

# Leo Recycling Project

File No. SPA15-016-02

Final Initial Study / Negative Declaration

---

## RESPONSES TO PUBLIC COMMENTS AND TEXT CHANGES

February 3, 2022

### ***CEQA Lead Agency:***



City of San José  
Planning, Building and Code Enforcement Department  
200 East Santa Clara Street, Room 300  
San José, California 95113

### **In Consultation With:**

Stantec Consulting Services Inc.  
1340 Treat Boulevard, Suite 300  
Walnut Creek, CA 94597

## Table of Contents

<b>1.0</b>	<b>SUMMARY OF COMMENTS</b> .....	<b>2</b>
<b>2.0</b>	<b>AGENCIES AND PERSONS COMMENTING ON THE IS/ND</b> .....	<b>3</b>
<b>3.0</b>	<b>RESPONSE TO COMMENTS</b> .....	<b>4</b>
A.	RESPONSE TO A – BAY AREA AIR QUALITY MANAGEMENT DISTRICT, BARRY YOUNG.....	4
B.	RESPONSE TO B – PACIFIC GAS & ELECTRIC .....	5
C.	RESPONSE TO C – CALRECYCLE, ERIC KIRUJA .....	6
<b>4.0</b>	<b>TEXT CHANGES TO THE IS/ND</b> .....	<b>4</b>
	SECTION 1.8: REQUIRED PERMITS AND APPROVALS.....	4

## 1.0 SUMMARY OF COMMENTS

On November 5, 2021, the City of San José circulated a Notice of Availability of the Draft IS/ND for a 30-day review and comment period by the public and responsible and reviewing agencies. The review period ended on December 6, 2021.

During the circulation period, the City of San José received the following three comment letters:

- A. Bay Area Air Quality Management District, Barry Young
- B. Cal Recycle Department of Resources Recycling and Recovery, Eric Kiruja
- C. Pacific Gas & Electric

The comments received on the draft IS/ND did not raise any new issues about the project's environmental impacts or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/ND. CEQA does not require formal responses to comments on an IS/MND, only that the lead agency consider the comments received [CEQA Guidelines §15074(b)]. Nevertheless, responses to the comments are included in this document to provide a complete environmental record.

The following pages contain a list of the agencies and persons that submitted comments on the IS/ND and the City's responses to comments received on the IS/MND. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following ("Response"). Copies of the correspondence submitted to the City of San José are attached to this document as **Attachment A**.

## 2.0 AGENCIES AND PERSONS COMMENTING ON THE IS/ND

<b>Comment Received From</b>	<b>Date</b>	<b>Response on Page</b>
<i>Regional and Local Agencies</i>		
A. Bay Area Air Quality Management District, Barry Young	November 24, 2021	4
B. Pacific Gas & Electric	December 6, 2021	5
<i>State Agencies</i>		
C. CalRecycle, Department of Resources Recycling and Recovery, Eric Kiruja,	December 6, 2021	6

### 3.0 RESPONSE TO COMMENTS

This section responds to comments on the IS/ND as they relate to the potential environmental impacts of the project under CEQA. Numbered responses correspond to comments in each comment letter, which are provided in Attachment A.

#### A. RESPONSE TO A – BAY AREA AIR QUALITY MANAGEMENT DISTRICT, BARRY YOUNG

**Comment A1:** Please revise the Initial Study's Section 1.8 to state that the facility requires an Air District Authority to Construct/Permit to Operate for the changes they propose to their operations. The facility owner/operator should apply for the required Air District permits as soon as possible.

**Response A1:** As noted in the IS/ND, the project includes the following existing and active permits: the City of San José Special Use Permit (File No. SP15-016) and the current CalRecycle Enforcement Agency (EA) Notifications (43-AN-0039, 43-AN-0038, and 43-AN-0040). These permits include a requirement to comply with applicable local and state laws, as such the proposed project will be conditioned to show compliance with all regulatory requirements including securing the Air District Authority to Construct/Permit to Operate from the BAAQMD.

The requested revision to the IS will be noted in the Final IS/MND as a clarification (see Section 3.0 Revisions to the Draft IS/MND). The clarification is a minor modification to the Draft IS/ND document and does not change the significance of any of the environmental issue conclusions within the Draft IS/ND and recirculation is not required.

No further response is required.

**Comment A2:** The emissions calculations presented for the project should include estimates of greenhouse gas emissions, criteria pollutant emissions, and toxic air contaminant emissions. If you or the applicant have questions about which air pollutants to include, please contact me.

**Response A2:** Section 3.3, Air Quality, of the Draft IS/ND provided criteria air pollutant emissions from the existing operations, the emissions from the proposed project, and the net change in emissions from the proposed project. Table 8 on page 3-25 of the Draft IS/ND provided the annual operational emissions from the proposed project and the existing operations, the net emissions were also reported. Table 9 on page 3-25 of the Draft IS/ND provided the net increase in average daily emissions from the proposed project. As shown in Section 3.3, the proposed project would not exceed BAAQMD's thresholds of significance for criteria air pollutants.

Section 3.8, Greenhouse Gas Emissions, of the Draft IS/ND provided the greenhouse gas emissions from existing operations, the emissions from the proposed project, and the net change in emissions from the proposed project. The greenhouse gas emissions

were provided in Table 16 on page 3-61 of the Draft IS/ND. The Draft IS/ND included the requested information; no further response is required.

## B. RESPONSE TO B – PACIFIC GAS & ELECTRIC

**Comment B1:** Thank you for providing PG&E the opportunity to review your proposed plans for Leo Recycling Project dated November 5, 2021. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/ccol/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

**Response to B1:** The comments do not address environmental issues, or the adequacy of the analysis evaluated in the Draft IS/ND, therefore no further response is necessary. As noted previously, the proposed project will be conditioned to show compliance with all regulatory requirements including specific PG&E requirements for electric and natural gas service.

### C. RESPONSE TO C – CALRECYCLE, ERIC KIRUJA

**Comment C1:** The statement that the total CalRecycle EA permitted capacity is 1,875 tpd is misleading. The maximum throughput for each permit tier does not necessarily imply that the site has the capacity to handle the maximum throughput. The operator should provide the facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity.

**Response to C1:** Section 2.2 Site History of the Draft IS/ND summing the current amount of CalRecycle EA permitted capacity as 1,875 tpd (tons per day) is correct. Permitted capacity is not the same as actual throughput, which is why the Draft IS/ND described the existing baseline and further defined how much material is currently processed at the site in the following table reproduced below and included on page 2-2 of the Draft IS/ND.

#### Summary of Material Processing Permitted, Existing, and Proposed Amounts

Source	Total (in tpd)
City of San José SUP Permitted Capacity	150
CalRecycle EA Permitted Capacity	1,875
Existing Materials being Processed (Baseline)	470
Proposed Materials To Be Processed	500
<b>Impact being analyzed for CEQA</b> (Proposed – Baseline = Impact)	<b>30</b>

The Draft IS/ND correctly stated the amount of solid waste materials to be processed under this Project would be a total maximum of 500 tpd. Solid waste materials would include combined construction/demolition and inert debris (CDI), green waste, and inert materials. The Operator indicated the project's proposed new total is slightly less than the actual current total combined amount of material being processed at the facility, and that the facility design can handle at least 500 tpd.

The facility design capacity including assumptions, methods, and calculations were included in the application's Facility Plan application with CalRecycle. The assumptions are excerpted from the Facility Plan and reproduced below:

---

#### **18221.6(g) Facility design capacity, including assumptions, methods, and calculations to determine total capacity.**

Multiple size bunkers outside and inside of building. Bunkers use same design configurations: Assumed edge pile slope 1:1; max. pile height 12', and bunker walls 6' height.

1. (outside) Greenwaste & Wood Discharge Bunker  
Length 100', width 53', wall height 6', pile height 12'  
Base: (100) (53) = 5,300 sf

top: (100-6-6) (53-12-6) = 3,080 sf  
Ave. Volume: [(5,300 + 3,080)/2](12) = 50,280 cf / 27 = 1,862 cy  
Greenwaste tonnage [source CA Dept. of Resource & Recycling FacIT Conversion Table 1 – Material Type Equivalency Factors]:  
1,862 cy x 0.181542857 tons per cy = 338 tons

2. (outside) Inert Bunker (soil; high dump)

Length 70', width 25', wall height 6', pile height 12'  
Base: (70')(25') = 1750 sf;  
Top estimated: (70-12-12)(25-6-12) = 322 sf  
Ave. Volume: [(1750 + 322)/2](12) = 12432 / 27 = 460 cy  
Used Concrete tonnage [source CA Dept. of Resource & Recycling FacIT Conversion Table 1 – Material Type Equivalency Factors]:  
460 cy x 0.9984375 tons per cy = 459 tons

3. (inside) Shredded Greenwaste Bunker Area:

Length 55', width 40', wall height 6', pile height 12'  
Est. Base: 55' x 40' = 2200 sf  
Est. top: (55-6-12) (40-6-12) = 814 sf  
Ave. Volume: [(2,200+814)/2](12) = 18,084 cf / 27 = 670 cy  
Green Waste tonnage [source CA Dept. of Resource & Recycling FacIT Conversion Table 1 – Material Type Equivalency Factors]:  
670 cy x 0.181542857 tons per cy = 122 tons

4. (inside) Shredded Wood Bunker Area

Length 90', width 22', wall height 6', pile height 12'  
Est. Base: 90 x 22' = 1980 sf  
Est. top: (90-6-6) (22-6-12) = 312 sf  
Ave. Volume: [(1980+312)/2](12) = 13,752 cf / 27 = 509 cy  
Shredded wood(Lumber) tonnage [source CA Dept. of Resource & Recycling FacIT Conversion Table 1 – Material Type Equivalency Factors]:  
509 cy x 0.138775 tons per cy = 71 tons

5. (inside) Shredded C&D Area

Length 65', width 22', wall height 6', pile height 12'  
Base: 65' x 22' = 1,430 sf;  
Top: (65-12-12) (22-12-6) = 164 sf  
Ave. Volume: [(1,430+164)/2](12) = 9,564 cf / 27 = 354 cy  
Mixed C & D tonnage [source CA Dept. of Resource & Recycling FacIT Conversion Table 1 – Material Type Equivalency Factors]:  
354 cy x 0.451138889 tons per cy = 160 tons

6. (inside) Three (3) bunkers same {Clean Wood; Gypsum Board; OCC}

Length 30', width 22', wall height 6', pile height 12'  
Base planimetered: 528 sf  
top estimated: (30-12-12)(22-6-6) = 60 sf  
Ave. Volume: [(528+60)/2](12) = 3528 cf / 27 = 131 cy  
Clean Wood (lumber); Inerts (concrete); Gypsum Board; OCC tonnages [source CA Dept. of Resource & Recycling FacIT Conversion Table 1 – Material Type Equivalency Factors]:  
131 cy x 0.138775 tons per cy (lumber/clean wood) = 18 tons Clean Wood bunker  
131 cy x 0.234291667 tons per cy (gypsum board) = 31 tons Gypsum Board bunker  
131 cy x 0.0523 tons per cy (O.C.C./cardboard) = 7 tons OCC bunker

7. (inside) Processed C & D Area



Length 30', width 28', wall height 6', pile height 12'  
Base : 28' x 30 = 840 sf  
top estimated: (30-12-12)((28-6-12) = 60 sf  
Ave. Volume: [(840+60)/2](12)= 5400 cf / 27 = 200 cy  
Mixed C&D [source CA Dept. of Resource & Recycling FacIT Conversion Table 1 –  
Material Type Equivalency Factors):  
200 cy x 0.45113889 tons per cy (mixed C&D) = 90 tons

8. (inside) Residual Area

Length 55', width 15', wall height 6', pile height 12'  
Base 1: 15' x 30 = 450 sf  
Top 1 estimated: (30-12-12)(3) = 18 sf  
Ave. Volume 1: [(450+18)/2](12)= 2808 cf / 27 = 104 cy  
Base 2: 15' x 25 = 375 sf  
Top 2 estimated: (25)(0) = 0 sf  
Ave. Volume 2: [(375+0)/2][(12+7.5)/2]= 1828 cf / 27 = 68 cy  
Total Ave. Volume: (104 cy + 68 cy) = 172 cy  
Residue [source CA Dept. of Resource & Recycling FacIT Conversion Table 1 – Material Type  
Equivalency Factors):  
172 cy x 0.4995 tons per cy (mixed C&D) = 86 tons

9. (inside) Metal Bunker/Area

Length 50', width 24', wall height 6', pile height 12'  
Base: (50') (24') = 1,200 sf;  
Top estimated: (50-6-12)(24-12-6)) = 192 sf  
Ave. Volume: [(1,200+192)/2](12)= 8352 cf / 27 = 309 cy  
Metal tonnage [source CA Dept. of Resource & Recycling FacIT Conversion  
Table 1 – Material Type Equivalency Factors):  
309 cy x 0.210361111 tons per cy = 65 tons

10. (inside) Concrete/Inert Bunker

Length 30', width 20', wall height 6', pile height 12'  
Base: (30') (20') = 600 sf;  
Top estimated: (30-6-6)(20-6-6)) = 144 sf  
Ave. Volume: [(600+144)/2](12)= 4,464 cf / 27 = 165 cy  
Concrete tonnage [source CA Dept. of Resource & Recycling FacIT Conversion  
Table 1 – Material Type Equivalency Factors):  
165 cy x 0.9984375 tons per cy = 165 tons

11. (inside) Tipping Area

Length 75', width 24', wall height 6', pile height 12'  
Base: (75') (24) = 1,800 sf  
Top estimated: (75-12-12)(24-12-12)) = 0 sf  
Ave. Volume: [(1800+0)/2](12)= 10,800 cf / 27 = 400 cy  
Mixed C & D tonnage [source CA Dept. of Resource & Recycling FacIT Conversion  
Table 1 – Material Type Equivalency Factors):  
400 cy x 0.451138889 tons per cy = 180 tons

12. (inside) Sorting & unprocessed mixed C & D Area

Length 75', width 45', wall height 6', pile height 12'  
Base: (75)(45) = 3,375 sf;  
Top estimated: (75-12-12)(45-12-12)) = 1,071 sf  
Ave. Volume: [(3,375+1,071)/2](12)= 26,676 cf / 27 = 988 cy  
Mixed C & D tonnage [source CA Dept. of Resource & Recycling FacIT Conversion  
Table 1 – Material Type Equivalency Factors):

988 cy x 0.451138889 tons per cy = 446 tons

Estimated Maximum Total Tonnage of material on-site (including residual material storage):

= 2,073 tons storage capacity (6,312 cubic yards storage capacity)

The analysis in the Draft IS/ND was based on the change from the existing baseline to the proposed project conditions. The comment does not address environmental issues or the adequacy of the analysis evaluated in the Draft IS/ND, therefore no further response is necessary.

## 4.0 TEXT CHANGES TO THE IS/ND

The following are minor revisions to the Draft IS/MND. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Draft IS/MND, as such recirculation of the Draft IS/ND is not required. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

Section/Page Number	Text Changes
Section 1.8, page 1-7	<p><b>SECTION 1.8: REQUIRED PERMITS AND APPROVALS</b></p> <p>The Project would require the following review and permit approvals from the City, as applicable:</p> <ul style="list-style-type: none"> <li>• Special Use Permit /Amendment</li> <li>• Public Improvement Permit</li> <li>• Grading <del>Permit</del> <u>Permit</u></li> <li>• Amendment to the City of San José Construction and Demolition Debris Program Facility Certification</li> </ul> <p><del>Additionally, a</del> <u>All</u> work would be subject to the San José Municipal Code, including the Zoning Ordinance.</p> <p><u>Additionally, the Project would require an Authority to Construct/Permit to Operate from</u></p>

	<u>the Bay Area Air Quality Management District.</u>
--	--