1 Introduction

1.1 Purpose of the Response to Comments on the Draft IS-ND

This document contains responses to comments received on the Draft Initial Study – Negative Declaration (IS-ND) prepared for the proposed City of Berkeley Transfer Station Solid Waste Facilities Permit Revision Project (proposed project). The Draft IS-ND identifies the likely environmental consequences associated with implementation of the proposed project. This document, together with the Draft IS-ND, constitutes the Final IS-ND for the proposed project.

1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft IS-ND.

On June 5, 2020, the City of Berkeley circulated a Notice of Intent to Adopt an IS-ND (NOI). The NOI was circulated along with the Draft IS-ND for a 30-day public review period that began on June 5, 2020 and ended on July 6, 2020. The NOI was filed with the State Clearinghouse and the County Clerk and mailed to public agencies and addresses within 300 feet of the project site. The City received one comment letter on the Draft IS-ND. Copies of written comments received during the comment period are included in Chapter 2 of this document.

1.3 Document Organization

This document consists of the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the purpose and organization of this Response to Comments Document and the Final IS-ND and summarizes the environmental review process for the project.
- **Chapter 2: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft IS-ND and summarizes verbal comments provided at the public hearings. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 3: Revisions to the Draft IS-ND.** Changes to the Draft IS-ND that have been made in light of the comments received are contained in this chapter.
2 Comments and Responses

This chapter includes written comments received during the circulation of the Draft IS-ND and responses to those comments. The Draft IS-ND was circulated for a 30-day public review period that began on June 5, 2020 and ended on July 6, 2020. The City received one comment letter on the Draft IS-ND, from the California Department of Resources Recycling and Recovery (CalRecycle).

The responses to the comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).
June 19, 2020

Ms. Joy Brown, Senior Management Analyst
City of Berkeley Public Works Department
1326 Allston Way
Berkeley, CA 94702

Subject: SCH No. 2020060134 – Notice of Intent to Adopt an Initial Study and Negative Declaration for the City of Berkeley Transfer Station Solid Waste Facility Permit Revision Project (Facility No. 01-AC-0029), Alameda County

Dear Ms. Brown:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency’s consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

The City of Berkeley, acting as Lead Agency, has prepared and circulated a Draft Initial Study and Negative Declaration (IS-ND) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The City of Berkeley Solid Waste Management Center and Transfer Station is an existing transfer station located on 4.68 acres at 1201 Second Street in the City of Berkeley. The facility is owned by the City of Berkeley and operated by the City of Berkeley Zero Waste Division. The proposed project is in response to the operator acquiring additional commercial route accounts.

The proposed project would allow the following: an increase in tonnage from 560 tons per day to 620 tons per day; an increase in facility operating hours from 5:00 a.m. to 9:30 p.m. Monday through Friday, and 6:00 a.m. to 4:30 p.m. Saturday and Sunday to 3:00 a.m. to 9:30 p.m. Monday through Friday, and 3:00 a.m. to 4:30 p.m. Saturday and Sunday. An increase in the permitted boundary and additional construction is not anticipated.
COMMENTS

Name of Facility: The IS-ND refers to the name of the facility as “The City of Berkeley Transfer Station”. The name of the facility on the current SWFP is “The City of Berkeley Solid Waste Management Center & Transfer Station”. With the Revision of the SWFP, will the name of facility change? Please clarify the name of the facility.

Hours of Operation: The current permitted hours of operation for public access is 8:00 a.m. to 4:30 p.m. Monday through Sunday. Page 11 of the IS-ND states that the facility would like to be only open to the public Monday through Saturday due to staffing issues. It is recommended that the permitted days and hours of operation for public access remain the same on the permit. The operator can reduce the days in the Transfer Processing Report (TPR), but for purposes of not having to revise the SWFP in the future, the operator should keep the current permitted days and hours of public access and just reduce the days in the TPR and on the facility signs.

Design Capacity: The current permitted Design Capacity for the facility is 560 tons per day (tpd). With an increase in tonnage from 560 tpd to 620 tpd, the permitted Design Capacity will need to be increased on the SWFP. Calculations for the increase in Design Capacity will need to be included in the TPR. This calculation will include the increase in hours of operation needed to accommodate the addition daily tonnage.

As noted in the IS-ND, CalRecycle is the Enforcement Agency (EA) for the facility and is responsible for providing regulatory oversight of solid waste handling activities, including permitting requirements and inspections.

A public hearing to adopt the IS-ND is scheduled for July 23, 2020 and includes that CalRecycle is coordinating with the City of Berkeley to substitute this meeting per Title 27, California Code of Regulations, Section 21660.4. Additionally, CalRecycle recently developed guidance on virtual meetings and is available for your reference.

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process. CalRecycle also looks forward to working with the Lead Agency on the public meeting process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.
If you have any questions regarding these comments, please contact me at (916) 641-6772 or by e-mail at joy.isaacson@calrecycle.ca.gov.

Sincerely,

Joy Isaacson, Environmental Scientist  
Permitting & Assistance Branch – South Unit  
Waste Permitting, Compliance & Mitigation Division  
CalRecycle

cc: Jeff Hackett, Manager, CalRecycle  
Lily Tieu, WEEB staff, CalRecycle
Letter 1

**COMMENTER:** Joy Isaacson, Environmental Scientist, California Department of Resources Recycling and Recovery (CalRecycle)

**DATE:** June 19, 2020

**Response 1.1**

The commenter summarizes the key points of the project description, including that the project site is an existing transfer station owned and operated by the City of Berkeley and that the proposed project would allow an increase in permitted tonnage from 560 to 620 tons per day and change the facility’s permitted operating hours.

The commenter’s description of the proposed project is accurate. This comment does not raise any issues or questions pertaining to the Draft IS-ND or the project; therefore, revisions to the Draft IS-ND are not necessary.

**Response 1.2**

The commenter states that the IS-ND refers to the name of the facility as “The City of Berkeley Transfer Station” but the name of the facility on the current Solid Waste Facilities Permit (SWFP) is “The City of Berkeley Solid Waste Management Center & Transfer Station.” The commenter asks for clarification on the name of the facility and asks if the SWFP revision would include a change in the name of the facility.

The SWFP revision would not include a change in the facility name. The proper name for the facility is the “The City of Berkeley Solid Waste Management Center & Transfer Station” as is listed in the SWFP. In response to this comment, the following change has been made to Page 1 of the IS-ND:

> The project site is the existing City of Berkeley Solid Waste Management Center & Transfer Station Facility (commonly referred to as the “Transfer Station”).

These changes confirm the proper title of the transfer station as listed in the SWFP but throughout the document the facility is commonly referred to as the “Transfer Station” or the “Berkeley Transfer Station.”

**Response 1.3**

The commenter states that the current permitted hours of operation for public access is 8:00 a.m. to 4:30 p.m. Monday through Sunday but notes that the facility is only open to the public Monday through Saturday. The commenter recommends that the permitted days and hours of operation for public access remain the same on the SWFP and advises that the operator can reduce the days in the Transfer Processing Report (TPR) and facility signs.

The commenter is correct that, as noted on Page 11 of the Draft IS-ND, the current permitted hours of operations for public access are 8:00 a.m. to 4:30 p.m., seven days per week. Although the current permitted hours allow public access seven days per week, due to staffing constraints the Transfer Station is only open to the public for drop off six days per week (Monday through Saturday) from 8:00 a.m. to 4:30 p.m. The proposed project does not involve a change in the permitted hours for public access, only in the daily permitted operating hours.
Public access would remain the same. Although the commenter’s suggestion has been taken into consideration, no proposed change in public access hours or request for a change in the permitted public access hours to the SWFP are proposed at this time. No revisions to the Draft IS-ND have been made in response to this comment.

**Response 1.4**

The commenter notes that the current permitted Design Capacity for the facility is 560 tons per day (tpd) and increasing the tonnage from 560 tpd to 620 tpd would require an increase in the permitted Design Capacity on the SWFP. The commenter states that calculations for the increase in Design Capacity will need to be included in the TPR and should include the increase in hours of operation needed to accommodate the addition daily tonnage.

As described on Page 11 of the Draft IS-ND, the proposed project involves a proposed revision to the SWFP to increase the permitted Design Capacity from 560 tpd to 620 tpd and an increase in the hours of operation in order to accommodate the additional daily tonnage. This requested increase in tonnage requires no physical expansion of the Transfer Station tipping floor. It would require the loading of additional tractor trailers during the operating day, as described in the Draft IS-ND, which would be accommodated throughout the operating day. Revisions will be made to the TPR as needed to reflect these changes. No revisions to the Draft IS-ND have been made in response to this comment.

**Response 1.5**

The commenter notes that CalRecycle is the Enforcement Agency (EA) for the facility and is responsible for providing regulatory oversight of solid waste handling activities, including permitting requirements and inspections. The commenter notes that a public hearing to adopt the IS-ND is scheduled for July 23, 2020 and that CalRecycle is coordinating with the City of Berkeley to substitute this meeting per Title 27, California Code of Regulations, Section 21660.4. Additionally, the commenter notes that CalRecycle recently developed guidance on virtual meetings that is available for reference.

The Draft IS-ND notes that CalRecycle is the EA for the facility and a responsible agency under CEQA. City staff will coordinate with CalRecycle staff related to the public hearings. This comment does not raise any issues or questions pertaining to the Draft IS-ND or the project; therefore, revisions to the Draft IS-ND are not necessary.

**Response 1.6**

The commenter concludes their comment letter and requests copies of subsequent environmental documents, copies of public notices, and any Notices of Determination for the proposed project.

Copies of subsequent environmental documents, public notices, and the NOD will be sent to CalRecycle as requested.
Chapter 3 presents specific changes to the text of the Draft IS-ND that are being made in response to comments received. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft IS-ND. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined. Page numbers correspond to the page numbers of the Draft IS-ND.

In response to this comment, the following change has been made to Page 1 of the IS-ND:

   The project site is the existing City of Berkeley Solid Waste Management Center & Transfer Station Facility (commonly referred to as the “Transfer Station”).