



## **Notice of Decision**

**Executive Director Approval of:  
Building Permit and East Bay Municipal Utilities District's Main  
Wastewater Treatment Plant (MWWTP) Land Use Master Plan  
Environmental Impact Report (EIR) and the First Addendum to the EIR  
for**

**Recology's Organic-Rich Materials Preprocessing Facility  
2020 Wake Ave (EBMUD Site)**

**Approved: Thursday, June 7, 2012  
Notice Date: Monday, June 11, 2012**

### **Background**

The Port of Oakland (Port) is the local land use authority for the Port Area, which includes much of the maritime area west of 1-880 between Grand Avenue and 7th Street. The subject site, on the East Bay Municipal Utilities District (EBMUD) property, is within the Port Area. Permits on private property in the Port Area are approved by the Executive Director of the Port under the City of Oakland Charter.

The proposed Preprocessing Facility will be used as an on-site preprocessing operation to remove non-digestible materials from source separated food scraps in order to provide organic-rich feedstock directly to EBMUD's Front-End Processing Facility. The Front-End Processing Facility uses these feedstocks to generate electricity on-site. EBMUD currently gets these feedstocks from a number of different sources throughout the region. The Preprocessing Facility will replace these sources, and will be built and operated by Recology under a land-lease agreement with EBMUD. The facility is designed to process up to 600 tons of material per day. It is to be located approximately 200 feet southwest of the EBMUD Processing Facility.

The facility will have a main building of 59,200 s.f. on the 62,400 s.f. site. The rest of the site will be developed with a 480 s.f. scale house, a 5,000 gallon above ground fuel tank, and circulation. Most of the operations will be carried out inside the main building. Parking is provided at adjacent lots shared with EBMUD. The main building will be 185 ft. by 320 ft. with a total height of 43 ft. It is a metal building with three foot high concrete push walls around the perimeter and a concrete floor. The scale house is located just outside the west side of the building with an adjacent truck scale, and includes an office and rest room. Engineers Road on the south edge of the site is the primary access to and from the site.

EBMUD prepared a MWWTP Land Use Master Plan Draft EIR and Final EIR for the Preprocessing Facility Project and related projects (together, the Master Plan). The EIR, which encompasses the Draft and Final EIRs, assesses significant environmental impacts, mitigation measures, and alternatives. The Draft EIR concluded that, while many impacts associated with the Project were potentially significant, with implementation of the proposed mitigation measures only one remained significant: cumulative air quality community risks and hazards during operations.

The Port received EBMUD's Notice of Preparation (NOP) and submitted a comment letter on the NOP on December 21, 2009. EBMUD circulated the Draft EIR for public review on February 7, 2011. The public review and comment period closed on March 28, 2011. Two agencies and one organization submitted written comments. EBMUD responded in writing to comments and prepared the Final EIR in May 2011. On June 28, 2011, the EBMUD Board of Directors adopted Resolution No. 33834-11 to certify the final environmental impact report for the MWWTP Land Use Master Plan, make findings under CEQA, approve the mitigation monitoring and reporting program, and approve the Master Plan. The State Clearinghouse Number for the FEIR is SCH# 2009112073. No entity filed an action challenging EBMUD's certification of the EIR. EBMUD subsequently issued a February 23, 2012 Addendum<sup>1</sup> to the EIR to clarify the Port of Oakland's status as a responsible agency. See Attachments 4 (EIR), 5 (Findings and MMRP) and 6 (2012 Addendum).

The EBMUD Board of Directors determined that mitigation measures proposed in the Final EIR would lessen the impact of cumulative air quality community risks and hazards during operations, but that it was not feasible to completely mitigate adverse environmental impacts to a less-than-significant level. Therefore, the EBMUD Board of Directors adopted a Statement of Overriding Considerations as part of the findings.

### **Notice of Decision**

This Notice of Decision gives public notice of the Executive Director's decision, and starts the 10 day appeal period. The appeal period ends Thursday, June 21, 2012.

Absent an administrative appeal, the Executive Director's decision announced in the Notice of Decision will become final ten (10) days after issuance of the Notice of Decision. Any person seeking to appeal the Executive Director's decision may file a written notice of appeal to Board of Port Commissioners. The written notice must set forth the specific grounds of the appeal and the appellant must pay the associated administrative appeal fee. Such notice of appeal must be filed within nine (9) days after issuance of the Notice of Decision.

### **Port Contact Information**

For questions about the Building Permit, please contact Port Permit Coordinator Joe Marsh, at (510) 627-1480 or [jmarsh@portoakland.com](mailto:jmarsh@portoakland.com).

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