



**BAY AREA CONCRETE RECYCLING**  
A WMBE CERTIFIED BUSINESS

24701 CLAWITER ROAD | HAYWARD, CA 94545  
Office: 510-294-0220 | Fax: 510-380-7447

[www.bayareaconcrete.com](http://www.bayareaconcrete.com)

July 23, 2018

City of Hayward  
Development Services Division  
Att: Carl Emura, Associate Planner  
777 B Street  
Hayward, CA 94541  
510.583.4200

**RECEIVED**

JUL 23 2018

PLANNING DIVISION

**RE: Appeal To Finding Of Denial For Application No. 201801996 – Temporary Administrative Use Permit- To Allow Temporary Operation Of A Concrete Recycling Facility, 24701 Clawiter Road**

Dear Mr. Carl Emura -

Bay Area Concrete Recycling **appeals** the "finding for denial" as identified in your letter dated July 6, 2018. Find hereby the check as requested for \$6,745.98, as identified in your email.

Attachment A contains in writing the specific action appealed from, the specific grounds of the appeal and the action sought. Which should be obvious which is to continue the outdoor operation at 24701 Clawiter Road until the permanent indoor facility is operational at 3898 Depot Road. It should be noted that Bay Area Concrete Recycling (BACR) reserves the right to add to this appeals package until the hearing. Any additional documents will be forwarded in writing to you as well, prior to the hearing.

As you are well aware BACR received approval on our prior AUP (PL-2014-0225, Attachment B) on May 19, 2015 at 3898 Depot Road. Soon after receiving our approval we were notified by you that the City's Water Quality division had not been included on the project routing protocol and that additional conditions were needed to be added to the prior approval. In addition, the project approval required the use of recycled water which was not immediately available to the site. Both issues delayed compliance with the project conditions of approval. More importantly the lack of recycled water delayed the project past the mandated AUP completion date. Staff was unwilling to extend or amend the prior approved AUP and in response to the City's unwillingness to extend or amend the prior approved AUP BACR needed to file a new AUP for the same prior permitted operations with the modification that all crushing operations were to be completely enclosed within a new building. That permit application was submitted to the City on June 7 and is currently in the review process. The interim operations at 24701 Clawiter have always been treated by BACR as a temporary operation fully reliant on the City's timely review

Mr, Carl Emura  
Associate Planner  
City of Hayward, Development Services Division

July 23, 2018

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of BACR applications and the City's obligation to bring recycled water to the Depot Road Site.  
As of July 23, 2018 still no recycled water is available for easy hookup.

Sincerely, if you have any questions do not hesitate to contact us via email or at 510-294-0220.



Kimberly Douglas  
Account Manager

**Enclosures**

- Attachment A:      Technical Package regarding the Temporary Administrative Use Permit-  
                                 Appeal to Findings for Denial
- Attachment B:      AUP PL-2014-0225

**ATTACHMENT A**

**TECHNICAL PACKAGE REGARDING THE TEMPORARY ADMINISTRATIVE USE PERMIT-  
APPEAL TO FINDINGS FOR DENIAL**

July 2018

# TEMPORARY ADMINISTRATIVE USE PERMIT-APPEAL TO FINDINGS FOR DENIAL

## BAY AREA CONCRETE RECYCLING

**Submitted To:**

Bay Area Concrete Recycling LLC

24701 Clawiter

City of Hayward, CA 94545

**Submitted By:**

TBI Engineering

Civil Environmental Engineers

480 Tan Oak Terrace

Sunnyvale, CA 94086

**Distribution:**

1 copies – Bay Area Concrete Recycling LLC

1 copies – City of Hayward

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Figure G7	Enlarged Building Details

## ATTACHMENTS

Attachment A	PERP permits are attached for Type A inert BACR- Hayward Operation
Attachment B	Existing Waterboard Permit
Attachment C	Aerial Photograph, identifying pavement
Attachment D	Email by Tim Bauters and Troy Hash (BAAQMD attached)

## EXECUTIVE SUMMARY

Bay Area Concrete Recycling LLC (BACR) was disappointed by the finding of denial by the City of Hayward planning regarding Application No. 201801996 - Temporary Administrative Use Permit- to allow to continued temporary interim operation of a Type A inert Recycling facility.

As documented in the April AUP application package, the application for Temporary Administrative Use Permit is to transition the existing Type A Inert Recycling Facility located at 24701 Clawiter Road to 3898 Depot Road (appeal package), in the City of Hayward in an orderly and controlled manner with typically "conditions" attached to this type of temporary use permit. Especially the estimated volume of +100,000 cubic yards of material in transition for the Type A inert operation at 24701 Clawiter Road will necessitate a certain time period to accommodate a smooth transition and cause minimal amount of disturbance with neighbors which we believe would be the case if a "cease of operations" takes place with immediate effect.

This appeal package as detailed below consists of the initial background of the project, with a detailed existing project description, project objectives, project operational details and project environmental controls.

Following the project description is the detailed appeal to the findings from the City of Hayward with the specific action appealed from and specific grounds. The action the appeal is obvious and is to continue the operation until the permanent operations at 3898 Depot Road is fully operational.

This appeal packages finishes with a brief summary.



## BACKGROUND FOR THE TEMPORARY ADMINISTRATIVE USE PERMIT

This project description details how the proposed temporary Type A inert concrete/asphalt recycling facility operates and addresses some comments that have been received during earlier meeting(s) with City of Hayward staff. In addition to the project description, our argument of how the proposed temporary AUP would meet the findings required to issue a temporary administrative use permit (Temporary Permit), can be found in later in the appeals package.

## REQUESTED ENTITLEMENTS

Bay Area Concrete Recycling was requesting issuance of a temporary administrative use permit to continue to operate a Type A Inert Recycling Facility -under defined City of Hayward conditions- on a portion of the property they lease from S&A Investment Holdings LLC (owner of the property) in the City of Hayward at 24701 Clawiter Road until a permanent enclosed state of the art Type A inert recycling facility is fully operational and permitted at 3898 Depot Road, Hayward; this mainly to guarantee the transition in operation happens in an orderly and controlled manner, especially to manage the +100,000 cubic yard of material in transition at 24701 Clawiter Road.

## OBJECTIVES OF THE PROJECT

The Temporary Permit allows Bay Area Concrete clients and customers to continue to recycle Type A inerts, as required by City Ordinance No. 01-05, at a local facility until the fully enclosed state-of-the-art indoor type A inert facility at 3898 Depot Road is fully operational. The facility fulfills the need for a Type A inert recycling facility in the city, has the potential to reduce regional wide truck traffic and associated air pollution and greenhouse gas emissions, and generates an increased tax base within the city.

## PROJECT SETTING

The project is located in the City of Hayward on the northwestern portion of a 4.76-acre site (parcel 439-0020-002-03) at 24701 Clawiter Road. The property is zoned Industrial and is surrounded by industrial uses. The nearest residence is approximately 1,500 feet from the property. The property has industrial uses to the north and south, Clawiter Road borders the property to the east and a Union Pacific railroad corridor borders the property to the west (Figure G2). There are two easements that are along the western portion of the property, parallel with the rail road tracks. The first being a PG&E Gas Line easement that requires a 15 foot setback and the second is a City and County of San Francisco Water Pipeline easement that requires a 40 foot setback.

The eastern portion of the site is currently utilized as a truck storage and maintenance facility. The eastern portion of the site has been graded and is either paved with asphalt and fully paved with broken concrete and the larger northwestern portion of the site remains compacted earth with an upper layer of recycled aggregate base. Operating on the southwestern portion of the site is the Slurry Separation and Reuse™ Facility, operating fully on concrete pavement. Two warehouse buildings, one of which contains



office space, currently exist on the property.

## PROJECT DESCRIPTION

The Type A Inert Recycling operation was developed and is operational on the northwestern (back) approximately 2.15 acre portion of the site, beginning approximately 375 feet from Clawiter Road (Figure G3). The eastern portion of the property will continue to be used as a truck storage and maintenance facility. The remaining portion of the northwestern site will remain hard compacted ground and will accommodate the raw material stockpile, crushing equipment, and finished aggregate stockpile. No portable office structures will be necessary. A secondary contained portable bathroom facility will be available between both warehouse building structures. Adequate Parking spaces will be provided along the southeastern portion of the site and the northeastern portion of the property will also have a 10 ft landscaped area (consisting of a vegetated swale) along the northern fence line as required by the municipal code.

## PROJECT OPERATIONS

### Description of Operations

Type A inert demolition debris from demolition construction projects is reprocessed and broken down to create Caltrans Recycled Aggregate Base for new construction projects. Broken Type A inerts are brought to the site in trucks with typically end-dump trailers or equivalent. Trucks will unload their broken concrete/asphalt (type A inerts) into the raw material stockpile located in the far western portion of the site. From there the concrete is moved with the use of a front-end loader or excavator and deposited into the crusher. The crusher does breakdown larger pieces of concrete and screens the broken concrete into the desired size of the aggregate base. When the aggregate base meets the desired size, it is separated and moved along conveyor belt(s), which empties the aggregate base rock into a finished stockpile. The front-end loader takes the aggregate base from the finished stockpile and loads it into trucks that have come to the facility for aggregate base.

### Hours of Operation

The applicant is seeking a temporary permit to operate 24 hours a day and 7 days a week, but will typically operate the facility 5 days a week from 5.30 a.m. to 3.30 p.m.

### Traffic Flow

Trucks enter the site either from the one-way portion of Clawiter road where it splits into Industrial Boulevard. Trucks will then make a right-hand turn into the property from Clawiter, trucks could be entering the facility from the south as well either from Clawiter or Industrial (Figure G4). All truck traffic will have a designated flow pattern after entering the site. The trucks will drive towards the northern property line to western portion of the property, where the type A inert recycling facility is located. The inbound trucks stop near the yard manager to complete the tags and to be load-checked. The loads of recycled concrete/asphalt are monitored for contaminated or potentially illegal materials. Following inspection, the trucks continue counter-clockwise to the concrete

raw material pile to drop their load. They then either proceed back to the yard manager or they receive a new load of finished aggregate base rock that has been produced from crushing and screening the recycled concrete/asphalt. All outbound trucks travel past the existing warehouse structures on the right toward Clawiter Road and either proceed straight to access Industrial Boulevard or make a right-hand turn and proceed south on Clawiter Road.

## ENVIRONMENTAL CONTROLS

### Hazardous Materials

To prevent hazardous materials from being dumped with the loads of broken concrete, site the yard manager inspects the materials received at the site for potential contamination, with particular attention to color and request source of the type A inerts. If materials are stained, or exhibit any form of petroleum contamination, they are rejected. The yard manager can use a photo ionization detector (PID) to evaluate any volatile organic compounds that may be detected from the soil contained in a load. If the levels exceed 10 particles per million (ppm), the materials are rejected and cannot be allowed to dump.

Equipment used at the operation will be powered with diesel fuel or be electric powered and all be registered with DOORS. The eastern portion of the property will remain a truck storage and maintenance facility, where a diesel refueling truck visits the site daily to refill the trucks' fuel tanks. This diesel refueling truck also supplies the Bay Area Concrete Recycling operating equipment (e.g., loader, excavators, crushing equipment, generator) with fuel. Any other petroleum product or hazardous material in small quantities necessary to operate the concrete recycling plant are stored inside one of the two existing warehouse buildings on the property (the maintenance shop).

### Noise

The most substantial levels of noise generated from the operations are the diesel engines of the loader and excavator(s) that are used to move the Type A Inerts from the raw material stockpile and into the processing equipment. The crushers and vibrating screen of the crushing and screening plant are a source of noise from the operation. However, based on reports by the equipment's manufacturer, that noise is dissipated to approximately 50 decibels at a distance of 200 feet away. Therefore the noise levels will be at/or below 50 decibels at the property line. Raw Material stockpiles and finished material stockpiles can be optimally situated to block noise from areas of concern.

### Dust Control

Dust from the processing of the materials is controlled using a state-of-the-art dust suppression system designed specifically for the crushing equipment that is used at all times at this facility. The spray system is manually controlled using shut-off valves that enable the operator to adjust the amount of water used at each location of the crushing and screening plant in accordance with airboard regulations. The nozzles have an automated module with a solenoid and control relay activated by means of presence detector. The water used in the state of the art dust suppression system pulls water

from the Slurry Separation™ and Reuse facility. There is no need to increase the existing 5/8 inch water supply currently providing the warehouses.

Near the crushing and screening a Dustboss™ can be installed to control the finest of the dusts by breaking concrete: potential silica particles. The Dustboss™ will provide a small particle mist to knock down those particles to provide adequate operational conditions for workers to be present with appropriate training and those type of state-of-the-art engineering controls in-place.

Furthermore, a water truck will be used to wet the nonpaved areas of the facility during dry seasons, a regenerative sweeper will be utilized to vacuum the dust particles on the concrete or asphalt paving. The water truck will also pull water from the Slurry Separation™ and Reuse facility.

### Stormwater

A stormwater pollution prevention plan has been prepared under the General Industrial Stormwater Permit for the Slurry Separation and Reuse™ facility through the Regional San Francisco Bay Area Regional Water Quality Control Board. The northwestern portion of the facility is currently graded to an approximately 1 percent grade toward the Slurry Separation and Reuse™ facility (Figure G5). The Slurry Separation and Reuse™ facility has the capacity to contain all of the stormwater generated from the site.

Stormwater generated from the type A inert facility will not be released into a municipal stormwater system. The type A inert facility together with the Slurry Separation™ and Reuse facility are self-contained.

Sediment track-out from the unpaved portions of the site is a potential realistic scenario. The facility has installed a total length of 32ft long track out grates (TOG) assembly which every truck needs to drive over before transitioning on the paved portions of the site. Furthermore, a regenerative sweeper will be operated at all times the facility is in operation to assure that sediment trackout is controlled at all times on the paved portions of the facility as well as onto the public driveway.

## APPEAL TO FINDINGS FOR A TEMPORARY ADMINISTRATIVE USE PERMIT

Below is the detailed factual appeal to the City of Hayward findings that demonstrates the City of Hayward denial to approve a temporary administrative use permit (Section 10-1.3125) was unfounded. Under each of the finding requirements is a brief summary of how project meets each of the findings and details the specific action appealed from and the specific ground of the appeal and the specific action sought (to continue operation).

*a. The proposed use is desirable for the public convenience or welfare.*

In February 2001, the City passed Ordinance No. 01-05, which requires 100 percent of concrete from demolition projects to be recycled; however, very few recycling facilities exists in the city of Hayward. This project provides a local option for construction contractors to recycle the concrete/asphalt they remove from demolition projects, which reduces traffic congestion on city streets, reduces wear and tear on regional roadways from heavy trucks, and reduce associated air pollution emissions. The proposed Type A inert recycling facility provides a convenience for local contractors and benefits to the welfare of the city by reducing traffic related to the transport of demolition materials to out-of-town facilities for recycling. If this facility were allowed to temporary be operated until the permanent state-of-the-art indoor facility is operational within the city limits, the City would also benefit from tax revenue generated from both the import and export of the Type A Inert materials. The Project's direct economic benefits include creating 10+ jobs, which generates a substantial amount of labor income. Moreover, the operator would interact with other local businesses to obtain necessary goods (e.g., raw materials, supplies, capital equipment) and services (e.g., accounting, trucking, maintenance) to maintain its operations. Similarly, the wages paid to project employees would be expended locally, which would result in a well-known employment multiplier effect. The finding can be made that the proposed use is desirable for public convenience or welfare.

=> After closer review on the CalRecycle website, there is not another 200,000+ ton Type A inert Recycling facility as the one currently operating at 24701 Clawiter Road in the City of Hayward.

=> The City of Hayward Roads and Maintenance division is a frequent customer at the facility, and clearly appreciates the fact that this facility is close-by, which as stated before minimizes traffic on the local roads.

==> The City's planning staff identifies that while an application was submitted for an Administrative Use Permit (AUP), **it was terminated for lack of action of the application. Which by the best of our understanding, as far as possible from the truth.** BACR personnel was told time and time again that this type of use "no longer" fits in with the Long Range Development Plans (LRP) for the area; while the parcel is zoned



for industrial purposes. As stated before in our the application package, more and more industrial areas in the City of Hayward are currently listed as Vacant.

==> The City's planning staff identifies that this Finding of *Desirable for the public convenience or welfare* is denied because of "dust not being controlled"; since dust is listed under Section 10-1.150. Unfortunately, "dust" is somewhat subjective; since the facility is operating under Bay Area Air Quality Management District (BAAQMD) permits there are specific thresholds and a specific set of actions that are listed the operator should maintain at all times (PERP permits are attached for Type A inert Crushing operations, Attachment A). By the best of our understanding, BAAQMD has not found a single instance of exceedance of dust emanating from the facility when following up on complaints (typically passed on by the City of Hayward, or specifically filed by the City of Hayward personnel, as stated by BAAQMD personnel and inspectors to BACR.)

==> The City's planning staff identifies that "site improvements necessary to ensure public safety and welfare have not been proposed as part of this temporary use application; nor would the temporary operation upgrade or improve the site to meet all local land use, regulatory and environmental regulations."

\* BACR and TBI Engineering are disappointed City of Hayward staff did not review in detail the application package submitted which clearly list the proposed improvements at the end of the application package, making a statement that no upgrades or improvements were contemplated for this Temporary AUP application is disappointing, as stated in the application package:

\* "This project still proposes to improve the existing street frontage by conforming to existing policies, removing the existing chain-link fence, and installing a 20-foot landscaping buffer with a decorative wall as shown on the plans to accommodate the temporary use. A licensed landscape architect will be hired to complete the frontage landscape improvements upon proceedance of the temporary permit and appropriate landscape and irrigation plan will be submitted."

\* As stated before and communicated to City of Hayward planning staff, to the best of BACR knowledge all environmental regulations are abided by; specifically, the facility has had multiple inspections by air board, waterboard, local enforcement agency, and the fire marshal to inspect and review the site in great detail. Besides the one single fine paid by BACR regarding sediment track-out to the City of Hayward for \$100 there have been no other fines issued against the facility since 2013 by other agencies as of July 23, 2018.

*b. The proposed temporary use will not impair the character and integrity of the zoning district and the surrounding area.*

This project still proposes to improve the existing street frontage by conforming to existing policies, removing the existing chain-link fence, and installing a 20-foot

landscaping buffer with a decorative wall. Considering that the eastern portion of the property will continue to be used as a truck storage and maintenance facility, the overall number of trucks entering and exiting the site will not substantially increase from existing conditions.

The type of use is consistent with surrounding industrial uses, which is dominated by heavy industry. The finding can be made that the proposed use will not impair the character and integrity of the zoning district and the surrounding areas, especially since it is temporary in nature **and will substantially improve the existing street frontage.**

==> The City's planning staff identifies "several complaints about environmental impacts related to air quality and water quality impacts"

The facility has all necessary air board and waterboard permits to operate the Type A inert recycling operations at 24701 Clawiter Road. The air board permits are attached in Attachment A and the waterboard permit is attached in Attachment B (with all necessary backup documentation available onto the SMARTs database (available on the web at <https://smarts.waterboards.ca.gov>).

==> Because of the likely extended timeline to transition to Depot road, BACR has applied for an Authority to Construct (ATC) recently at 24701 Clawiter recycling operation in addition to the in-place ATC at 3898 Depot Road.

==> Furthermore, statements made that "much of the site is unpaved" are just false. Specifically, as identified on the plans the eastern portion of the site is either asphaltic surface or concrete (attachment C shows an aerial identifying pavement, portions have been replaced by concrete given intense use). A detailed topographic survey can be completed to identify the exact amount of paved area (likely to be greater than 50% of the total site). Unfortunate due to the nature of incoming material, for most type A inert recycling facilities the raw material pile "changes in height daily", and as a result even the bottom of the pile would be paved or concrete, the traffic would inherently drive on crushed Type A inert materials given the nature of the industrial activities.

==> During waterboard visits, no issue have been identified regarding trackout from the site. Proactively, BACR has a regenerative sweeper running continuously to pick up any trackout from the site to control sediment trackout as observed by City personnel. It was noted that alongside Clawiter road, parking is still allowed and as a result optimal sweeping is difficult, if not impossible to complete since some of the car repair shops park their cars (to be repaired) there permanently.

==> The City's planning staff identifies the site is "surrounded principally by light industrial uses"; however, the neighbor to the north is one of the largest welding operations in the larger San Francisco East Bay, considered heavy industry.

==> The City's planning staff identifies "the operational nature of this heavy industrial use is "noisy"".

==> BACR is disappointed this statement is made without actual factual knowledge. The majority of City staff has been at the facility and the crushing operation is typically well contained regarding noise levels and meets the noise ordinance levels easy...as identified in the application package: The crushers and vibrating screen of the crushing and screening plant will also be a source of noise from the operation. However, based on reports by the equipment's manufacturer, that noise is dissipated to approximately 50 decibels at a distance of 200 feet away. Therefore the noise levels will be at/or below 50 decibels at the property line. Raw Material stockpiles and finished material stockpiles can be optimally situated to block noise from areas of concern.

==>The City's planning staff identifies "not proposing any measures to screen the piles from the street such as a high wall or trees:

==> Applicant proposed the following:

"This project still proposes to improve the existing street frontage by conforming to existing policies, removing the existing chain-link fence, and installing a 20-foot landscaping buffer with a decorative wall."

- \* BACR and TBI Engineering are disappointed City of Hayward staff did not review in detail the application package submitted which clearly list the proposed improvements at the end of the application package, making a statement that no upgrades or improvements were contemplated for this Temporary AUP application is extremely disappointing.

*c. The proposed use will not be detrimental to the public health, safety, or general welfare.*

The property on which the proposed facility will be developed is completely fenced and only authorized personnel will have access. The proposed temporary project fully mitigates any anticipated impacts to the surrounding environment with the development envelope. Dust, noise, and stormwater are properly controlled in conformity with state air and water laws and procedures. The project is proposed in the middle of an industrial zone, which is the most appropriate place for this type of use. No residences, schools, or hospitals are within a quarter mile of the proposed use, and people that work in the project vicinity understand the purpose and utility of the type of use that is proposed at the site. The project consists of the necessary access for emergency vehicles at 20 ft wide access road to the western portion of the facility which is maintained at all times. The finding can be made that the proposed use will not be detrimental to the public health, safety, or general welfare.

=>The City's planning staff identifies "concrete is being crushed and much of this particulate material, crystalline silica dust, is becoming airborne and creating a public health and safety issue.

=>> BACR and TBI Engineering are disappointed City of Hayward staff did not consult



regarding concrete crushing and the generation of silica dust. BACR and TBI Engineering have been monitoring for silica dust for quite a long time at the facility. The monitoring clearly resulted that the statement made by the City of Hayward is non-factual; and actually demonstrates that the measures that BACR has put in place, and reviewed by BAAQMD inspectors, actually control the dust to within the process of the crushing operation within it becoming airborne so the statement made that it is detrimental to public health and safety or general welfare is false.

=>>The City's planning staff identifies "that the concrete crushing facility has been operating without the necessary BAAQMD permit is incorrect and false. BAAQMD confirmed the BACR is operating the facility within the permit requirements it has for the equipment (Attachment C, inclusive of email by Troy Hash, BAAQMD inspector stating it is operating within the limits imposed by the PERP permits, attachment D, email by Tim Bauters and Troy Hash (BAAQMD). As identified before, BACR has proactively submitted the ATC at 24701 Clawiter Road, Hayward to continue beyond the 12 months limitation in mind.

*d. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.*

The purpose of the Industrial District, according to Section 10-1.1605 of the zoning ordinance, is to provide for and encourage the development of industrial uses in an area suitable for those uses and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties. To begin with, the project would be in harmony with all applicable City policies and requirements. The project would support green policies because it would provide a local facility to recycle demolition materials, which is an important part of the City's climate action plan and required under City Ordinance No. 01-05.

In terms of the project being in harmony with the intent and purpose of the zoning district, the project is positioned in the middle of an industrial district. The existing truck storage and maintenance facility is not currently screened from the public right-of-way. While the proposed use is industrial, it does not produce any hazardous waste. The use includes crushed broken concrete/asphalt (Type A inerts only) from local demolition projects and selling the materials as aggregate base rock for new development projects, thus reducing the demand of extracting native rock from regional surface mining operations. The finding can be made that the proposed temporary use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

=> **Land-use goals listed are for 2040**, the use of the temporary Type A inert recycling facility at 24701 Clawiter would be temporary in nature and would transition to depot

=>> Applicant proposed the following:

"This project still proposes to improve the existing street frontage by conforming to existing policies, removing the existing chain-link fence, and installing a 20-

foot landscaping buffer with a decorative wall.”

\* BACR and TBI Engineering are disappointed City of Hayward staff did not review in detail the application package submitted which clearly list the proposed improvements at the end of the application package, making a statement that no upgrades or improvements were contemplated for this Temporary AUP application is extremely disappointing

=> The City’s planning staff identifies at the end “In conclusion, the temporary and continued use of this land on the subject property would not be in harmony with adopted land use policies.”

\* Somehow the City does not fully comprehend this is a TEMPORARY application so that Bay Area Concrete Recycling can continue to operate a Type A Inert Recycling Facility -under defined City of Hayward conditions- on a portion of the property they lease from S&A Investment Holdings LLC (owner of the property) in the City of Hayward at 24701 Clawiter Road until a permanent enclosed state of the art Type A inert recycling facility is fully operational and permitted at 3898 Depot Road, Hayward; this mainly to guarantee the transition in operation happens in an orderly and controlled manner, especially to manage the +100,000 cubic yard of material accumulated at 24701 Clawiter Road.

## SUMMARY OF THE APPEAL

Bay Area Concrete Recycling appeals the decision of denial for BACR to request the issuance of a temporary administrative use permit to continue to operate a Type A Inert Recycling Facility on a portion of the property they lease from S&A Investment Holdings LLC (owner of the property) in the City of Hayward at 24701 Clawiter Road until a permanent enclosed state of the art Type A inert recycling facility is fully operational and permitted at 3898 Depot Road, Hayward; this mainly to guarantee the transition in operation happens in an orderly and controlled manner meeting all state and other regional permits.

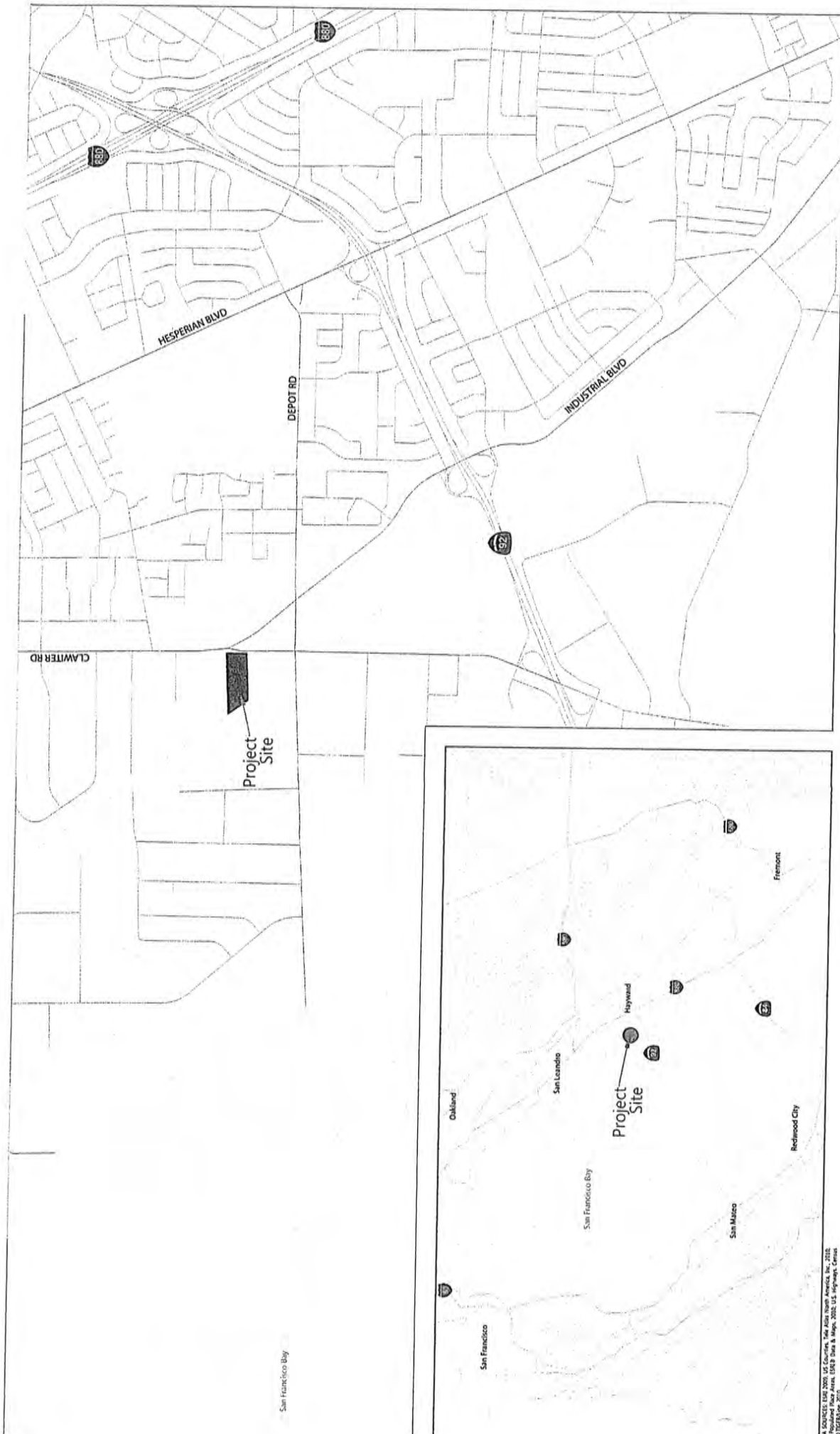
The above and attached documentation factually demonstrated that the proposed project meets the findings required to issue a temporary administrative use permit (Temporary Permit) by the planning director or planning commission, nevertheless we fully understand that City Staff has identified that the industrial area this project is located in an area being promoted as a biotech research and other research development uses. As of beginning July in visiting BACR site from State Route #92 via Clawiter Road from the south, **at least 35 Acres of development area was advertised for lease or sale.**

This project always proposed to improve the existing street frontage by conforming to existing policies, removing the existing chain-link fence, and installing a 20-foot landscaping buffer with a decorative wall as shown on the plans to accommodate the temporary use. A licensed landscape architect would be hired to complete the frontage landscape improvements upon proceedance of the temporary permit and appropriate landscape and irrigation plan will be submitted.

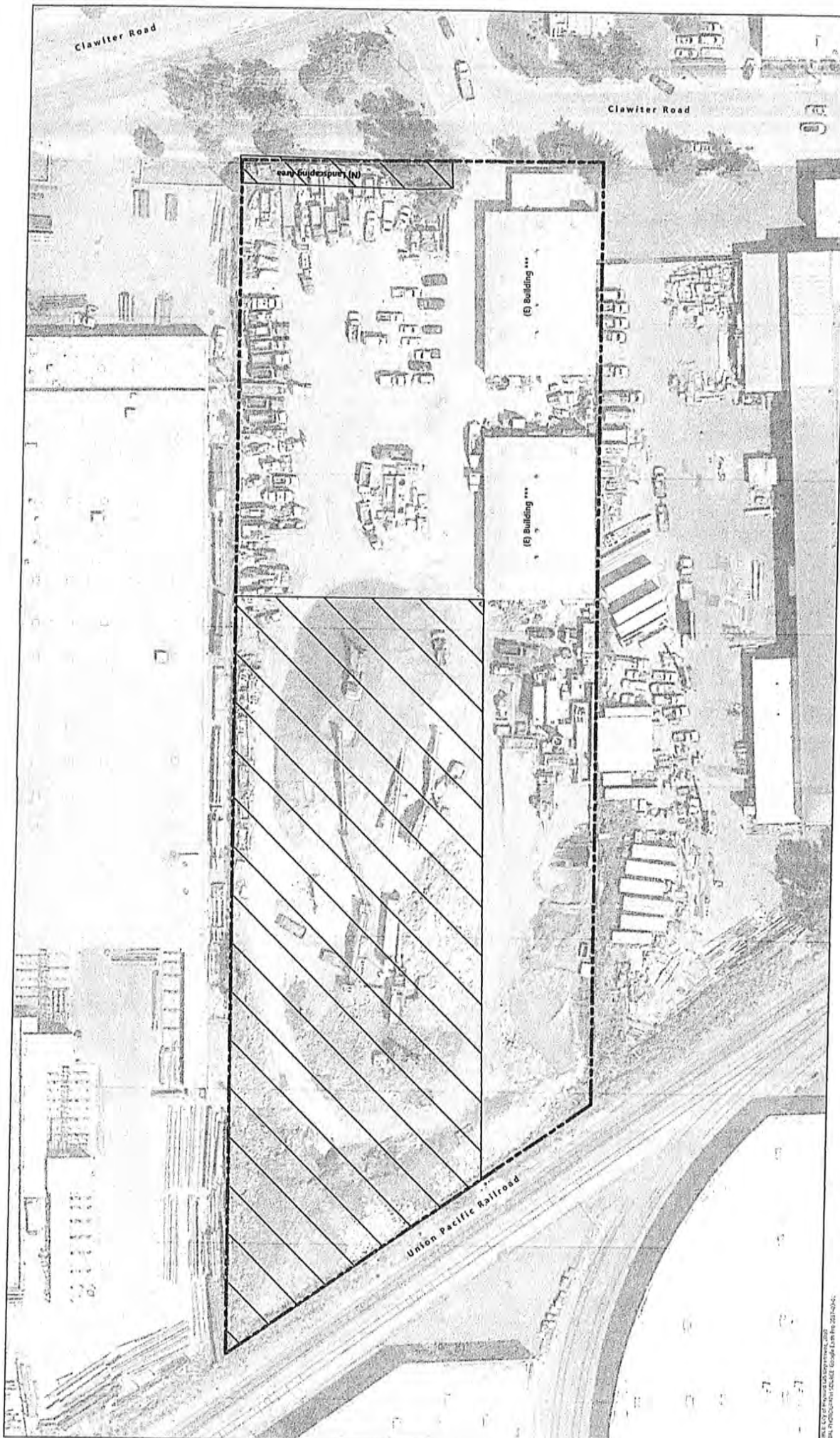
**FIGURES**

## ATTACHMENTS

**Site Location**  
BAY AREA CONCRETE RECYCLING  
Figure G1







**Existing Conditions Aerial Photograph**  
BAY AREA CONCRETE RECYCLING  
Figure G2

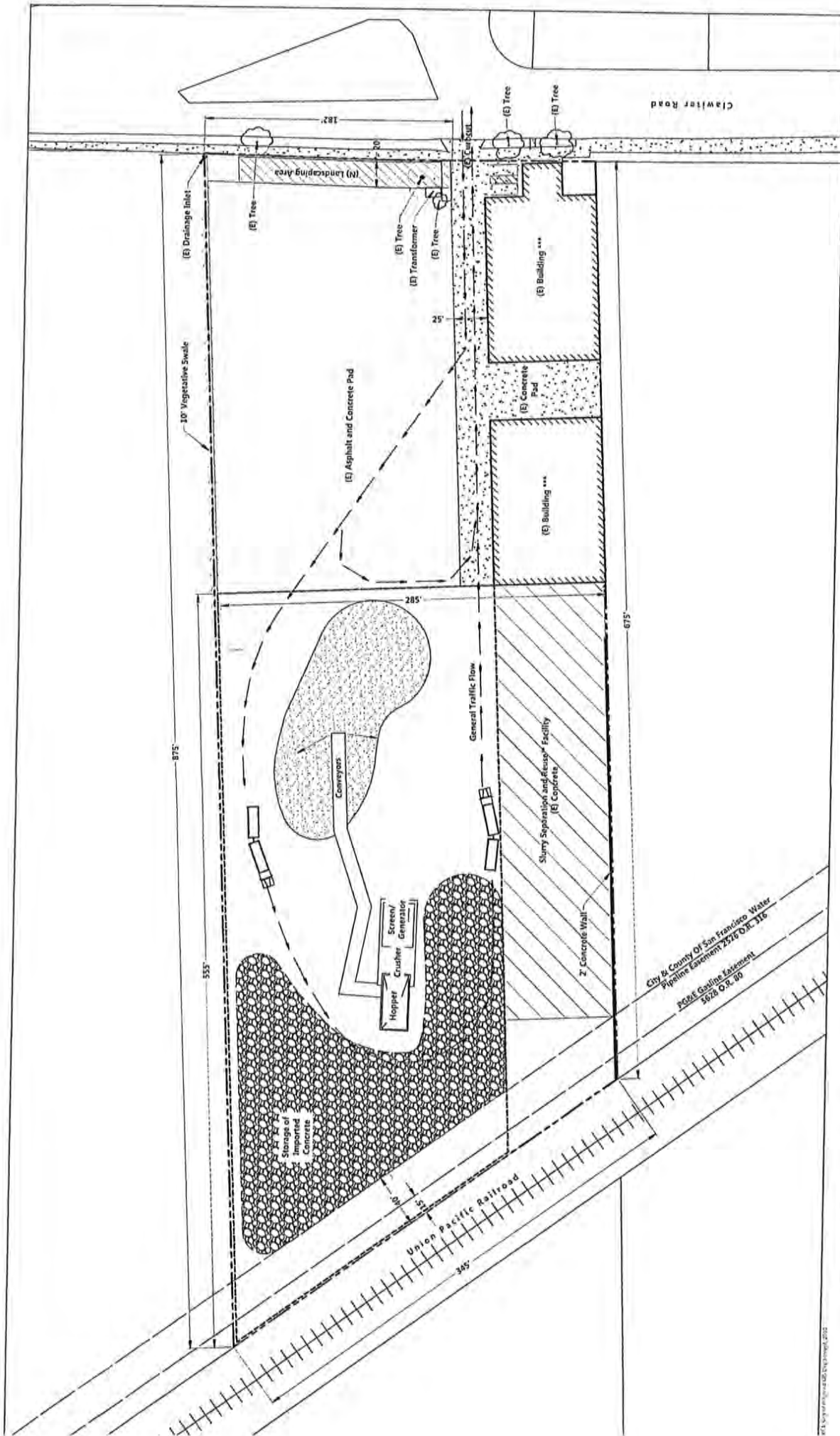
**PROPERTY OWNER INFORMATION**  
Property Owner: S & A Investment Holdings, LLC  
Mailing Address: 2401 Clawiter Rd., Hayward, CA 94545-2225

**SITE INFORMATION**  
APN: 430-0030-000-03  
Zone: Industrial  
General Plan: Industrial  
Assessor's Parcel: 4.75 acres  
Landscaping Area: 0.07 acres  
Total Area of Interest: 215 acres

**Notes:** See Figure G7 for detail.  
\*\*\* Existing  
(N) New







**LEGEND**

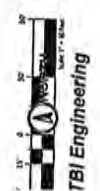
- Property Boundary
- Existing Concrete Recycling Facility
- ▨ Asphalt and Concrete Pad

**Facility Layout**  
BAY AREA CONCRETE RECYCLING  
Figure G3

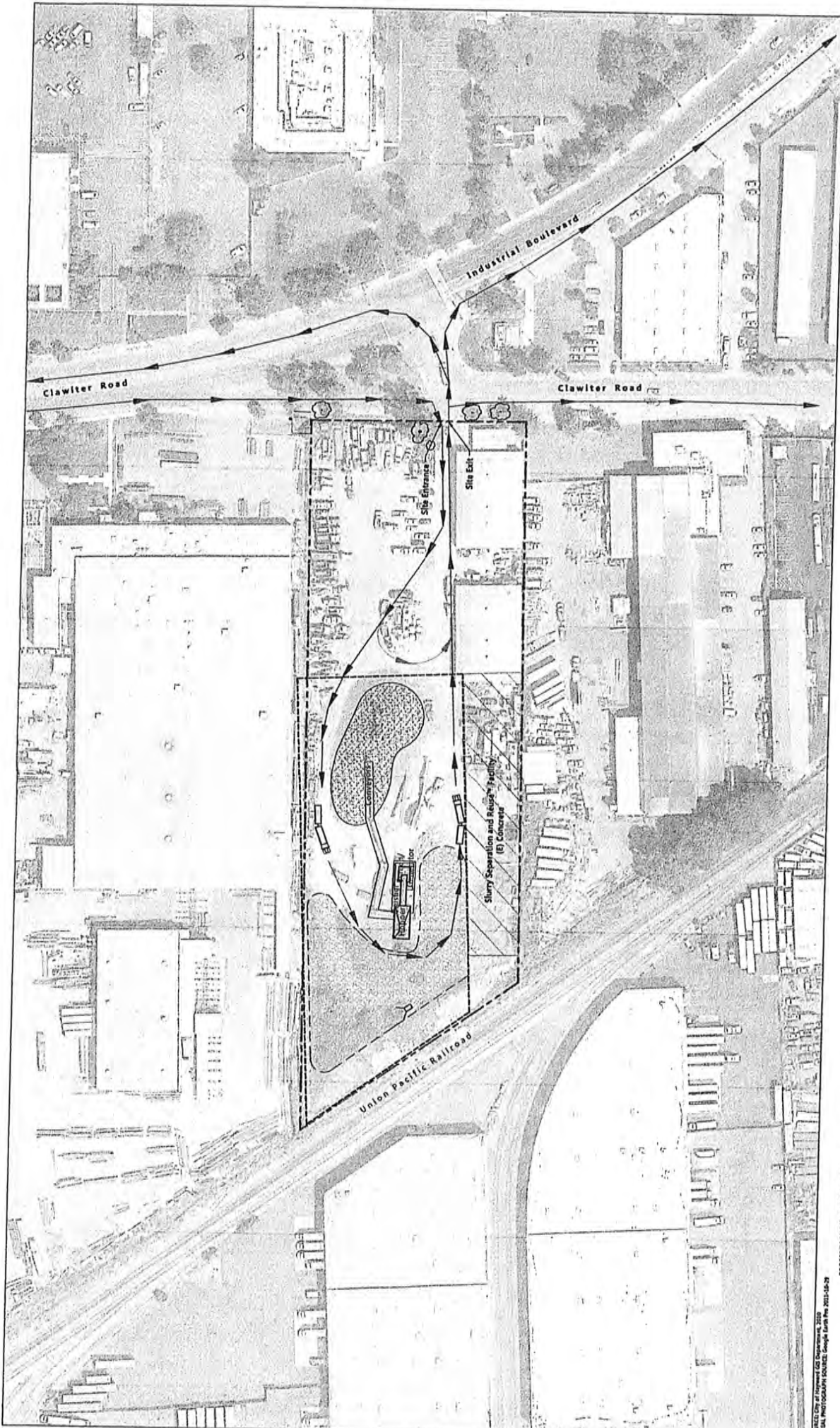
**PROPERTY OWNER INFORMATION**  
Property Owner: S & A Investment Holdings, LLC  
Mailing Address: 24701 Clawfoot Rd., Hayward, CA 94545-2215

**SITE INFORMATION**  
APN: 439-0020-002-03  
Zoning: I (Industrial)  
Current Use: Concrete Recycling Facility  
Assessed Lot Size: 4.36 Acres  
Landscaping Area: 0.07 Acres  
Total Area of Interest: 2.15 Acres

**Notes:**  
See Figure G7 for detail.  
(E) Existing  
(N) New



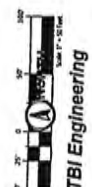
**Traffic Flow**  
BAY AREA CONCRETE RECYCLING  
Figure G4



**LEGEND**  
 - - - Property Boundary  
 - - - Proposed Concrete Recycling Facility  
 - - - Traffic Flow

**PROPERTY OWNER INFORMATION**  
 Property Owner: S.R.A. Investment Holdings, LLC  
 Mailing Address: 24751 Clawiter Rd., Hayward, CA 94545-2225

**SITE INFORMATION**  
 Parcel: 005-003-003  
 Zoning: I-Industrial  
 General Plan: IC Industrial Corridor  
 Assessor Lot Size: 4.78 acres  
 Landscaping Area: 0.07 acres  
 Total Area of Interest: 2.13 acres

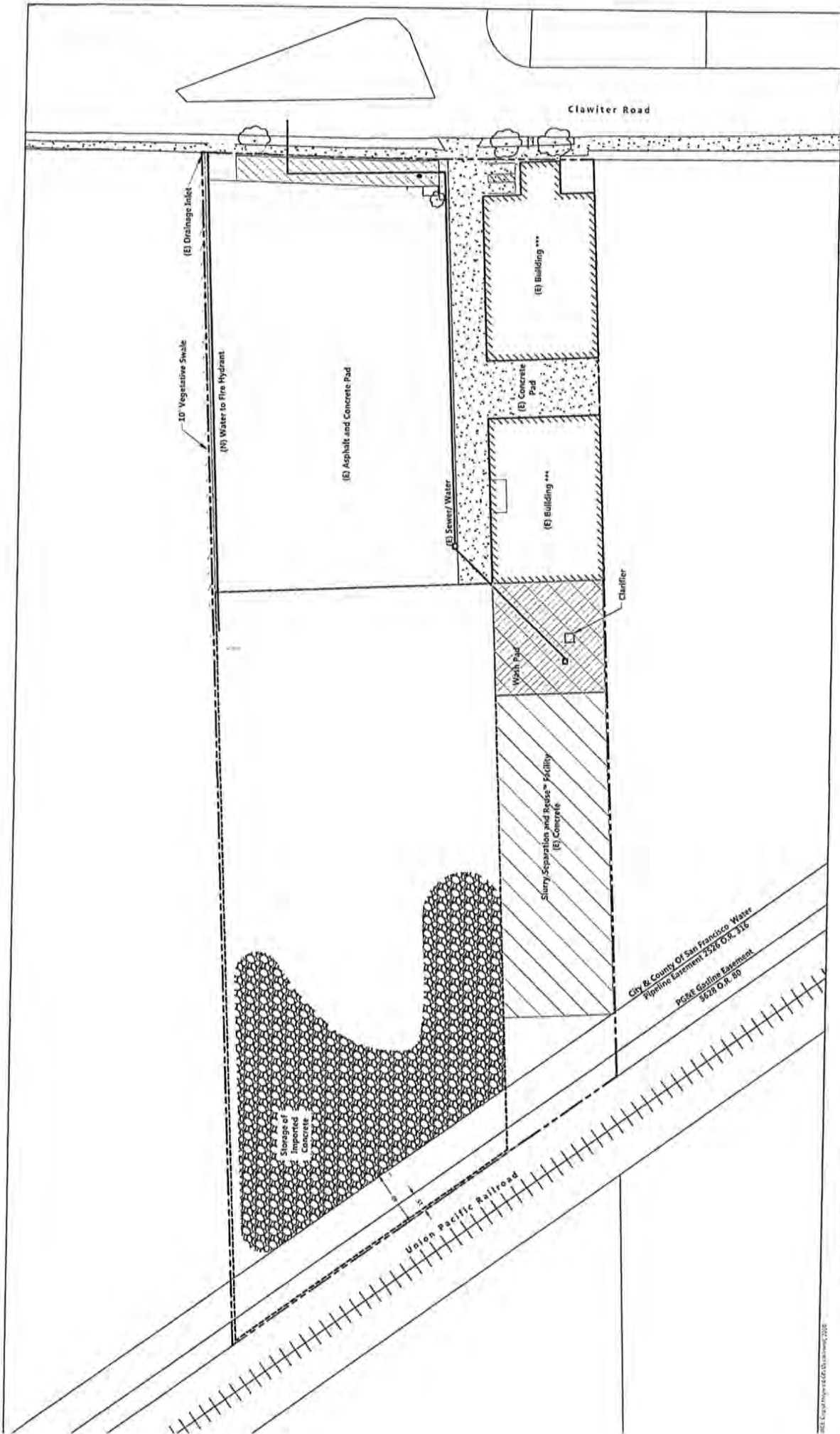


MAILED City of Hayward GIS Department 10/20/2011  
 MAIL PHOTOGRAPHY SOURCE: Google Earth Pro 2011-08-29



---

**Utilities**  
BAY AREA CONCRETE RECYCLING  
Figure G6



Notes:  
 \* Although not shown in aerial Figure G2, the east portion of the site was paved with asphalt during summer 2012.  
 \*\* See Figure G7 for detail.  
 (E) Existing  
 (N) New

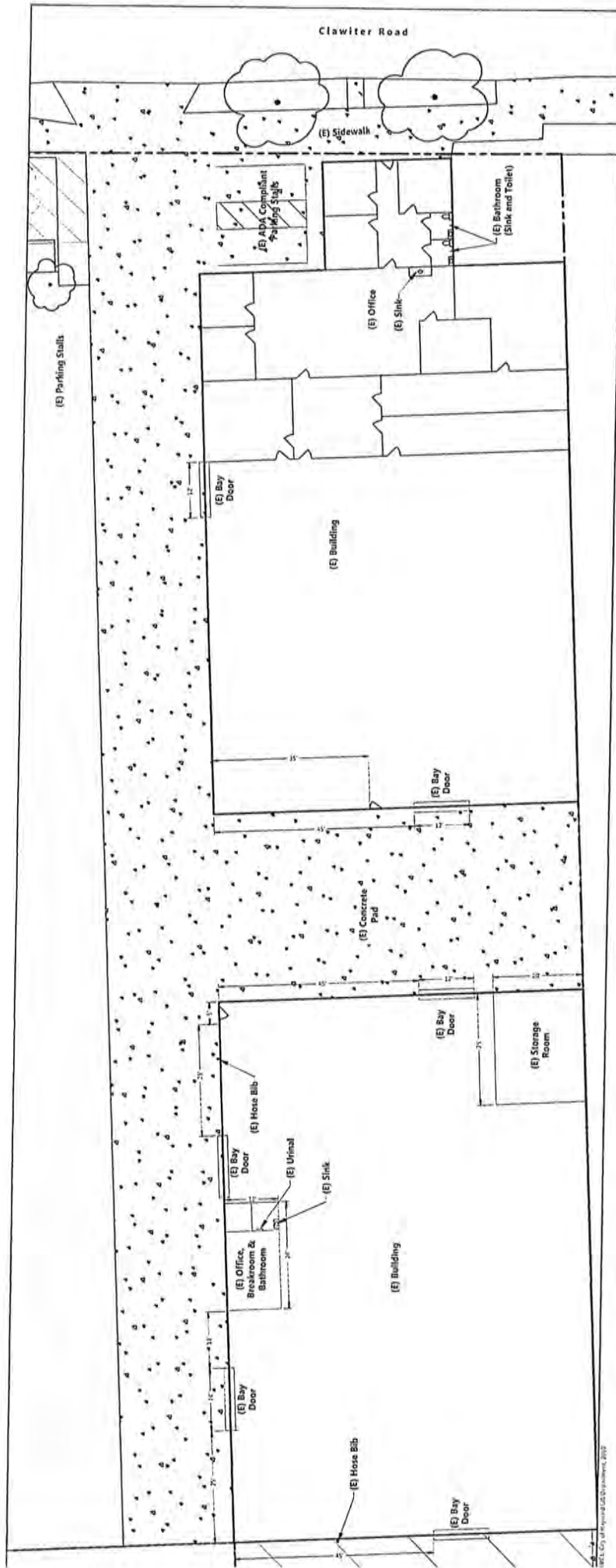
**PROPERTY OWNER INFORMATION**

Property Owner: S & A Investment Holdings, LLC  
 Mailing Address: 24701 Clawiter Rd., Hayward, CA 94545-2225

**SITE INFORMATION**

APN:	418-0600-002-03
Zoning:	(Indiscernible)
Conservation:	16' Environmental Corridor
Assessor's Map:	4.76 acres
Landscaping Area:	0.07 acres
Total Area of Interest:	2.13 acres





**Enlarged Building Details**  
BAY AREA CONCRETE RECYCLING  
Figure G7

**PROPERTY OWNER INFORMATION**  
Property Owner: S.A. A. Industries, LLC  
Property Address: 24701 Clawiter Rd., Hayward, CA 94545-2725  
Mailing Address: 24701 Clawiter Rd., Hayward, CA 94545-2725

**SEE INFORMATION**  
APN: 439-0005-001-03  
Zoning: I-1 (Industrial)  
General Plan: IC (Industrial Corridor)  
Assessor's Parcel Number: 439-0005-001-03  
Assessor's Lot Size: 4.36 acres  
Total Area of Interest: 2.15 acres



Notes:  
(A) Existing  
(P) New

**ATTACHMENTS**



**ATTACHMENT A**  
**PERP PERMITS ARE ATTACHED FOR TYPE A INERT CRUSHING BACR- HAYWARD**



Matthew Rodriguez  
Secretary for  
Environmental Protection

# Air Resources Board

Mary D. Nichols, Chair

1001 I Street • P.O. Box 2815  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)



Edmund G. Brown Jr.  
Governor

## Statewide Portable Equipment Registration

Registration No: 173997

Legal Owner or Operator:

Bay Area Concrete Recycling

Mailing Address:

P.O. Box 23424  
Oakland, CA 94623

Equipment Unit Description:

Portable crushing and screening plant, manufactured by Pioneer, model UR2854, serial no. 2054-DRUE-140, with a maximum throughput rating of 200 tons/hr and consisting of:

- (1) Vibrating Grizzly
- (1) Screen
- (1) Impact Crusher manufactured by Boringer, model RC-12, serial no. PBC-RC12-129-02
- (1) Jaw Crusher manufactured by Pioneer, model UR2854, serial no. 2054-DRUE-140
- (1) 30" 85 Radial Stacker
- (1) 54" Under Screen Conveyor manufactured by Fab Tec
- (1) 48x35 Recycle Conveyor manufactured by Fab Tec, model 3054, serial no. PC-30-54-172-02
- (2) Conveyor

*Equipped with water sprays and onsite water truck.*

Conditions:

see attached

Home District:

Bay Area Air Quality Management District

Expiration Date: January 31, 2020



*Michael J. Guzzetta*

Michael J. Guzzetta  
Manager, Portable Equipment Registration Section  
Enforcement Division

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

## Statewide Portable Equipment Registration

**The following operating conditions apply for registration 173997**

Equipment Unit Serial No.: 2054-DRUE-140

### General Requirements

1. This registration is not valid for operation within the boundaries of the California Outer Continental Shelf and State Territorial Waters.
2. The equipment unit shall be properly maintained and kept in good operating condition at all times.
3. When changing equipment or operating scenario or number of transfer points such that it would necessitate a change in operating conditions, a complete application for modification is to be filed and approved by the Air Resources Board prior to operation.
4. The registration identification sticker shall be affixed in a visible location on the registered portable equipment unit at all times. The metal placard shall be securely affixed on a vertical surface of the portable equipment unit in a location that is readily visible from a distance. A legible copy of the registration certificate and operating conditions shall be kept on site with the portable equipment unit, and shall be made accessible to the Air Resources Board or district representative upon request.
5. The owner or operator must notify the United States Environmental Protection Agency and comply with 40 CFR 52.21 if:
  - a. the portable equipment unit is part of a facility defined as a major source under 40 CFR 51.166 or 52.21, and
    1. the facility is located within 10 kilometers of a Class I area; or
    2. the portable equipment unit, operating in conjunction with other registered portable equipment units, is part of a stationary source and would be defined as a major modification to the stationary source under 40 CFR 51.166 or 52.21; or
  - b. the portable equipment unit, operating in conjunction with other registered portable equipment units, would be defined as a major stationary source, as defined under 40 CFR 51.166 or 52.21.
6. The equipment unit and any replacement equipment unit shall not reside at the same location for more than 12 consecutive months.
7. The registration certificate is not valid for operation at any given location where a local air district has issued a permit to operate for the same equipment unit or where other air contaminant emitting equipment, excluding engines, is operating as a stationary source and the operation of this equipment unit would qualify as part of the stationary source. A stationary source is any building, structure, facility, or installation which emits any affected pollutant directly or as a fugitive emission. Building, structure, facility, or installation includes all pollutant emitting activities which are under the same ownership operation, or which are owned or operated by entities which are under common control; belong to the same two-digit standard industrial classification code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material; and are located on one or more contiguous or adjacent properties.
8. The operation of this equipment unit shall not cause a public nuisance.
9. The portable equipment unit shall not be operated under both statewide registration and a district permit at any specific location.
10. When this equipment unit is sold, the new owner shall submit a change of ownership application within 30 days of the change in ownership. If an application is not received within 30 days of the ownership change, the existing registration is not valid for the new owner until the application has been filed and all applicable fees have been paid.
11. The owner/operator of this equipment unit shall contact the local air district prior to operation at an agricultural source.
12. The operator of a portable engine or equipment unit shall obtain district authorization prior to operation at any specific location where the Statewide registration is not valid.
13. Materials containing hazardous waste or materials that may potentially lead to emissions of toxic air contaminants shall not be processed by this unit. Hazardous wastes and toxic air contaminants are any substances that may cause or contribute to an increase in serious illness, or may pose a potential hazard to human health. Examples of such materials include, but are not limited to: wood railroad ties, serpentine rock, chemically treated wood, construction or demolition debris containing asbestos, and contaminated soil.
14. For each rental equipment unit or an equipment unit used in a third party rental transaction, the owner shall provide each person who rents the portable equipment unit with a copy of the registration certificate and operating conditions as part of the rental agreement.
15. For each rental equipment unit or an equipment unit used in a third party rental transaction, a written copy of the rental agreement or equivalent document must be kept onsite at all times.

**The following operating conditions apply for registration 173997**

Equipment Unit Serial No.: 2054-DRUE-140

**Emission Limitations**

16. There shall be no visible emissions beyond the property line on which the equipment is being operated.
17. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark or darker than Ringelmann 1 or equivalent 20 percent opacity.
18. Emissions shall not exceed 82 pounds per day of PM10.
19. Open areas shall be maintained adequately wet to prevent fugitive emissions in excess of 20 percent opacity or Ringelmann 1.
20. Emissions of particulate matter less than 10 microns (PM10), exclusive of emissions emitted directly from the associated portable engine, shall not exceed 10 tons per year per district.

**Operational Requirements**

21. Maximum daily throughput shall not exceed 2,300 tons per day when the equipment unit is operated by itself. When operating together with other equipment units as part of an onshore project, the daily throughput shall be tracked to ensure that total project PM10 emissions do not exceed 82 pounds per day. Compliance with this provision shall be determined daily by monitoring and recording total throughput of all registered equipment units operating as part of a project. Records shall include running totals of material throughput for each equipment unit multiplied by the corresponding PM10 emission factor included on each registration. The PM10 emission factor for this unit is 0.0345 pounds PM10 per ton of material processed. These records are to be made accessible to the Air Resources Board or district representative upon request. An onshore project is one or more registered engines or equipment units operated at one location under the same or common ownership or control, and used to perform a single activity.
22. Maximum annual throughput shall not exceed 580,000 tons per year.
23. Each crusher shall be equipped with water sprays.
24. All conveyors shall be covered, unless the material being transferred does not result in any visible particulate matter emissions.
25. Water sprays shall be used on all stockpiled material to control fugitive particulate matter emissions, unless the stockpiled material does not result in any visible particulate matter emissions.
26. All transfer points shall be equipped with water sprays to control fugitive particulate matter emissions, unless there are no visible emissions from the transfer point.
27. All roads subject to vehicular traffic shall be either paved or adequately watered to minimize fugitive particulate matter emissions.

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**~~NSPS Subpart 000~~**

28. The equipment unit shall comply with the current federal New Source Performance Standards of Title 40, Code of Federal Regulations, Part 60, Subpart 000.
29. No stack emissions of particulate matter in excess of 0.05 g/dscm (0.02 gr/dscf) shall be discharged into the atmosphere from any transfer point on belt conveyors or other affected facility. [Sec. 60.672(a)(1)]
30. No visible stack emissions greater than 7% opacity shall be discharged into the atmosphere from any transfer point on belt conveyors or other affected facility, unless the stack emissions are discharged from an affected facility using a wet scrubbing control device. [60.672(a)(2)]
31. No fugitive emissions greater than 10% opacity shall be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility, except for truck dumping into a screening operation, feed hopper, or crusher. [Sec. 60.672(b), (d)]
32. No fugitive emissions greater than 15% opacity shall be discharged into the atmosphere from any crusher without a capture system. [Sec. 60.672(c)]
33. No visible emissions shall be discharged into the atmosphere from wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill, or storage bin. [Sec. 60.672(h)(1)]
34. Compliance with particulate matter and opacity standards shall be determined in accordance with Title 40, Code of Federal Regulations, Part 60, Subpart 000.

**The following operating conditions apply for registration 173997**

Equipment Unit Serial No.: 2054-DRUE-140

**Recordkeeping**

35. While the equipment unit is out on rent, the rental customer shall record the specific location of the equipment unit each time it is moved to a new location (i.e. street address and city; or county and UTM coordinates; or other location indicator) in the written log provided by the owner.
36. While the equipment unit is out on rent, the rental customer shall record the amount of material throughput for each day of operation in the written log provided by the owner. The daily throughput shall be the sum of measurements of material introduced into the equipment unit by weight. For crushing or screening operations, the throughput measurements shall be taken at the initial loading point.
37. For a rental equipment unit or an equipment unit that is part of a third party rental transaction, the rental business shall provide a written log for recordkeeping purposes which is to be kept with the rental equipment unit at all times. The rental business shall keep records of the registration number of the equipment unit; date of the start and end of the rental transaction; and written (signed) acknowledgment by each renter of having received the registration certificate and operating conditions. The written log shall be maintained on an annual basis and previous annual logs shall be maintained at a central location for a minimum of five years, and made accessible to the Air Resources Board or districts upon request.
38. Records for the non-rental equipment unit shall include a log of date, registration number, the specific location (i.e. street address and city; or county and UTM coordinates; or other location indicator) each time the equipment unit is brought to a new location, type of material processed, and daily throughput of material processed. For crushing or screening operations, the throughput measurements shall be taken at the initial loading point.
39. All records shall be maintained at a central place of business for five years, and made accessible to the Executive Officer or district upon request.

**Reporting & Notification**

40. Within 5 days of a rental transaction exceeding 9 months in duration, a rental business or the owner of a registered equipment unit involved in a third party rental shall submit written notification of the rental transaction to the district in which the rental business is located. The notification shall include the equipment unit registration number, the rental customer telephone number and mailing address, and estimated location of the registered equipment unit.
41. The owner of a registered equipment unit shall provide the Air Resources Board with an annual report by March 1st after the end of the reporting year which is signed by the designated responsible official and consisting of: the reporting year, registration number of each equipment unit, and annual summaries by district of the total process weight or throughput.
42. If a registered portable equipment unit will be at a location for more than five days, the operator shall notify the district in writing within two working days of coming into the district. If the equipment unit is moved to different locations within the same district, the operator shall notify the district as above, unless the district and the equipment unit operator make alternative notification arrangements by mutual agreement. Notification shall include: the registration number of the equipment unit, name and phone of the responsible official, and estimated number of days the equipment unit will be located in the district. If the district has not been notified because the owner or operator did not expect the duration of operation to trigger notification, the operator shall notify the district within 12 hours of determining the portable equipment unit will be operating at a location for more than five days.
43. The owner of a registered portable equipment unit shall notify the Executive Officer in writing within five days of replacing the registered portable equipment unit with an identical replacement. The notification shall include: company name, responsible official, phone number, registration number, make, model, throughput, and description of the mechanical breakdown, serial number of the identical replacement, and applicable fees.



**The following operating conditions apply for registration 173997**

Equipment Unit Serial No.: 2054-DRUE-140

**Inspection Requirements**

44. Within 45 days after initial issuance or renewal of a registration, the owner or operator shall contact the home district to arrange for inspection to be completed within one year of the initial registration or renewal date. If the equipment unit is operating in a district other than the home district, the owner or operator may request the home district to arrange an inspection by that other district.
45. The time for the arranged inspection shall be agreed upon in advance between the district and the company. To the extent that an arranged inspection does not fall within the district's normal workday, the district may charge for the off-hour time.
46. If an arranged inspection does not occur due to unforeseen circumstances, the inspection shall be rescheduled for no later than 90 days from the initially scheduled inspection.
47. If the equipment unit is out of California for one year or more following initial registration or renewal, the equipment unit shall be excused from having the arranged inspection provided that within 45 days after the date of initial registration or renewal, the owner sends a letter to the district. Upon the return of the equipment unit to California, the owner shall arrange to have the equipment unit inspected within 30 days.



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

## Air Resources Board

**Mary D. Nichols, Chair**

1001 I Street · P.O. Box 2815  
Sacramento, California 95812 · [www.arb.ca.gov](http://www.arb.ca.gov)



**Edmund G. Brown Jr.**  
Governor

January 10, 2017

Kevin Singh  
Bay Area Concrete Recycling  
P.O. Box 23424  
Oakland, CA 94623

Dear Kevin Singh:

**RE: Application # 38818 Action(s): Initial Registration**  
**ARB Staff Contact: Carol Carlson Phone: 916-229-0591**

We have completed the evaluation of your application for registration in the Statewide Portable Equipment Registration Program. Based on our evaluation, registration will be issued for the engine(s)/equipment unit(s) on the attachment.

Enclosed with this letter is a registration certificate, operating conditions, and a sticker for each engine/equipment unit listed. A copy of the registration certificate and operating conditions must be kept with the engine/equipment unit or on the immediate premises at all times. In addition, for each engine/equipment unit listed, a green metallic placard and a second sticker with placement instructions will be mailed separately with the registration application. Please place the sticker(s) included with this letter on the engine(s) or equipment unit(s) for which it was issued.

As a requirement of registration, the owner or operator of the registered portable engine/equipment unit may be subject to district inspection requirements if listed in the attached operating conditions. Please review the operating conditions immediately and carefully. If it is specified in the attached operating conditions, please contact the home district to arrange an inspection as required. Any violation of the operating conditions may result in enforcement action by either the districts or the Air Resources Board.

In addition, our evaluation shows that you have overpaid the registration fees by \$620. A check will be mailed under separate cover from our accounting office for the amount of the overpayment.

Please indicate your application number, listed above, on any future correspondence with us regarding the Statewide Registration Program. If you have any questions regarding your registration, please contact the ARB Contact listed at the top of this letter.

Sincerely,

Michael J. Guzzetta, Manager  
Portable Equipment Registration Section  
Enforcement Division

Attachment  
Enclosures

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency





## Attachment 1

Engines/Equipment Units listed under Application #38818

Description	Serial Number	Registration	ARB Tracking #
Sand & Gravel Screening and Rock Crushing-Crushing and screening plant	2054-DRUE-140	173997	20164622



**ATTACHMENT B  
EXISTING WATERBOARD PERMIT**



State Water Resources Control Board  
**NOTICE OF INTENT**  
 GENERAL PERMIT TO DISCHARGE STORM WATER  
 ASSOCIATED WITH INDUSTRIAL ACTIVITY (WQ ORDER No. 2014-0057-DWQ)  
 (Excluding Construction Activities)



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

WDID: 2 011026068

Status: Active

Operator Information

Type: Private Business

Name: Bay Area Concrete LLC  
 Address: PO BOX 2613  
 Address 2: \_\_\_\_\_  
 City/State/Zip: Union City CA 94587  
 Federal Tax ID: \_\_\_\_\_

Contact Name: Kevin Olivero  
 Title: \_\_\_\_\_  
 Phone Number: 510-294-0220  
 Email Address: kevino@baconcrete.net

Facility Information

Level: \_\_\_\_\_

Contact Name: Kevin Olivero

Title: \_\_\_\_\_

Site Name: Slurry Waste Solutions

Address: 24701 Clawiter Road

City/State/Zip: Hayward CA 94545

Site Phone #: 510-294-0220

County: Alameda

Email Address: kevino@baconcrete.net

Latitude: 37.64087 Longitude: -122.12128

Site Size: 6400 Sq.Feet

Industrial Area Exposed to Storm Water: 4000 Sq.Feet

Percent of Site Impervious (Including Rooftops): 100 %

SIC Code Information

1. 9999 Nonclassifiable Establishments
2. \_\_\_\_\_
3. \_\_\_\_\_

Additional Information

Receiving Water: San Francisco Bay Flow: Indirectly

Storm Drain System: \_\_\_\_\_

Compliance Group: \_\_\_\_\_

RWQCB Jurisdiction: Region 2 - San Francisco Bay

Phone: 510-622-2300

Email: r2\_stormwater@waterboards.ca.gov

Certification

Name: Kevin Singh Date: August 20, 2015

Title: Manager



July 20, 2018

Kevin Olivero  
Bay Area Concrete LLC  
PO BOX 2613  
Union City, CA 94587

Facility Info: Slurry Waste Solutions  
24701 Clawiter Road  
Hayward, CA 94545  
SIC Code(s): 9999

Waste Discharge Identification Number: 2 011026068

Date Processed: September 01, 2015

#### RECEIPT OF YOUR NOTICE OF INTENT (NOI)

The State Water Resources Control Board (State Water Board) received and processed the NOI to comply with the terms of the General Permit for Storm Water Discharges Associated with Industrial Activity Order 2014-0057-DWQ.

Waste Discharger Identification (WDID) number 2 011026068 is assigned to the facility referenced above.

Accordingly, you are required to comply with all applicable permit requirements.

Notice of Termination (NOT) is required to be submitted to the State Water Board should the owner or operator of the facility change or upon closure of the facility. Until an NOT is submitted you will continue and are responsible to pay the annual fee invoiced each July.

If you have any further questions, please contact your local Regional Water Board at 510-622-2300.

Please visit the storm water web page at [www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml) for storm water related information.

Sincerely,  
Storm Water Program  
Division of Water Quality

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE OFFICER

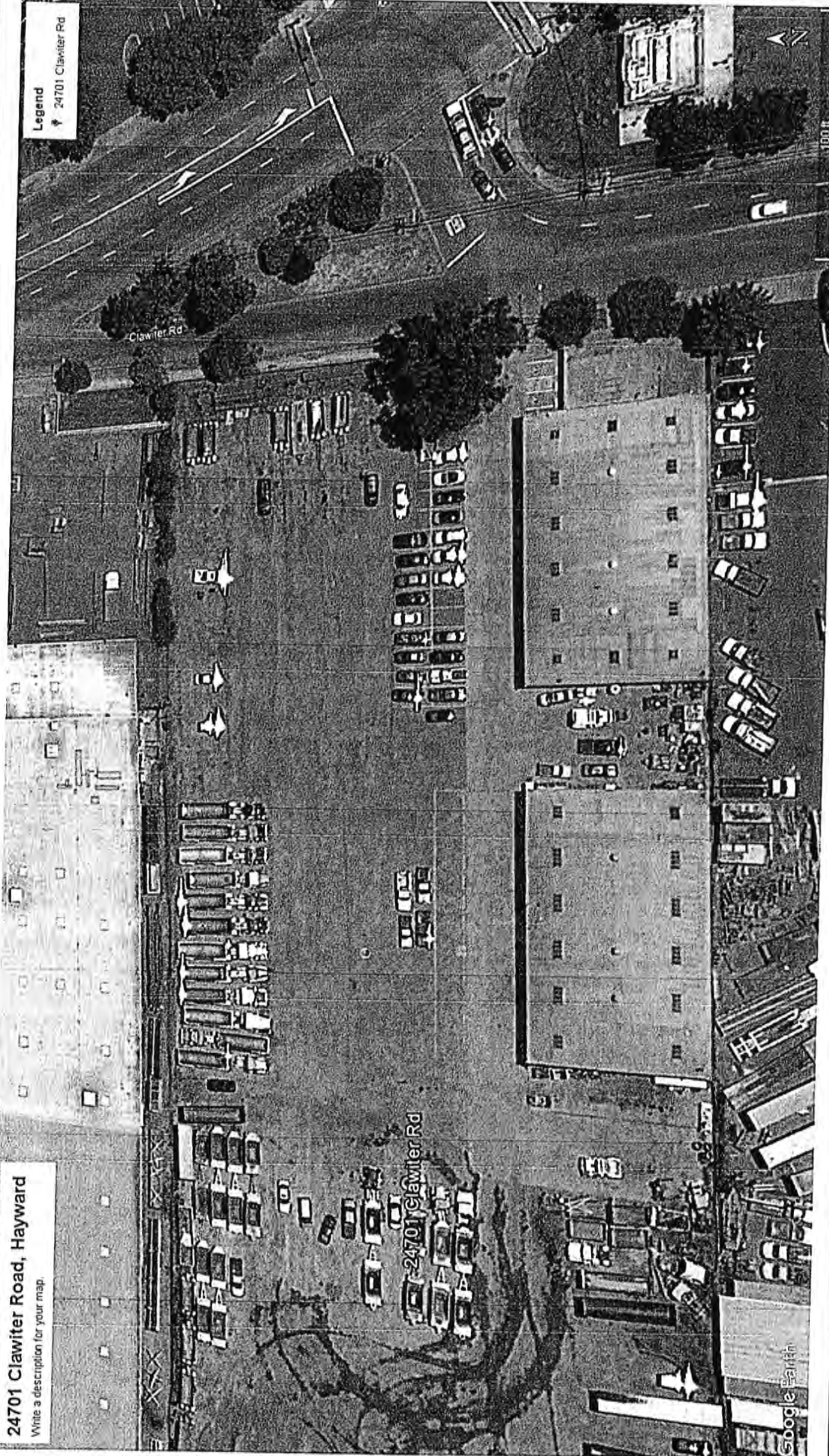
1001 I Street, PO Box 1977, Sacramento, California, 95812 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov), ph:1-866-563-3107, fax:(916) 341-5543



24701 Clawiter Road, Hayward

Write a description for your map.

Legend  
 24701 Clawiter Rd



## Aerial Identifying Pavement

TBI Engineering  
 480 Tan Oak Terrace  
 Sunnyvale, CA 94086

Drawn by: TB  
 Revised: 07/20/2018  
 Not to scale

24701 Clawiter Road, City of Hayward, CA

**ATTACHMENT D**  
**EMAIL BY TIM BAUTERS AND TROY HASH (BAAQMD ATTACHED)**



Tim Bauters <tim@baconcrete.net>

---

**Proposed meeting Monday, 10AM on March 19, 2018!**

---

Tim Bauters <tim@baconcrete.net>

To: Troy Hash <thash@baaqmd.gov>

Wed, Mar 14, 2018 at 5:51 PM

Cc: Kimberly Douglas <kimberly@baconcrete.net>

Troy-

I found some time to review the daily totals and summarize into a spreadsheet, please find attached for this particular crushing unit.

Let me know if this satisfies your needs, thank you, we can discuss on Monday if we need to fine-tune this spreadsheet.

Thank you,

Tim

[Quoted text hidden]



**Tons crushed in Hayward Mar 2017 to Mar 2018, Airboard Regulations.pdf**  
108K

**Bay Area Concrete Recycling, LLC**  
**Portable Crusher Unit, Monthly Throughput in Tons**  
**Monthly Summaries February 2017 to 2018**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Month	PM10 Emissions (pounds)
Feb-17	12243	3175	2649	18068	623
Mar-17	14619	5034	3228	22881	789
Apr-17	13244	2614	1856	17714	611
May-17	17782	0	0	16728	577
Jun-17	17386	2515	1728	21629	746
Jul-17	16707	878	748	18333	632
Aug-17	19858	168	112	20138	695
Sep-17	15597	2464	2814	20875	720
Oct-17	20047	0	0	20047	692
Nov-17	15140	0	0	15140	522
Dec-17	0	0	0	0	0
Jan-18	16606	1952	1327	19885	686
Feb-18	15494	2281	1612	19386	669
<b>Total Annual Throughput Crusher</b>	<b>194724</b>	<b>21080</b>	<b>16073</b>	<b>230823</b>	<b>7963</b>

\* PM10 emissions calculated per multiplying the tons of material processed expressed in pounds

**Bay Area Concrete Recycling, LLC  
Portable Crusher, Monthly Throughput  
February 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Wednesday, February 1, 2017	877			877
Thursday, February 2, 2017		679	815	1494
Friday, February 3, 2017	866			866
Saturday, February 4, 2017				0
Sunday, February 5, 2017				0
Monday, February 6, 2017	Rain			0
Tuesday, February 7, 2017	Rain			0
Wednesday, February 8, 2017	866			866
Thursday, February 9, 2017	977			977
Friday, February 10, 2017	899			899
Saturday, February 11, 2017				0
Sunday, February 12, 2017				0
Monday, February 13, 2017	921			921
Tuesday, February 14, 2017	888			888
Wednesday, February 15, 2017	921			921
Thursday, February 16, 2017	1043			1043
Friday, February 17, 2017	921			921
Saturday, February 18, 2017				0
Sunday, February 19, 2017				0
Monday, February 20, 2017	1077			1077
Tuesday, February 21, 2017	155			155
Wednesday, February 22, 2017		521	281	802
Thursday, February 23, 2017		959	739	1698
Friday, February 24, 2017		1016	815	1831
Saturday, February 25, 2017				0
Sunday, February 26, 2017				0
Monday, February 27, 2017	910			910
Tuesday, February 28, 2017	921			921
<b>February, 2017 Total</b>	<b>12243</b>	<b>3175</b>	<b>2649</b>	<b>18068</b>

**Bay Area Concrete Recycling, LLC**  
**Portable Crusher, Monthly Throughput**  
**March 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Wednesday, March 1, 2017	1055			1055
Thursday, March 2, 2017	1010			1010
Friday, March 3, 2017	1010			1010
Saturday, March 4, 2017				0
Sunday, March 5, 2017				0
Monday, March 6, 2017	910			910
Tuesday, March 7, 2017	1077			1077
Wednesday, March 8, 2017	955			955
Thursday, March 9, 2017	966			966
Friday, March 10, 2017	1032			1032
Saturday, March 11, 2017				0
Sunday, March 12, 2017				0
Monday, March 13, 2017	932			932
Tuesday, March 14, 2017	977			977
Wednesday, March 15, 2017	944			944
Thursday, March 16, 2017	<i>No crushing today, Cleanup</i>			0
Friday, March 17, 2017	1066			1066
Saturday, March 18, 2017				0
Sunday, March 19, 2017				0
Monday, March 20, 2017	910			910
Tuesday, March 21, 2017	<i>Rain</i>			0
Wednesday, March 22, 2017		568	267	835
Thursday, March 23, 2017		982	664	1645
Friday, March 24, 2017		947	655	1602
Saturday, March 25, 2017				0
Sunday, March 26, 2017				0
Monday, March 27, 2017		620	264	884
Tuesday, March 28, 2017		1028	714	1742
Wednesday, March 29, 2017		889	664	1553
Thursday, March 30, 2017	844			844
Friday, March 31, 2017	932			932
<b>March 2017 Total</b>	<b>14619</b>	<b>5034</b>	<b>3228</b>	<b>22881</b>



**Bay Area Concrete Recycling, LLC**  
**Portable Crusher, Monthly Throughput**  
**April 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Saturday, April 1, 2017				0
Sunday, April 2, 2017				0
Monday, April 3, 2017	1043			1043
Tuesday, April 4, 2017		627	294	921
Wednesday, April 5, 2017		912	798	1710
Thursday, April 6, 2017		1074	764	1839
Friday, April 7, 2017	833			833
Saturday, April 8, 2017				0
Sunday, April 9, 2017				0
Monday, April 10, 2017	966			966
Tuesday, April 11, 2017	888			888
Wednesday, April 12, 2017	921			921
Thursday, April 13, 2017	988			988
Friday, April 14, 2017	999			999
Saturday, April 15, 2017				0
Sunday, April 16, 2017				0
Monday, April 17, 2017	<i>No Crushing, moving conveyors</i>			0
Tuesday, April 18, 2017	<i>No Crushing, moving conveyors</i>			0
Wednesday, April 19, 2017	1055			1055
Thursday, April 20, 2017	833			833
Friday, April 21, 2017	168			168
Saturday, April 22, 2017				0
Sunday, April 23, 2017				0
Monday, April 24, 2017	833			833
Tuesday, April 25, 2017	955			955
Wednesday, April 26, 2017	1032			1032
Thursday, April 27, 2017	899			899
Friday, April 28, 2017	833			833
Saturday, April 29, 2017				0
Sunday, April 30, 2017				0
<b>April 2017 Total</b>	<b>13244</b>	<b>2614</b>	<b>1856</b>	<b>17714</b>

**Bay Area Concrete Recycling, LLC**  
**Portable Crusher, Monthly Throughput**  
**May 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Monday, May 1, 2017	833			833
Tuesday, May 2, 2017	977			977
Wednesday, May 3, 2017	833			833
Thursday, May 4, 2017	988			988
Friday, May 5, 2017	921			921
Saturday, May 6, 2017				0
Sunday, May 7, 2017				0
Monday, May 8, 2017	932			932
Tuesday, May 9, 2017	<i>Crusher repairs</i>			0
Wednesday, May 10, 2017	<i>Crusher repairs</i>			0
Thursday, May 11, 2017	<i>Crusher repairs</i>			0
Friday, May 12, 2017	<i>Crusher repairs</i>			0
Saturday, May 13, 2017				0
Sunday, May 14, 2017				0
Monday, May 15, 2017	1032			1032
Tuesday, May 16, 2017	966			966
Wednesday, May 17, 2017	833			833
Thursday, May 18, 2017	932			932
Friday, May 19, 2017	1066			1066
Saturday, May 20, 2017				0
Sunday, May 21, 2017				0
Monday, May 22, 2017	932			932
Tuesday, May 23, 2017	921			921
Wednesday, May 24, 2017	921			921
Thursday, May 25, 2017	844			844
Friday, May 26, 2017	877			877
Saturday, May 27, 2017				0
Sunday, May 28, 2017				0
Monday, May 29, 2017	977			977
Tuesday, May 30, 2017	1055			866
Wednesday, May 31, 2017	944			944
<b>May 2017 Total</b>	<b>17782</b>	<b>0</b>	<b>0</b>	<b>16728</b>

**Bay Area Concrete Recycling, LLC**  
**Portable Crusher, Monthly Throughput**  
**June 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Thursday, June 1, 2017	899			899
Friday, June 2, 2017	910			910
Saturday, June 3, 2017				0
Sunday, June 4, 2017				0
Monday, June 5, 2017	No Crushing			0
Tuesday, June 6, 2017	No Crushing			0
Wednesday, June 7, 2017	1010			1010
Thursday, June 8, 2017	921			921
Friday, June 9, 2017	1032			1032
Saturday, June 10, 2017	988			988
Sunday, June 11, 2017				0
Monday, June 12, 2017		528	317	845
Tuesday, June 13, 2017		1016	739	1756
Wednesday, June 14, 2017		970	672	1642
Thursday, June 15, 2017	988			988
Friday, June 16, 2017	977			977
Saturday, June 17, 2017	999			999
Sunday, June 18, 2017				0
Monday, June 19, 2017	1032			1032
Tuesday, June 20, 2017	866			866
Wednesday, June 21, 2017	148			148
Thursday, June 22, 2017	866			866
Friday, June 23, 2017	1043			1043
Saturday, June 24, 2017				0
Sunday, June 25, 2017				0
Monday, June 26, 2017	855			855
Tuesday, June 27, 2017	1077			1077
Wednesday, June 28, 2017	1032			1032
Thursday, June 29, 2017	844			844
Friday, June 30, 2017	899			899
<b>June, 2017 Total</b>	<b>17386</b>	<b>2515</b>	<b>1728</b>	<b>21629</b>

**Bay Area Concrete Recycling, LLC**  
**Portable Crusher, Monthly Throughput**  
**July 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Saturday, July 1, 2017				0
Sunday, July 2, 2017				0
Monday, July 3, 2017	944			944
Tuesday, July 4, 2017	<i>Holiday</i>			0
Wednesday, July 5, 2017	844			844
Thursday, July 6, 2017	866			866
Friday, July 7, 2017	<i>No crushing</i>			0
Saturday, July 8, 2017				0
Sunday, July 9, 2017				0
Monday, July 10, 2017	866			866
Tuesday, July 11, 2017	1010			1010
Wednesday, July 12, 2017	977			977
Thursday, July 13, 2017	1010			1010
Friday, July 14, 2017	1077			1077
Saturday, July 15, 2017				0
Sunday, July 16, 2017				0
Monday, July 17, 2017	910			910
Tuesday, July 18, 2017	1021			1021
Wednesday, July 19, 2017	1010			1010
Thursday, July 20, 2017	988			988
Friday, July 21, 2017	1055			1055
Saturday, July 22, 2017				0
Sunday, July 23, 2017				0
Monday, July 24, 2017	955			955
Tuesday, July 25, 2017	877			877
Wednesday, July 26, 2017	1077			1077
Thursday, July 27, 2017	1066			1066
Friday, July 28, 2017	157			157
Saturday, July 29, 2017				0
Sunday, July 30, 2017				0
Monday, July 31, 2017		878	748	1625
<b>July 2017 Total</b>	<b>16707</b>	<b>878</b>	<b>748</b>	<b>18333</b>

**Bay Area Concrete Recycling, LLC**  
**Portable Crusher, Monthly Throughput**  
**August 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Tuesday, August 1, 2017		168	112	280
Wednesday, August 2, 2017	1066			1066
Thursday, August 3, 2017	877			877
Friday, August 4, 2017	888			888
Saturday, August 5, 2017				0
Sunday, August 6, 2017				0
Monday, August 7, 2017	888			888
Tuesday, August 8, 2017	977			977
Wednesday, August 9, 2017	966			966
Thursday, August 10, 2017	988			988
Friday, August 11, 2017	888			888
Saturday, August 12, 2017				0
Sunday, August 13, 2017				0
Monday, August 14, 2017	1032			1032
Tuesday, August 15, 2017	877			877
Wednesday, August 16, 2017	899			899
Thursday, August 17, 2017	899			899
Friday, August 18, 2017	1032			1032
Saturday, August 19, 2017				0
Sunday, August 20, 2017				0
Monday, August 21, 2017	944			944
Tuesday, August 22, 2017	944			944
Wednesday, August 23, 2017	932			932
Thursday, August 24, 2017	No crushing, cleanup			0
Friday, August 25, 2017	833			833
Saturday, August 26, 2017				0
Sunday, August 27, 2017				0
Monday, August 28, 2017	1077			1077
Tuesday, August 29, 2017	910			910
Wednesday, August 30, 2017	966			966
Thursday, August 31, 2017	977			977
<b>August 2017 Total</b>	<b>19858</b>	<b>168</b>	<b>112</b>	<b>20138</b>

**Bay Area Concrete Recycling, LLC**  
**Portable Crusher, Monthly Throughput**  
**September 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Friday, September 1, 2017	999			999
Saturday, September 2, 2017		546	689	1235
Sunday, September 3, 2017	1066			1066
Monday, September 4, 2017	<i>closed labor day</i>			0
Tuesday, September 5, 2017				0
Wednesday, September 6, 2017	866			866
Thursday, September 7, 2017	1010			1010
Friday, September 8, 2017		602	672	1274
Saturday, September 9, 2017				0
Sunday, September 10, 2017				0
Monday, September 11, 2017		644	722	1366
Tuesday, September 12, 2017		672	731	1403
Wednesday, September 13, 2017	1032			1032
Thursday, September 14, 2017	1032			1032
Friday, September 15, 2017	977			977
Saturday, September 16, 2017				0
Sunday, September 17, 2017				0
Monday, September 18, 2017	966			966
Tuesday, September 19, 2017	921			921
Wednesday, September 20, 2017	910			910
Thursday, September 21, 2017	157			157
Friday, September 22, 2017	1010			1010
Saturday, September 23, 2017				0
Sunday, September 24, 2017				0
Monday, September 25, 2017	877			877
Tuesday, September 26, 2017	1032			1032
Wednesday, September 27, 2017	855			855
Thursday, September 28, 2017	1043			1043
Friday, September 29, 2017	844			844
Saturday, September 30, 2017				0
<b>September 2017 Total</b>	<b>15597</b>	<b>2464</b>	<b>2814</b>	<b>20875</b>



**Bay Area Concrete Recycling, LLC**  
**Portable Crusher, Monthly Throughput**  
**October 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Sunday, October 1, 2017				0
Monday, October 2, 2017	1043			1043
Tuesday, October 3, 2017	855			855
Wednesday, October 4, 2017	999			999
Thursday, October 5, 2017	899			899
Friday, October 6, 2017	999			999
Saturday, October 7, 2017				0
Sunday, October 8, 2017				0
Monday, October 9, 2017	1043			1043
Tuesday, October 10, 2017	866			866
Wednesday, October 11, 2017	888			888
Thursday, October 12, 2017	1021			1021
Friday, October 13, 2017	932			932
Saturday, October 14, 2017				0
Sunday, October 15, 2017				0
Monday, October 16, 2017	866			866
Tuesday, October 17, 2017	1032			1032
Wednesday, October 18, 2017	999			999
Thursday, October 19, 2017	833			833
Friday, October 20, 2017	977			977
Saturday, October 21, 2017				0
Sunday, October 22, 2017				0
Monday, October 23, 2017	1010			1010
Tuesday, October 24, 2017	<i>Crusher need repair</i>			0
Wednesday, October 25, 2017	1055			1055
Thursday, October 26, 2017	955			955
Friday, October 27, 2017	877			877
Saturday, October 28, 2017				0
Sunday, October 29, 2017				0
Monday, October 30, 2017	833			833
Tuesday, October 31, 2017	1066			1066
<b>October, 2017 Total</b>	<b>20047</b>	<b>0</b>	<b>0</b>	<b>20047</b>

**Bay Area Concrete Recycling, LLC**  
**Portable Crusher, Monthly Throughput**  
**November 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Wednesday, November 1, 2017	910			910
Thursday, November 2, 2017	866			866
Friday, November 3, 2017	<i>Crusher in repair</i>			0
Saturday, November 4, 2017				0
Sunday, November 5, 2017				0
Monday, November 6, 2017	966			966
Tuesday, November 7, 2017	1077			1077
Wednesday, November 8, 2017	1055			1055
Thursday, November 9, 2017	1066			1066
Friday, November 10, 2017	1032			1032
Saturday, November 11, 2017				0
Sunday, November 12, 2017				0
Monday, November 13, 2017	1021			1021
Tuesday, November 14, 2017	855			855
Wednesday, November 15, 2017	899			899
Thursday, November 16, 2017	rain			0
Friday, November 17, 2017	1066			1066
Saturday, November 18, 2017				0
Sunday, November 19, 2017				0
Monday, November 20, 2017	921			921
Tuesday, November 21, 2017	855			855
Wednesday, November 22, 2017	833			833
Thursday, November 23, 2017	844			844
Friday, November 24, 2017	877			877
Saturday, November 25, 2017				0
Sunday, November 26, 2017				0
Monday, November 27, 2017	<i>Demobilize all equipment</i>			0
Tuesday, November 28, 2017	<i>Demobilized all equipment</i>			0
Wednesday, November 29, 2017	<i>Demobilized all equipment</i>			0
Thursday, November 30, 2017	<i>Demobilized all equipment</i>			0
<b>November 2017 Total</b>	<b>15140</b>	<b>0</b>	<b>0</b>	<b>15140</b>

**Bay Area Concrete Recycling, LLC**  
**Portable Crusher, Monthly Throughput**  
**December 2017**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Friday, December 1, 2017	Demobilized all equipment			0
Saturday, December 2, 2017	Demobilized all equipment			0
Sunday, December 3, 2017	Demobilized all equipment			0
Monday, December 4, 2017	Demobilized all equipment			0
Tuesday, December 5, 2017	Demobilized all equipment			0
Wednesday, December 6, 2017	Demobilized all equipment			0
Thursday, December 7, 2017	Demobilized all equipment			0
Friday, December 8, 2017	Demobilized all equipment			0
Saturday, December 9, 2017	Demobilized all equipment			0
Sunday, December 10, 2017	Demobilized all equipment			0
Monday, December 11, 2017	Demobilized all equipment			0
Tuesday, December 12, 2017	Demobilized all equipment			0
Wednesday, December 13, 2017	Demobilized all equipment			0
Thursday, December 14, 2017	Demobilized all equipment			0
Friday, December 15, 2017	Demobilized all equipment			0
Saturday, December 16, 2017	Demobilized all equipment			0
Sunday, December 17, 2017	Demobilized all equipment			0
Monday, December 18, 2017	Demobilized all equipment			0
Tuesday, December 19, 2017	Demobilized all equipment			0
Wednesday, December 20, 2017	Demobilized all equipment			0
Thursday, December 21, 2017	Demobilized all equipment			0
Friday, December 22, 2017	Demobilized all equipment			0
Saturday, December 23, 2017	closed Holiday			0
Sunday, December 24, 2017	closed Holiday			0
Monday, December 25, 2017	closed Holiday			0
Tuesday, December 26, 2017	Demobilized all equipment			0
Wednesday, December 27, 2017	Demobilized all equipment			0
Thursday, December 28, 2017	Demobilized all equipment			0
Friday, December 29, 2017	Demobilized all equipment			0
Saturday, December 30, 2017	Demobilized all equipment			0
Sunday, December 31, 2017	closed Holiday			0
<b>December, 2017 Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Bay Area Concrete Recycling, LLC  
Portable Crusher, Monthly Throughput  
January 2018**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Monday, January 1, 2018	<i>holiday</i>			0
Tuesday, January 2, 2018	<i>mobilized equipment back to 24701 Clawiter</i>			0
Wednesday, January 3, 2018	1010			1010
Thursday, January 4, 2018	866			866
Friday, January 5, 2018	1077			1077
Saturday, January 6, 2018				0
Sunday, January 7, 2018				0
Monday, January 8, 2018	<i>rain</i>			0
Tuesday, January 9, 2018	877			877
Wednesday, January 10, 2018	844			844
Thursday, January 11, 2018	899			899
Friday, January 12, 2018	977			977
Saturday, January 13, 2018				0
Sunday, January 14, 2018				0
Monday, January 15, 2018	944			944
Tuesday, January 16, 2018	1043			1043
Wednesday, January 17, 2018	988			988
Thursday, January 18, 2018	999			999
Friday, January 19, 2018	1066			1066
Saturday, January 20, 2018				0
Sunday, January 21, 2018				0
Monday, January 22, 2018	<i>rain</i>			0
Tuesday, January 23, 2018	1043			1043
Wednesday, January 24, 2018	1032			1032
Thursday, January 25, 2018	1055			1055
Friday, January 26, 2018	955			955
Saturday, January 27, 2018				0
Sunday, January 28, 2018				0
Monday, January 29, 2018		1040	680	1720
Tuesday, January 30, 2018		912	647	1559
Wednesday, January 31, 2018	932			932
<b>January 2018 Total</b>	<b>16606</b>	<b>1952</b>	<b>1327</b>	<b>19885</b>

**Bay Area Concrete Recycling, LLC  
Portable Crusher, Monthly Throughput  
February 2018**

	Class II Base Rock	Drain Rock	Sand	Total Crushed Material per Day
Thursday, February 1, 2018	988			988
Friday, February 2, 2018		672	655	1327
Saturday, February 3, 2018				0
Sunday, February 4, 2018				0
Monday, February 5, 2018	1032			1032
Tuesday, February 6, 2018	1010			1010
Wednesday, February 7, 2018	955			955
Thursday, February 8, 2018	866			866
Friday, February 9, 2018	921			921
Saturday, February 10, 2018				0
Sunday, February 11, 2018				0
Monday, February 12, 2018	855			855
Tuesday, February 13, 2018	966			966
Wednesday, February 14, 2018	910			910
Thursday, February 15, 2018	844			844
Friday, February 16, 2018	1043			1043
Saturday, February 17, 2018				0
Sunday, February 18, 2018				0
Monday, February 19, 2018	866			866
Tuesday, February 20, 2018	1077			1077
Wednesday, February 21, 2018	165			165
Thursday, February 22, 2018		581	251	832
Friday, February 23, 2018		1028	706	1734
Saturday, February 24, 2018				0
Sunday, February 25, 2018				0
Monday, February 26, 2018	921			921
Tuesday, February 27, 2018	1066			1066
Wednesday, February 28, 2018	1010			1010
<b>February, 2018 Total</b>	<b>15494</b>	<b>2281</b>	<b>1612</b>	<b>19386</b>



Tim Bauters <tim@baconcrete.net>

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**Proposed meeting Monday, 10AM on March 19, 2018!**

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Troy Hash <thash@baaqmd.gov>  
To: Tim Bauters <tim@baconcrete.net>

Thu, Mar 15, 2018 at 10:49 AM

Hi Tim,

The format is very nice. The only thing I would add is a column to the right of the 'Total Crushed Material per Day' on the 'Monthly Throughput' that calculates the daily PM10, since you have a limit of 82 lbs/day. That would make it very easy to spot check.

Sincerely, Troy

**From:** Tim Bauters [mailto:tim@baconcrete.net]  
**Sent:** Wednesday, March 14, 2018 5:51 PM  
**To:** Troy Hash <thash@baaqmd.gov>  
**Cc:** Kimberly Douglas <kimberly@baconcrete.net>  
**Subject:** Re: Proposed meeting Monday, 10AM on March 19, 2018!

[Quoted text hidden]



**ATTACHMENT B**  
**AUP PL-2014-0225**

**CITY OF HAYWARD  
PLANNING DIVISION  
ADMINISTRATIVE USE PERMIT APPLICATION  
May 1, 2015**



**Administrative Use Permit PL-2014-0225 – Kevin Singh (Applicant/Owner)** – Request to operate an outdoor concrete recycling facility.

The property is located at 3890 & 3898 Depot Road in the Industrial (I) Zoning District (APN: 439-0070-013-01 and 439-0070-014-00).

The Concrete Recycling Facility shall operate according to these conditions of approval and the plans labeled Exhibit "A". This approval is void three years after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to this permit shall require review and approval by the Planning Director. Unless a new permit is issued within 180 days of permit expiration, revocation or abandonment, all improvements installed, including their foundation shall be removed from the property and the site restored to its natural pre-construction state. Violation of these conditions or requirements will result in enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance. Violation of conditions or requirements may also result in the City of Hayward instituting a revocation hearing before the Planning Commission. The following Conditions of Approval shall be met before operation of the facility.

**CONDITIONS OF APPROVAL**

**General**

1. The permittee shall assume the defense of, and shall pay on behalf of, and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
3. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures and improvements shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward. All improvements shall be made prior to occupation of the site.

4. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
5. The applicant shall be responsible for graffiti-free maintenance of the site, and shall remove any graffiti within 48 hours of occurrence or City notification.
6. An emergency contact shall be posted at the gate to respond to operational issues or concerns that can respond to calls 24 hours a day, 7 days a week.
7. Any future replacement or reinstallation of structures or equipment at this site shall be subject to the requirements and standards of the City of Hayward at that time.
8. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit including, but limited to, additional measures to control the fugitive dust.

#### Planning

9. Applicant shall submit a Parcel Merger application concurrently with a Grading Permit Application. The Certificate of Merger shall be finalized and recorded at the Alameda County Recorder's Office prior to the issuance of any building permit.
10. An Air Permit shall be obtained from the Bay Area Air Quality Management District (BAAQMD) prior to operating the concrete recycling facility.
11. The Concrete Recycling Facility shall comply with the Hayward Municipal Code, Noise Regulations, Chapter 4, Article 1, SEC. 4-1.03.1 *Noise Restrictions By Decibels* that does not allow a noise level at any point outside of the property plan that exceeds seventy (70) dBA.
12. The operator shall comply with Cal OSHA regulation "Construction Safety Orders, Section 1530.1 Control of Employee Exposures From Dust-Generating Operations Conducted on Concrete or Masonry Materials" regarding employee exposure to respirable crystalline silica dust.
13. The operator shall establish procedures to minimize employee exposure to respirable crystalline silica and inform employees of the potential risk of exposure.
14. The concrete recycling facility shall be limited to processing concrete free of hazardous materials. The scale house operators shall use a photo ionization detector (PID) to evaluate any volatile organic compounds and if any levels exceed 10 particles per minute (PPM) the material shall be rejected and not allowed to be dumped on the site. In addition, if the material is stained, exhibit petroleum contamination, or omit any odor that may be suspected of contamination, the load shall be rejected.
15. The 12-foot high front masonry wall shall be approved by Planning Director prior to installation.
16. Storage of material and large construction equipment is prohibited on the City of Hayward and East Bay Dischargers Easements located along the west property line.

17. Exterior lighting shall be kept low and on the site such that it does cast light on to the surrounding properties disturbing wildlife on the adjacent flood plain and sewage treatment ponds. They shall comply with the Security Ordinance that requires a minimum one-foot candle for all parking and pedestrian circulation areas. The exterior lights for all buildings shall operate with a motion sensor.
18. All vehicular circulation and parking areas shall be paved with asphalt concrete with the exception of the truck unloading ramp route and processing area. The circular turnaround at the ends of the asphalt concrete vehicular circulation shall be paved with concrete. Any other unused area shall be landscaped to minimize dust on the site.
19. The entire yard and frontage used by vehicles entering/exiting facility shall be swept daily.
20. The truck unloading ramp shall not exceed 20 feet in height at any time.
21. The raw material mound shall be maintained at 40 feet high at the south end of the property adjacent to the Russell City Energy Center unless otherwise approved by the Planning Director. The crib wall shall be setback a minimum of 20 feet from the south property line.
22. The finish material mounds shall not exceed 25 feet in height and shall be contained on the rear half of the property.
23. No visible dust shall be allowed to migrate off the site at any time.
24. High pressure sprinklers with a spray radius of 90 feet shall be installed at the top the southern portion of the raw material mound and maintained to be functional at all times, including during non-operational hours. A weather based irrigation controller with a rain sensor shall be provided to operate the sprinklers. The sprinklers shall be programmed to run and shall be run at least twice a day unless the rain sensor overrides the watering schedule.
25. A minimum of two Dustboss DB-45 dust control spray units with a spray radius of 200 feet and fitted on a wheeled carriage shall be installed along the northern portion of material mounds(s) and maintained to be functional at all times, and shall be operated at all times when needed for dust suppression, including during the loading/unloading of trucks and during the crushing processes.
26. Manual watering of material during unloading and loading shall occur to further control dust.
27. An overhead spray system for trucks entering and leaving the site is required to be installed and maintained and shall be operated whenever trucks are entering and existing the site.
28. Water trucks shall spray all ground surface areas periodically to minimize dust.
29. Dust suppression system, provided for each load leaving the yard and the crusher, shall be maintained and fully functional and shall be operated at all times to mitigate airborne contaminants from leaving the site (by means of vehicles, equipment, trailers, air, and surface waters).

30. If there's a malfunction of any dust suspension equipment, the processing of concrete raw material shall be shut-down until dust suppression can be restored.
31. All abandoned debris, regardless of the type of materials or quantity, shall be removed at least daily and all costs for removal shall be borne exclusively by the named facility. Debris shall be removed from the public right-of-way within 300 feet of any property line of the facility at applicant's cost.

#### Solid Waste

32. Provide Monthly Reports of All Inbound and Outbound Materials: The applicant shall provide monthly reports, indicating all inbound tonnage delivered to and outbound materials removed from the site, whether for recycling or landfilling.
33. For all incoming loads, data shall include the date, truck number, truck weight (Gross Vehicle Weight (GVW) and tare), the net weight of each load, and the name of each location from which the loads were transported. Data for all outbound loads, whether for recycling or landfilling, shall include the date, material type, facility name, address, contact phone number, and email. Reports are required for each month when some portion or all of the facility is operating. Each monthly report is due by the 15<sup>th</sup> of the following month, or fines will be assessed for each day that the report is late.
34. Truck may only deliver materials during the facility's operating hours and trucks may not block access to other nearby businesses.
35. The applicant shall submit a Best Management Practices Plan so that the City can determine the extent to which operating standards are not met, both on per-incident and an on-going basis. The applicant shall include in its Plan its responsibility to advise the City of all inspections conducted by the Alameda County Environmental Health Department, the results of those inspections and its response plan. The applicant must continuously update the plan, including a list of facilities that deliver materials for processing to the facility, along with address, contact name, and phone number for each of those facilities.

#### Engineering

36. A Parcel Merger application shall be submitted concurrently with a Grading Permit application. The Certificate of Merger shall be finalized and recorded at the Alameda County Recorder's Office prior to the issuance of any building permit.
37. Improvement Plans shall be submitted to the City for review and approval prior to commencing any construction activities.
38. Provide a note on the Improvement Plan indicating that the inlet rims in the Bioretention Treatment Area (BTA) shall be 6" minimum above the flow line of the BTA. The design of the longitudinal flow line shall be level. If not feasible, check dams will be required.



39. Provide a note on the Improvement Plan indicating that the Bioretention Treatment Area shall use a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5" per hour.
40. All site surface runoff including runoff coming from the stock pile area of raw concrete and crushed concrete shall be treated through the Bioretention Treatment Area prior to discharge into the drainage system on Depot Road.
41. The owner/developer shall enter into a City's standard "Storm Treatment Measures Maintenance Agreement" (as prepared by the City of Hayward and is available in the Public Works Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
42. The owner/developer shall prepare an Industrial Storm Water Pollution Prevention Plan (SWPPP) in accordance with the appropriate Federal regulations and the State of California requirements for the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities (General Industrial Permit).
43. The project plan shall include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
44. Provide a Geotechnical Report with recommendations and if necessary mitigation measures for the proposed raw material mound including providing a permanent erosion control plan for the mound. A grading permit is required for the proposed mound.
45. Sidewalk, curb and gutter, landscaping and Standard L.E.D. street lights shall be installed along the Depot Road street frontage.

#### Water Pollution Source Control

46. The only acceptable sanitary sewer discharge shall be from normal potable water usage, such as bathroom wastewater, or employee breakroom wastewater. Any other use of water or generation of wastewater, inside or outside the building, requires the user to contact Water Pollution Source Control at (510) 881-7900 for approval and further information.
47. A Standard Industrial Waste Monitoring Structure (Dwg. No. SD-309 filed 6-15-93) is required to be installed at end of pipe if not existing. The monitoring facility shall normally be situated on the user's premise and not obstructed by landscaping, equipment or parked vehicles, or in the way of oncoming traffic.
48. All on-site storm drain inlets shall be cleaned at least once per year immediately prior to the rainy season. Additional cleaning may be required by the City.
49. All on-site storm drain inlets shall be clearly stenciled "No Dumping, Drains to Bay."



Utilities

50. The property shall be connected to the City's water system. Water services shall be installed by the City's Water Distribution personnel at the owner's expense.
51. Water meters and services shall be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218. Water meters shall not be located in setback areas or private driveways or roadways unless approved otherwise.
52. Recycled water shall be used for all concrete dust suppression and landscape irrigation purposes. Purple pipes and valve box markings shall be used to identify the recycled water lines and components. Signage shall be provided in prominent locations to inform the public and staff that recycled water is being used for dust suppression and landscape irrigation purposes.
53. At such time that recycled water is available from a City source, the applicant/developer shall make the necessary modifications to the system at the operator's own cost and accept the recycled water from a City provided source.
54. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each domestic and irrigation water meter, per City Standard Detail SD-202. Backflow Prevention Assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is bigger. Backflow devices installed on potable water services shall be lead free.
55. All fire services shall have a double check detector assembly installed per City Standard Detail SD-204. Minimum sizing shall be per Fire Department's requirements. New fire services must be installed by City Water Distribution Personnel at the owner's/applicant's expense.
56. The property shall be connected to the City's sewer system. Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet.
57. Sewer System Connection/Capacity to accommodate the volume and waste strength of wastewater to be discharged from the property must be purchased, at the rates in effect at the time of purchase, prior to discharge.

Fire Department

58. The applicant shall provide a portable fire extinguisher with a minimum 2A:10BC rating in an area acceptable to the Fire Department. The fire extinguisher shall be within 75 feet of the proposed equipment.

59. The applicant shall install a breakaway type of lock on the new gates. If a case hardened type of lock is used on the gate, a Fire Department lock box shall be installed, including a key, in a location approved by the Fire Department.
60. The fire access apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
61. Any portion of the building or facility shall be within 400 feet of a fire hydrant.
62. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet. The minimum fire apparatus access road with fire hydrant is 26 feet. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs and shall be surfaced so as to provide all-weather driving capability.
63. Underground fire service line shall be installed in accordance with NFPA-24.
64. New fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.

#### Landscaping

65. BAILARD BIEHL & KAISER HAYWARD, INC. shall be notified of and provided the opportunity for input on all landscape plans involving the street frontage area of the property, including the 12-foot barrier wall.
66. Prior to issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of the approved improvement plans and the building permit submittal. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes.
67. Backflow prevention assembly shall conform to the City Standard Detail SD-202.
68. Irrigation controller shall be weather based. A rain sensor or equal shall be provided.
69. New paving shall not encroach into the dripline of existing trees to be saved.
70. Public frontage shall include one (1) thirty-six-inch-box tree planted at every twenty (20) to forty (40) feet on center depending upon tree species. Tree specified shall not encourage the nesting of raptors.
71. Landscaping screening shall be provided from the public view from the intersection of Cabot Blvd and Depot Road. At minimum, a single row of fifteen gallon evergreen trees shall be provided at twenty feet on center or deemed appropriate along the eastern property line between the property line and the mound. If planting area is limited for tree planting due to the close proximity to storm drain lateral line, explore the option of locating the drain line at the bottom of

the mound and moving the turnaround on the east to create appropriate tree planting area. Tree specified shall not encourage the nesting of raptors.

72. Trees shall be planted a minimum of five feet from all underground utility lateral lines.
73. Three inches deep dark brown organic recycled chipped wood mulch shall be installed in all planting areas including bio-treatment area.
74. Every tree shall be provided with two tree bubblers.
75. An eighteen (18) inches minimum wide cobblestone band shall be provided around drain inlets or catch basins.
76. Twenty-four (24) inch minimum deep cobblestone shall be provided behind slotted curbs. Top of cobblestone shall be flush with bottom of curb.