle, sort, and transfer for disposal waste from self-haulers, industrial debris boxes, the west Contra Costa communities and commercial customers that would not be processed at the existing transfer station, the West County Integrated Resource Recovery Facility/Central Processing Facility ("IRRF") operated by West County Resource Recovery, Inc. at 101 Pittsburg Avenue in North Richmond, under an agreement with the West Contra Costa Integrated Waste Management Authority ("the Authority").

The Preferred Environmental Alternative (PEA) identified in the EIR and described in Chapter 13, was found to be the best alternative to meet the Project's objectives and goals, while protecting the environment. The components of the PEA are described in Section E. Preferred Environmental Alternative, pages 13-34 through 13-47. The PEA identified that Area A in the City of Richmond is the preferred location for the WRC transfer station. The PEA, which includes the Project proposed by the Applicant, elimination of Phase 4 of the Trail along the outer levee east of Area C, the selection of Area A for the proposed WRC transfer station, and the use of aerated static pile as the primary composting process, provides the best balance between satisfaction of the project objectives and mitigation of potential significant impacts to the extent feasible. Significant impacts associated with the proposed Project would be reduced to less-than-significant levels with the PEA, with the exception of PM<sub>10</sub> emissions. Although the PEA would have lower PM<sub>10</sub> emissions than the proposed Project (because of the reliance on the aerated static pile composting process in lieu of windrow composting), a significant unavoidable PM<sub>10</sub> impact would remain. All other potentially significant impacts identified in the Draft EIR would be mitigated to a level of insignificance.

## **VII. AGENCY & PUBLIC COMMENTS:**

Contra Costa County served as the Lead Agency for preparation of the EIR for this Project, pursuant to CEQA. The EIR was filed with the State Clearinghouse and has been identified as SCH # 2002102057. The County prepared the EIR in accordance with CEQA (Public Resources Code § 21000 et seq.), the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and the County's CEQA guidelines. The Final EIR consists of the Draft EIR published

on November 5, 2003 (“Draft EIR”) and the Responses to Comments published on June 25, 2004 (“RTC”). The Final EIR is comprised of the Draft EIR and Responses to Comments. Copies of this Project’s Draft EIR were transmitted to the members of the CPC on November 6, 2003 and the copies of the RTC were transmitted to the members of the CPC on June 25, 2004. Both documents are also available online at <http://www.cccrecycle.org/eir/>. Below is an overview of the significant milestones of the CEQA process that have been completed related to this Project:

- October 10, 2002: Environmental Impact Report (EIR) Notice of Preparation issued;
- November 1, 2002: CEQA Scoping Session held in North Richmond;
- November 6, 2003: Draft EIR circulated for review, beginning the 45-day public comment period;
- November 25, 2003: Zoning Administrator held a public hearing in North Richmond to provide further opportunity for the public to comment on the Draft EIR;
- December 22, 2003: End of 45-day public comment period on the Draft EIR;
- June 25, 2004: Final EIR/Response to Comments document was distributed as required by CEQA;
- July 6, 2004: County Zoning Administrator conducted a closed public hearing regarding the adequacy of the Final EIR, and recommended to the Board that the EIR be certified as being in compliance with CEQA;
- July 13, 2004: County Board of Supervisors certified the EIR as being in compliance with CEQA. No action was taken on adoption of findings or approval of land use permit conditions.

## **VIII. STAFF ANALYSIS/DISCUSSION**

- A. Appropriateness of Use: No change to the existing overall use of the landfill, as a waste management and resource recovery site, is proposed. This project involves the expansion of bulk materials processing operations within the footprint of the project site. The proposed use is appropriate for the area because it is compatible with surrounding landfill uses. The nearest residence is approximately 1 mile southeast of the site.
- B. Site Plan Analysis: The project includes expansion of existing bulk materials processing of concrete/asphalt, wood waste, and composting. The project also authorizes the creation of a public access trail along the northern shoreline and the eastern border along San Pablo Creek. Existing roads and parking areas will be used during construction and operation of the facility.
- C. General Plan/Zoning Compliance: The proposed project is consistent with the Open Space (OS) and Class I Waste Disposal General Plan designations and the North Richmond P-1 zoning district. The North Richmond Shoreline Specific Plan allows for ongoing resource recovery activities at the WCCSL site for at least a 30-year postclosure period.
- D. Recommended Conditions of Approval: Amended LUP Conditions of Approval is attached to this Staff Report as Exhibit A.

E. Deleted, Revised, or New Conditions of Approval in LUP 2054-92: Approval of LP 022026 (amending 2054-92) includes major revisions to the following conditions of approval:

- CONDITION 1.2 Soil Remediation Facility - DELETED to reflect termination of facility operations and demolition of the building.
- SECTION 9. Service Area - DELETED to allow importation of waste not originating in Contra Costa County as required by U.S. Supreme Court cases;
- SECTION 22. Seismic Stability (NEW) - ADDED per the requirements of the WCCSL Bulk Materials Processing Center and Related Actions EIR;
- SECTION 25. Control of Litter and Illegal Dumping (EXPANDED) - to incorporate Mitigation Measure 4-5 of the WCCSL Bulk Materials Processing Center and Related Actions EIR; and to reflect the Memorandum of Understanding between the City of Richmond and the County of Contra Costa regarding Host Community Mitigation Fees.

F. Central IRRF LUP 2053-92: Approval of LP 022026 contains no actions pertaining directly to the West County IRRF/CPF. The Applicant and Authority are still in negotiations regarding the use of the West County IRRF/CPF. The Applicant is aware of the fact that if the WRC is permitted at the WCCSL site (in the City of Richmond), both the IRRF and the WRC would have the capacity and permits authorizing the transfer of solid waste for disposal. If the WRC is built and the Authority decided to direct the waste they control to the WRC, there would not be a need to have two fully permitted solid waste transfer facilities in West County. The Applicant has agreed to the following supplemental provision:

“The Applicant agrees that in the event the WRC is permitted and built to provide transfer capacity of at least 1,000 tons per day, the Applicant will agree to amend its permits to relinquish the authority provided by the County Land Use Permit (LUP) No. 2053-92 for the IRRF and the IRRF Solid Waste Facilities Permit to transfer solid waste disposal at the IRRF, unless the West Contra Costa Integrated Waste Management Authority directs the Applicant to transfer JPA solid waste for disposal utilizing the IRRF facility. Nothing herein shall preclude nor be construed to preclude or otherwise limit the continued use of the IRRF as a recycling center for the management, handling and transfer of recyclable materials.”

Upon conclusion of the negotiations between the Applicant and Authority and final permitting of the WRC by all regulatory agencies, staff will schedule hearings to amend the West County IRRF/CPF LUP 2053-92 accordingly.

G. Soil Remediation Facility (LUP 2043-94): As noted above, the Applicant selected the Preferred Environmental Alternative (PEA) (as described in Chapter 13 “Alternatives” of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR). The County Board of Supervisors approved LUP 2043-94 in May 1995. Operations began in 1996 and were terminated by the Applicant in 2003; the Soil Remediation Facility building was demolished in 2004. All conditions related to this Soil Remediation Facility have been removed in the proposed amended Conditions of

Approval attached as Exhibit A.

## IX. FINDINGS

### Findings required pursuant to Section 26-2.2008 of the County Code:

- A. The proposed project, as conditioned, will not be detrimental to the health, safety and general welfare of the county.

*The project incorporates many design features and control measures that will serve to protect the health and safety of workers and the public. The findings of the WCCSL Bulk Materials Processing Center and Related Actions Environmental Impact Report (EIR) prepared under the guidelines of the California Environmental Quality Act (CEQA) demonstrated that with the exception of air quality (PM10 emissions, all other potentially significant impacts identified in the EIR would be mitigated to a level of insignificance. A Statement of Overriding Considerations pertaining to PM10 emissions is to be adopted as part of the CEQA Findings (see Exhibit D).*

- B. The proposed project, as conditioned, will not adversely affect the orderly development within the County or the Community.

*The site is currently being used as a bulk materials processing center and Class II sanitary landfill. The Class II sanitary landfill is scheduled to stop accepting waste for disposal in January 2006. The proposed use is compatible with existing operations as it will expand the recovery and beneficial reuse of bulk materials.*

- C. The proposed project, as conditioned, will not adversely affect the preservation of property values and the protection of the tax base within the county.

*The project is designed within the existing footprint of the WCCSL project site. The project will add to the tax base of the County.*

- D. The proposed project is consistent with the policies and goals as set by the general plan.

*The project is located in an area designated as Open Space (OS) and Class I Waste Disposal in the County General Plan; the proposed project is directly related to bulk materials processing. The Phase 3 alignment of the Public Access Trail in the unincorporated area is consistent with the North Richmond Shoreline Specific Plan.*

- E. The proposed project, as conditioned, will not create a nuisance and/or enforcement problem within the neighborhood or community as the use is consistent with the general plan for the area.

*The project will be located on the central portion of the WCCSL property. It will not negatively impact any existing residential or commercial uses. The EIR identified no significant impacts to noise, traffic, odors, or land use compatibility.*

- F. The proposed project will not encourage marginal development in the neighborhood.

*The project is separated from the neighborhood by the outer portions of the WCCSL site, topography, and existing light industrial uses.*

- G. Unique characteristics of the subject property and its location or surroundings are

established.

*The site while adjacent to light industrial uses, is adequately separated from the surrounding neighborhood. The site is ideal for the proposed project as it will be a continuation of bulk materials processing operations at the project site.*

**Findings required pursuant to the performance standards identified in the Growth Management Element of the County General Plan:**

- A. Traffic: *The project will generate an estimated increase of 60 vehicles per hour by 2008 and 100 vehicles per hour by 2015 during the WCCSL peak hour (10:00 – 11:00 a.m). The 100-vehicle-per-hour increase during the WCCSL peak hour does not trigger the CCTA requirements for a traffic report pursuant to Measure C requirements administered by the Contra Costa Transportation Authority.*
- B. Water: *The final landfill grading plan contained in the WCCSL Bulk Materials Processing Center and Related Actions Project EIR, shows the main drainage facilities. More detailed drawings for each of the BMPC Project components with drainage patterns and control features are included as Chapter 3 appendices (Figures 3B-1, 3C-1, 3D-1, 3F-1, and 3H-1) of the Project EIR. The Project does not propose development of new paved surfaces that would increase storm water runoff volumes. Several new buildings are proposed (Figure 3-4), but these are limited in size. Increased storm water flows resulting from construction of additional impervious areas would be conveyed away from the site by appropriately sized down-gradient channels with respect to pavement, drainage control, and availability of utilities.*
- C. Sanitary Sewer: *The project lies within both the City of Richmond and the unincorporated area of Contra Costa County, and within the East Bay Municipal Utility District (EBMUD) and West County Wastewater District. The Applicant is required to comply with the requirements of these service districts. The Initial Study conducted by the County for the project in 2002 identified no significant impacts to the sanitary sewer system.*
- D. Fire Protection: *The project lies within both the City of Richmond and the unincorporated area of Contra Costa County, and within the West County Fire Protection District and City of Richmond Fire Department (RFD). The Applicant is required to comply with the requirements of these service districts. Station 62, located at 1065 7<sup>th</sup> Street, North Richmond, is the closest fire station to the WCCSL. The RFD estimates a 4-minute response time to an emergency at the WCCSL. The second closest fire station is Station 70, located at 13928 San Pablo Avenue, San Pablo, and would respond within 5 minutes of an emergency at the WCCSL. An EBMUD water system hydrant is located one block off site near the intersection of Parr Boulevard and Garden Tract Road. American Medical Response is the emergency ambulance service dispatched through RFD. The RFD has a hazardous materials team at Station 64, located at 4801 Bayview Avenue, Richmond. The RFD's estimated response time to a hazardous materials emergency at the WCCSL would be within 6 minutes. The WCCSL Emergency Response and Evaluation Plan is included in Appendix K of the Report of Disposal Site Information (RDSI). Emergency fire control procedures are also included in the composting and wood*



waste recycling operations plans. Pursuant to Title 27 of the California Code of Regulations (27 CCR) §20780, the Applicant is prepared to take the necessary measures for prompt fire control as required by local fire authorities.

- E. Public Protection: The Growth Management Element Standard is 155 square feet of Sheriff facility station per 1,000 population. The Initial Study conducted by the County for the project in 2002 identified no significant impacts to police protection services. No new residences are proposed by the project.
- F. Parks and Recreation: The Initial Study conducted by the County for the project in 2002 identified no significant impacts to parks and recreation services. No new residences are proposed the project would create expanded recreational opportunities with implementation of the Phase 3 alignment of the Public Access Trail along the northern Bay shoreline of the WCCSL site. This potential impact is considered beneficial.
- G. Flood Control and Drainage: The required closure standard for the WCCSL Class II facility is based on the maximum probable 100-year, 24-hour precipitation. Therefore, any drainage controls, such as down drains, bench drains, channels, and culverts must be designed to accommodate a 100-year, 24-hour storm event. Additionally, under Regional Water Quality Control Board, San Francisco Region, composting facility policy, all areas used must be protected from inundation by surface flows associated with the 24-hour, 25-year storm event. The Applicant's design basis for drainage controls is included in Section III.B.6.b of the RDSI and in Appendix H of the Final Development and Improvements Plan.

## X. **CONCLUSION**

Staff recommends that the County Planning Commission make a recommendation to the County Board of Supervisors to approve LP 022026, amending LUP 2054-92, subject to the attached Conditions of Approval (Exhibit A).

## **LIST OF EXHIBITS**

EXHIBIT A: RECOMMENDED CONDITIONS OF APPROVAL – LP 022026  
EXHIBIT B: BOARD ORDER – EIR CERTIFICATION  
EXHIBIT C: MAP OF EXISTING LAND USES IN VICINITY  
EXHIBIT D: CEQA FINDINGS & STATEMENT OF OVERRIDING CONSIDERATIONS  
EXHIBIT E: MITIGATION MONITORING PROGRAM  
EXHIBIT F: RESOLUTION 31-2004

G:\CONSERVATION\BRYNWCCSL-BMPC\CPCSTAFF REPORT\_11-30-04.DOC