



PORT OF OAKLAND

MEMO

TO: Permit Hearing Officer

FROM: Joe Marsh, Port Permit Coordinator
Tim Leong, Port Associate Environmental Scientist

DATE: January 6, 2015

**SUBJECT: PORT PERMIT DECISION
for Work on Private Property in the Port Area**

The Port of Oakland (Port) Permits Section staff and Environmental Programs and Planning staff have reviewed the subject Port Development Permit Application. We find the proposal meets the applicable standards of the Port of Oakland. Detailed analysis and findings are set forth below.

Port Permit No:	5047
Permit Applicant:	Schnitzer Steel Industries, Inc.
Project Location:	1101 Embarcadero West, Oakland
Estimated Value:	\$2,000,000
Environ. Assessment:	Negative Declaration

Project Description

The project site is located on the Oakland Estuary, west of Howard Terminal in the City of Oakland (City). The site is surrounded by Port-owned maritime facilities on two sides, the Estuary on another, and Embarcadero West on the fourth side. Schnitzer Steel is a metal recycling facility with a dock on the Estuary. The facility is largely on privately-owned property, with some of the facility on property leased from the Port. The Proposed Project is mainly on the private property.

The Proposed Project is designed to enhance the current water treatment system for the site. Currently, stormwater, process cooling water, dust suppression, and wash water are directed into an existing 1.2-million gallon holding tank, then to a clarifier and either evaporated or reclaimed for process use.

The new system will allow Schnitzer to further treat and discharge water previously evaporated and reclaimed and provides the ability to handle larger storm events. The new system includes electrocoagulation treatment, new water conveyance pipes, upgrade to the existing water clarifier, and new storm and sanitary sewer connections. A detailed description of the water treatment system is provided in Section 2.2 of the Initial Study/Negative Declaration (IS/ND). The new treatment system, plus existing onsite stormwater storage, will enable the facility to contain and treat the 85th-percentile storm event, as required by the Water Board's draft Stormwater General Permit, tentatively effective in 2015.

The Proposed Project overlaps the boundary between Port and City land use jurisdictions. The Portion within the Port Area, i.e. Port jurisdiction, is limited to the new conveyance line between the existing clarifier and the new treatment system, as depicted in Exhibit 2 of the IS/ND. The portion of the Proposed Project between the new treatment system and the proposed connections to the storm and sanitary sewers is within City zoning jurisdiction.

The Proposed Project activities are summarized below and are depicted in the IS/ND, Exhibit 2, and the typical treatment system pictures in Exhibit 4:

- Placement of treatment container with treatment cells and media filters.
- Installation of concrete slab for new treatment equipment
- Installation of new pretreatment and backwash holding tanks.
- Construction of new conveyance line connecting the new treatment system to the existing stormwater clarifier.
- Connection of new treatment system effluent to the (1) EBMUD sanitary sewer, and (2) City's stormwater line upstream of the 72 inch outfall located on the Schnitzer shoreline.
- Demolition – one existing day tank will be removed and replaced with a new day tank and pumps.

Land Use Analysis

The Proposed Project is located within an existing facility and does not change the use of the facility. The primary purpose is to meet regulatory requirements for the continued operation of the facility. The City of Oakland has approved the portion of the Proposed Project within its jurisdiction. No further land use or General Plan analysis is necessary.

Findings

The Port approves this application for a Development Permit, as submitted, with the following findings:

1. The proposed project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons working, visiting, transiting through the vicinity of the site, or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.
2. The proposed project is consistent with the City of Oakland's General Plan.
3. The proposed project complies with provisions of the LUDC.
4. The primary purpose of the proposed project is to comply with water quality and discharge standards, and will be monitored by the East Bay Municipal Utilities District and the Regional Water Quality Control Board.
5. The proposed project has been adequately evaluated under the California Environmental Quality Act (CEQA).

Environmental Findings

The Port is the Lead Agency under CEQA, having land use jurisdiction over the project site. An Initial Study was prepared in accordance with CEQA guidelines, and it was found that the proposed project could not have a significant effect on the environment. A Negative Declaration will be prepared and filed as required on approval of this determination and the development permit.

Permit Conditions

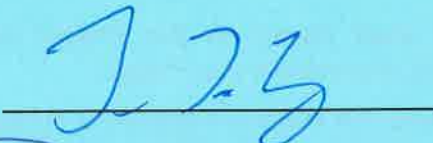
1. All conditions of approval shall be printed on the final permit set of plans.
2. The project shall conform to Port-stamped approved plans, including the conditions of approval, unless otherwise approved by the Port. The applicant is responsible for including all details agreed upon, or conditions made by the Port, during the approval process. Failure to include any such details will not exempt the applicant from the Port for any changes prior to construction.
3. The applicant shall meet all conditions and requirements of all outside agencies having jurisdiction over the project, including but not limited to: the City of Oakland, San Francisco Bay Conservation and Development Commission (BCDC), and San Francisco Bay Regional Water Quality Control Board. The applicant shall report any conflicts with Port requirements to the Port prior to construction. Any such conflicts must be resolved by the applicant to the satisfaction of the Port and the outside agency involved.
4. The applicant shall provide copies of authorizations or permits from agencies noted above.
5. The Project Applicant shall obtain, at the Project Applicant's expense, all City of Oakland building permits required for the Project.
6. The Project Applicant and the Project Applicant's contractor shall construct the Project according to the plans approved under Port and City permits. Modifications made to comply with City of Oakland permit requirements shall be subject to verification of compliance with Port permit conditions prior to the start of construction.
7. The Project Applicant shall maintain the Project site in a clean and orderly condition during the entire term of the Development Permit. If there is a work stoppage at any time after construction has commenced for a period of more than 30 days, the Project Applicant shall secure any completed or uncompleted work and remove or screen any stored materials. The Chief Engineer of the Port may provide a 30-day notice and order to the Project Applicant to comply with this condition. If the Project Applicant fails to comply during that time period, or fails to present and implement an acceptable plan for compliance, the Port maintains the right at Port's discretion, to complete the necessary work and bill the Project Applicant for all related costs, or impose reasonable fines for violation of this condition of approval and/or the Port Chief Engineer's order. Any such fine shall be reasonably related to the nature of the violation and/or the cost to correct.
8. To the maximum extent permitted by law, the Project Applicant shall defend, hold harmless, and indemnify the Port and its respective officers, agents and employees (whether the action is on behalf of the Port, or otherwise) (the "Indemnified Parties") against any and all liability, damages, claims, demands, judgments or other losses

(including, without limitation, attorneys fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the Project. This indemnity includes, without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, setaside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the Project, and granting any permit issued in accordance with the Project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs as used herein shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs and other litigation fees, Port Attorney time and overhead costs, and other Port Staff overhead costs and normal day-to-day business expenses incurred by the Port ("Litigation Expenses"). The Indemnified Parties shall have the right to select counsel to represent the Indemnified Parties, at the Project Applicant's expense, in the defense of any action specified in this condition of approval. The Indemnified Parties shall take all reasonable steps to promptly notify the Project Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

9. The applicant shall agree to comply with any other conditions added by the Permit Hearing Officer.

RECOMMENDED:

Environmental Programs
and Planning:



Date: 1/6/15

Port Permit Coordinator:



Date: 1/6/15

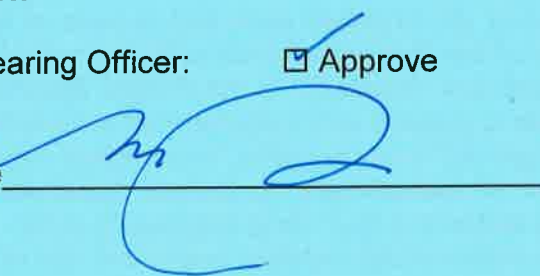
DECISION:

Permit Hearing Officer:

Approve

Deny

Signature



Date: 1/6/2015