

**APPROVED**

**MINUTES OF THE MEETING  
OF THE  
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA)**

**And  
THE ENERGY COUNCIL (EC)**

**Wednesday, March 22, 2017**

**3:00 P.M.**

**StopWaste Offices  
1537 Webster Street  
Oakland, CA 94612  
510-891-6500**

**I. CALL TO ORDER**

Mike Hannon, Vice President, WMA, called the meeting to order at 3.00 p.m. Vice President Hannon welcomed the attendees from the five Alameda County businesses and thanked them for their efforts to reduce waste in Alameda County.

**II. ROLL CALL**

**WMA & EC:**

County of Alameda	Keith Carson, WMA, EC
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Jesse Arreguin, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Don Biddle, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Fremont	Vinnie Bacon, WMA, EC
City of Hayward	Sara Lamnin, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Abel Guillen, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Kathy Narum, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC

**ABSENT:**

City of Union City	Lorin Ellis, WMA, EC
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**Staff Participating:**

Wendy Sommer, Executive Director  
Tom Padia, Deputy Executive Director  
Pat Cabrera, Administrative Services Director  
Debra Kaufman, Senior Program Manager  
Richard Taylor, Legal Counsel, Authority Board  
Arliss Dunn, Clerk of the Board

**Others Present:**

Shawn Tackitt, Waste Management, Inc.  
Peter Slote, City of Oakland  
Anjana Mepani, City of San Leandro  
Rebecca Jewell, Former Recycling Board Member and former staff for Waste Management, Inc.  
Antoinette Stein, City of Berkeley resident  
Wafaa Aborashed, Bay Area Health Communities and City of San Leandro resident  
Arthur Boone, NCRA  
StopWaste Business Awards Recipients and Attendees

**III. ANNOUNCEMENTS BY THE PRESIDENTS**

There were none.

**IV. CONSENT CALENDAR**

- 1. Approval of the Draft Minutes of February 22, 2017 (Wendy Sommer) Action**
- 2. Memorandum of Agreement Renewal with the Bay Area Air Quality Management District (Wendy Sommer) Action**  
The Programs and Administration Committee recommends that the WMA Board authorize the Executive Director to execute the renewal of the MOA with the BAAQMD.
- 3. Annual Audit for Fiscal Year 2015/16 (Todd High) Action**  
The Programs & Administration and the Planning & Organization Committees recommend that the WMA Board review, accept and file the FY 2015/16 audit report.  
Staff recommends that the Energy Council review, accept and file the FY 2015/16 audit report.
- 4. Minutes of the February 21, 2017 Technical Advisory Group (Karen Kho) Information**
- 5. Grants Issued Under Executive Director Signature Authority (Wendy Sommer) Information**

Board member Young made the motion to approve the Consent calendar. Board member Narum seconded and the motion carried 18-0.

(Ayes: Bacon, Biddle, Carling, Carson, Cox, Hannon, Guillen, Lamnin, Maass, Martinez, Narum, Oddie, Rood, Sadoff, Young. Nays: None. Abstain: None. Absent: Arreguin, Ellis).

**V. OPEN PUBLIC DISCUSSION**

There was none.

**VI. REGULAR CALENDAR**

- 1. Two-Year Service Credit Enabling Resolution (Pat Cabrera) Action**  
Staff recommends that the WMA Board approve the attached resolution which will allow the Authority to offer the two-year service credit to eligible employees in the Program Manager I, Program Manager II and Senior Program Manager classifications with the designated window period to begin May 1, 2017 and end September 30, 2017.

Pat Cabrera provided an overview of the staff report. A link to the report is available here:

[Two-Year-Service-Credit-Enabling-Memo-03-22-17.pdf](#)

Ms. Cabrera stated that the resolution will be amended to show that the WMA Vice President will sign the resolution as the presiding officer in the absence of the WMA President. Vice President Hannon asked that staff include a note in the budget for the next two to three years documenting the anticipated savings and expenses referencing this action. There was no public comment on this item.

**DRAFT**

Board member Biddle made the motion to approve the staff recommendation. Board member Narum seconded and the motion carried 18-0.

(Ayes: Bacon, Biddle, Carling, Carson, Cox, Hannon, Guillen, Lamnin, Maass, Martinez, Narum, Oddie, Rood, Sadoff, Young. Nays: None. Abstain: None. Absent: Arreguin, Ellis).

**2. Second Reading and Consideration of adoption for Ordinance 2017-02: Amendment to the Alameda County Integrated Waste Management Plan to Include the Davis Street Transfer Station Organics Facilities in the City of San Leandro (Debra Kaufman) Action**

It is recommended that the Waste Management Authority waive the requirement to read the full text of the Ordinance, read by title only, and adopt Ordinance 2017-02.

Vice President Hannon directed the Board to a letter from Greenfire Law, PC. The letter was received by staff via email and was addressed to the Waste Management Authority Board and was made available to board members at the start of the meeting. A copy of the letter will be attached to the minutes as a matter of record.

Debra Kaufman provided an overview of the staff report. A link to the report is available here: [Davis-Street-CoIWMP-Amendment-memo-03-22-17.pdf](#)

Ms. Sommer stated that staff received the letter from Greenfire Law, PC approximately two hours prior to the start of the Board meeting. Staff from Waste Management was present to provide a comparison of the proposed project and to assert that there has not been a significant change to the project. Also present was staff from the City of San Leandro Planning Department to provide comments regarding the proposed project. Vice President Hannon opened the public hearing. Anjana Mepani, Senior Planner for City of San Leandro stated that the Davis Street Organics Facility was approved by the City of San Leandro in 2011 through a site review process. The City conducted a thorough CEQA analysis and findings that included outreach to neighborhoods, property owners, businesses and agencies. Ms. Mepani stated there is confusion regarding the terminology regarding what the buildings are called in the CoIWMP and the site review plan. They are referring to the same building but using different terms. The Organics Materials Recovery Facility is the same as the Food Waste Recycling Facility. There was a conditional use permit granted in 1998 prior to the 2011 site plan review process. The site plan review process was for the approval of the construction of state of the art facility to recover and recycle materials from the waste stream from Alameda County cities to meet waste reduction goals. The proposed facility includes new buildings to recycle, compost and sort materials. The approval did not allow for increase in tonnage to be processed but rather processing to be enclosed in new buildings. The new buildings contained air handling equipment, bio-filters, and ventilation systems to treat dust, odors, and improve air quality. The CEQA analysis found that the project would not violate any existing or projected air quality standards and that there would be a reduction in truck traffic as a result in the decrease of volume of the food and green mixed waste organics due to composting operations. Notification through the site review process was within a 300 foot radius and included a variety of homeowners, associations, as well as a number of different agencies. There were also several meetings with the park district adjacent to the site. There was also a neighborhood forum that is held every year as part of the conditional use permit process that includes neighborhood associations that were included as a part of the process. The project was also presented to the Board of Zoning Adjustments at a public meeting as well as the City Council Housing and Business Development sub-committee at a public meeting. All of this took place during the 2010-2011 timeframe.

Antoinette Stein provided public comment. Ms. Stein stated that as the letter from Greenfire Law indicated that language is confusing and she considers it a clear violation of CEQA. She also disagrees that the proposed facility is state of the art because she disagrees with the process of using a machine to separate materials from a single waste bin. Additionally, she disagrees that the current project is as described in the CEQA document from 2010 which clearly pronounced that it should be between 240 and 350 tons per day. She stated that the current staff report indicates that they will be processing 1,000 tons per day which would create further

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impacts over two decades and does not address the necessary environmental mitigations. Ms. Stein stated that this facility would be the largest indoor composting facility in California and will be located in a “Care Community” (areas with multiple environmental impacts, e.g. airport, Transfer Station, etc.) as defined by the Bay Area Air Quality Management District, and creates significant public health issues. Ms. Stein urged the Board to not support this project at this time in order to provide further review and documentation regarding the environmental effects of the proposed changes to the project.

Arthur Boone provided public comment. Mr. Boone stated that the language was confusing with respect to the proposed project and considers it a violation of CEQA. Mr. Boone added that he thinks he has the facts to proceed with legal action if the Board approves the CoIWMP amendment. He also considers the idea of sorting garbage, running it on a conveyor belt and pulling out recyclables and organics contrary to the original purpose of Measure D. He further stated that the City of Oakland is unique in charging people in multi-unit buildings for garbage service based on the number of units in the building. He urged the Board to not support this project.

Peter Slote provided public comment. Mr. Slote stated that the construction and operation of the Davis Street OMRF is responsive to and required by the franchise agreement between the City of Oakland and Waste Management, Inc. The agreement requires Waste Management to process post source separated material prior to landfill placement. Oakland’s intention is to virtually eliminate organic material going into the landfill. All single-family and multi-family are provided with weekly organic, recycling and trash services and everyone has source separation services. The City has a two stream contract unlike a three stream contract in that it requires Waste Management to meet its diversion goals primarily by getting the organics out of the waste stream. Mr. Slote added in 2015, the Oakland City Council adopted a municipal code section that requires multi-family property owners to ensure source separation services for all residents. This project is a pre landfill disposal stabilization and elimination of organics going into the landfill. Mr. Slote stated that there is no conceivable way that the City of Oakland or Waste Management can meet its goals relying solely on mixed materials processing.

Rebecca Jewell provided public comment. Ms. Jewell stated that as a past employee of Waste Management she was present during the CEQA analysis for the current project. This is the second process and the public was aware of both processes and Waste Management and Davis Street Transfer station has a pristine record when working with the public and neighboring communities. Ms. Jewell stated that she attended the meetings during the process and would have been aware of public concerns regarding odors, dust, and traffic. Ms. Jewell stated that this project will assist in reaching diversion goals as public compliance with material separation is minimal.

Wafaa Aborashed provided public comment. Ms. Aborashed stated that some of the residents in District 6 in San Leandro are unaware of the project and those that are aware are not pleased with the proposed project. She stated concerns regarding increased truck traffic, odors and other pollutants. Ms. Aborashed urged the Board to not support the proposed project.

Shawn Tackitt, Waste Management, stated that he has not thoroughly reviewed the letter from Greenfire Law, Inc. since he first saw it at the start of the meeting, but can assure the Board that nothing that has been presented is inconsistent with the project in the Negative Declaration and the Master Plan. Mr. Tackitt added that Davis Street is currently permitted to receive 5,600 tons per day but they are actually receiving less. There will be no increase in truck traffic as the project proposes a decrease in truck traffic. Mr. Tackitt stated that there appears to be a misunderstanding and he met with Ms. Stein two times for over an hour and he has answered questions from Ms. Aborashed as well. Mr. Tackitt added the Negative Declaration allows for composting up to 1,000 tons per day and for processing up to 1,300 tons per day through the Organics Materials Recovery Facility. Some of the materials flows are subsets of the total tonnage to be delivered to the OMRF. The project is being done in phases. There is only one building being constructed by attaching other buildings to become one unit.

**DRAFT**

There were no other public speakers and Vice President Hannon closed the public hearing.

Board member Biddle made the motion to waive the requirement to read the full text of the Ordinance, read by title only, and adopt Ordinance 2017-02. Board member Rood seconded and the motion carried 19-0. (Ayes: Arreguin, Bacon, Biddle, Carling, Carson, Cox, -Guillen, Hannon, , Lamnin, Maass, Martinez, Narum, Oddie, Rood, Sadoff, Young. Nays: None. Abstain: None. Absent: Ellis).

Board member Oddie stated that this is the second reading of this item for the WMA Board and on February 9, 2017 the Recycling Board had a lengthy discussion about the item as well. The item has been thoroughly discussed and debated. Vice President Hannon added the City of San Leandro has held numerous public hearings and discussions on this item and the community has been provided ample opportunities to comment on the item.

**3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer) Action**

(The April 13, 2017 P&O and Recycling Board meeting is cancelled in lieu of a joint meeting of the WMA Board, Energy Council, and Recycling Board on April 26, 2017 at 3:00 p.m. at StopWaste offices, 1537 Webster St., Oakland, CA)

Ms. Sommer reminded the Board that the April 13, 2017 P&O and Recycling Board meeting is cancelled in lieu of a joint meeting of the WMA Board, Energy Council, and Recycling Board on April 26, 2017. The primary agenda item will be discussion of the FY 18/19 budget.

**VII. COMMUNICATION/MEMBER COMMENTS Information**

There were none.

**VIII. 2017 STOPWASTE BUSINESS EFFICIENCY AWARDS**

The Board recessed for a five minute break at 3:40 p.m. and immediately thereafter commenced the 2017 StopWaste Business Efficiency Awards.

**VIII. ADJOURNMENT**

The meeting was adjourned at 4:15 p.m.

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March 22, 2017

BY ELECTRONIC FILING

Alameda County  
Waste Management Authority Board  
StopWaste Offices  
1537 Webster Street  
Oakland, CA 94612

**Re: 2017 Ordinance 2017-02 adopting amendments to the Countywide Integrated Waste Management Plan and Finding Plan Conformance for the Davis Street Compost Facility, Davis Street Organics Materials Recovery Facility and Davis Street Anaerobic Digestion Facility at 2615 Davis Street, San Leandro, CA**

Dear Alameda County Waste Management Authority Board:

This letter is submitted on behalf of Toni Stein and Arthur Boone, who urge the Waste Management Authority vote against 2017 Ordinance 2017-02 (“2017 Ordinance”) and direct staff to provide further project detail and analysis prior to proceeding with the underlying waste management project. The 2017 Ordinance would amend the Countywide Integrated Waste Management Plan (“Waste Management Plan”). The amendments proposed in the 2017 Ordinance are not within the scope of the Initial Study and Negative Declaration prepared by the City of San Leandro nearly a decade ago in 2010 (“2010 Neg Dec”). Changes have been proposed which allow for significantly expanded environmental impacts, and the Waste Management Authority has a duty as a responsible agency to undertake further review and documentation regarding the effects of these activities pursuant to the California Environmental Quality Act (“CEQA”).

### **Your Obligations Under CEQA**

The fundamental purpose of CEQA is to “inform the public and its responsible officials of the environmental consequences of their decisions before they are made,” thereby protecting “not only the environment but also informed self-government.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564, quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.) The Waste Management Authority is a responsible agency for the Davis

Street Compost Facility Project.<sup>1</sup> A responsible agency considering a project for which a negative declaration has already been adopted must prepare supplemental CEQA documentation upon the following conditions:

(a) Substantial changes are proposed to the project that will require major revisions of the negative declaration due to new significant environmental effects,

(b) Substantial changes occur with respect to the circumstance under which the project is being undertaken that will require major revisions in the negative declaration due to new significant environmental effects, or

(c) New information, which was not known and could not have been known at the time the negative declaration was adopted, becomes available that will require major revisions of the negative declaration due to new significant environmental effects.

(Pub. Res. Code, § 21166 see also CEQA Guidelines, § 15162, subd. (a).) As will be discussed below, my clients believe that the 2017 Ordinance amounts to major revisions to the project that was studied in 2010, and that these revisions are very likely to have significant environmental effects.

If the 2017 Ordinance is adopted and subsequently challenged in court, because it is based upon a negative declaration:

a “major revision” to the initial negative declaration will ***necessarily*** be required if the proposed modification ***may*** produce a significant environmental effect ***that had not previously been studied***. (CEQA Guidelines, § 15162.) Indeed, if the project modification introduces previously unstudied and ***potentially*** significant environmental effects that cannot be avoided or mitigated through further revisions to the project plans, then the

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<sup>1</sup> Under CEQA, a “Responsible Agency” is responsible for considering the effects of those activities involved in a project that it is required by law to carry out or approve (CPRC § 21002.1(d)). This is in contrast to the role of the “Lead Agency,” which is responsible for considering the effects, both individual and collective, of all activities involved in a project. (*Id.*).

appropriate environmental document would no longer be a negative declaration at all, but an EIR

*(Friends of College of San Mateo Gardens v. San Mateo County Community College Dist. (2016) 1 Cal.5th 937, 958, emphasis added.)* The purpose behind the subsequent review provisions of Section 21166 is to ensure that changes to projects do not result in new unexamined and unmitigated environmental impacts that would have had to have been considered in the initial CEQA review where the time for challenging the sufficiency of the original environmental impact review has passed. *(Save Our Neighborhood v. Lishman (2006) 140 Cal. App. 4th 1288, 1296.)*

The decision before you today is whether the amendments proposed in the 2017 Ordinance are within the scope of activities addressed by the City of San Leandro's 2010 Neg Dec, and whether, since preparation and adoption of the 2010 Neg Dec, there have been changes to the project, the conditions at the project site, or any other changed circumstances, or new information that has become available that would result in any new significant impacts or a substantial increase in impacts considered in the 2010 Neg Dec. (03/22/2017 packet at 43). My clients have compiled information demonstrating that it is not possible to proceed lawfully without further review. Accordingly, they urge you to reject the proposed 2017 Ordinance and direct staff to prepare further and more clear evaluation of the project for your consideration.

Ms. Stein and Mr. Boone are specifically concerned about the following changes:

- The potentially significant increase in volume of on-site composting as compared to that considered in the 2010 Neg Dec;
- The departure from the three-step composting process described in the 2010 Neg Dec and addition of an alternative digestion process that was not considered in the 2010 Neg Dec; and
- The separation of the Food Waste / Organics / Green Waste Compost Facility described in the 2010 Neg Dec into two separate facilities, the Organic Materials Composting Facility and the Organics Digester Facility.

### **Amendment Allows Significant Changes to the Volume of On-Site Composting**

There is an inconsistency between the 2010 Neg Dec and the Waste Management Plan amendment text regarding the volume of composting to be carried out on site. The 2010 Neg Dec states that between 250 and 350 tons per day ("TPD") of food and green waste will be composted on site, and the rest of the material will be shipped for composting off site. (2010 Neg Dec at 6). The Waste Management Plan amendment text states that the combined daily peak capacity of composting and digester facilities on site will be nearly three times the maximum studied in the 2010 Neg Dec--1,000 TPD--with no indication how many TPD will be actually

composted on site. (03/22/2017 packet at 31). This increased capacity far exceeds the volume evaluated by the 2010 Neg Dec, requiring further review and potentially mitigation prior to approval.

**Table 1: Comparison of Consideration of Capacity**

	<b>2010 Neg Dec</b>	<b>2017 Waste Management Plan Amendment Text</b>
Capacity	The Food Waste / Organics / Green Waste Compost Facility will process approximately 1,000 TPD of food and green wastes along with other mixed organics being processed. <u>Between 250 and 350 TPD will be composted on site,</u> and the rest of the material will be shipped for composting off site. (2010 Neg Dec at 6).	<u>Combined daily peak capacity of Composting &amp; Digester facilities will be 1,000 TPD,</u> with estimated maximum annual throughput of 205,000 TPY. The majority of organic feedstock going into the Composting and Digester facilities will be from the OMRP; however as space allows this may also be augmented by other source separated food and green waste materials which are currently transferred to other composting facilities. These facilities are in the processes of obtaining all operational permits and construction is planned to begin summer of 2017, with operations beginning in late 2018. (03/22/17 packet at 31).

**Amendments Allow Significant Changes to the Composting Process**

The 2010 Neg Dec considered the impacts of a three-step composting process:

1. In step one, the food and green waste mixture is sealed in an air-tight tunnel for anaerobic digestion for a period of 21 – 28 days, after which methane gas is collected.
2. In step two, the food waste is placed in a secondary tunnel for aerobic digestion for a period of 14-21 days.
3. In step three, the material is screened and separated and either sold on site, used as bio-filter media or to aid composting, or taken off site for aging and curing.

(2010 Neg Dec at 6-7).

The digestion process described in the Waste Management Plan amendment text departs significantly from this three-step process. The text describes an anaerobic processing stage followed by methane collection, but proposes an additional processing option not considered in the 2010 Neg Dec. This option provides that “the organic fraction of the waste will be washed

through a hydro pulping process to produce four streams: 1) organic slurry for the anaerobic digestion process; 2) plastic film / rigid plastics waste; 3) grit waste; and 4) heavy fraction waste.” (03/22/2017 packet at 31). There is no indication that the environmental effects of this alternative processing have been evaluated, including retention of greenhouse gases and treatment of toxic waste products.

Further, the Waste Management Plan amendment text makes no mention of storing percolate liquid and methane byproduct in storage tanks, as described in the 2010 Neg Dec, nor does it address the amount of usable power to be produced by the anaerobic digestion process. The anaerobic digestion stage of the three-step process described in the 2010 Neg Dec was expected to generate between 2,500 and 4,000 mega-watts of useable power. (2010 Neg Dec at 6). Without this information, it is difficult to ascertain whether the process described in the Waste Management Plan amendment text is within the scope of the activities contemplated by the 2010 Neg Dec.

**Table 2: side-by-side comparison of the digestion process described in each of the texts**

	<b>2010 Neg Dec</b>	<b>2017 Waste Management Plan Amendment Text</b>
Process – Digester Facility	<p><b>Stage 1 Anaerobic Digestion</b> – The food and green waste mixture will be loaded into a tunnel unit. Once the tunnel is full, it is closed airtight to begin the anaerobic digestion process of the food waste/green waste/ organic mixture. This process will accelerate the production of compost, eliminate the pathogens, and reduce the volume of material. The anaerobic decomposition process will be collected and blended with landfill gas (methane) currently being treated by Oyster Bay Landfill Gas facility to provide a renewable energy source. Estimated to take 21 – 28 days to complete depending on the makeup of food waste/green waste / organic material.</p> <p><b>Stage 2 Aerobic Digestion</b> – Once stage one is complete and the methane gas is removed, the material is moved by a front-loader and placed into a secondary tunnel. Once full, the tunnel is closed and the aerobic compost process continues. This secondary process is estimated to</p>	<p>The Digester Facility will be an anaerobic process. The facility will allow for collection of biomethane from digestion process, and is designed to process the organic fraction of the waste over an 18 to 21 day period, and/or the organic fraction of the waste will be washed through a hydro pulping process to produce four streams: (1) organic slurry for the anaerobic digestion process; (2) plastic film / rigid plastics waste; (3) grit waste; and (4) heavy fraction waste. Plastic waste will be dried to remove water weight and combined with grit/heavy waste for disposal at Altamont landfill. Organic</p>

	<p>take 14-21 days to complete depending on the makeup of the material.</p> <p><b>Stage 3 Screening / Aging / Curing</b> – After the compost material has been processed through stage 2 it will be taken to the on-site compost processing building. The material is screened to separate fines, medium grade and material greater than one-inch. Materials that are ready for market will be placed into bunkers for aging and sold on site. Some material will be recycled to be used as bio-filter media and/or material in the compost process. The remaining compost material will be loaded into trailers and taken off-site to complete the curing/aging process.</p> <p>(2010 Neg Dec at 6-7).</p>	<p>Slurry will be dewatered to create a solids feedstock for digesters and a liquid feedstock for high rate up-flow digestion. Digestate produced from digesters will be dewatered to generate approximately 25% solids material to be used by either WMAC as a feedstock for compost or as a base for other value added products. The digestate, if used as a compost feedstock, will be loaded into transfer trucks for delivery to an off-site composting facility for further processing. The gas will be either utilized for on-site production of renewable energy to power the Davis St. operations or utilized as a vehicle-grade renewable gas to power WMAC’s waste-hauling fleet.</p> <p>(03/22/17 packet at 31).</p>
<p>Energy Production</p>	<p>It is estimated that [the anaerobic decomposition process] will generate between 2500 mega-watts and 4000 mega-watts of usable power.</p> <p>(2010 Neg Dec at 6).</p>	<p>No quantification of energy production.</p>
<p>Methane Tanks</p>	<p>In addition to compost/soil amendment there are two other byproducts. Percolate liquid and methane gas. Methane gas will be stored in tanks and then used as a renewable energy source. It is estimated that up to four tanks will be needed to provide the capacity and the required redundancy to support the compost process. These tanks could range from 20 to 35 feet in height and 25 feet to 50 feet in diameter. As shown on the</p>	<p>No mention of tanks for percolate liquid or methane gas.</p>

	<p>master site plan, these tanks are expected to be located on the west side of the Compost Facility. (2010 Neg Dec at 7.)</p> <p>Maps from 2010 also show methane tanks (2010 initial study checklist).</p>	
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**Amendments Allow Division of Food Waste / Organics / Green Waste Compost Facility and Do Not Address Pollution and Odor Control and Monitoring**

The 2010 Neg Dec includes a singular Food Waste / Organics / Green Waste Compost Facility which houses the three composting phases under one roof and in close proximity to one another, while under the Waste Management Plan amendment text there are two separate facilities, the Organic Materials Composting Facility and the Organics Digester Facility. The Waste Management Plan amendment text identifies a location for the Composting Facility, and specifies that it will be an enclosed facility operated under a negative air system with the exhaust vented through a biofilter. However, the proposal contains no specificity as to where the Digester Facility is to be located and built on the site, nor is there any mention of an air pollution control device, despite it being described as a separate fully enclosed facility.

The proposed changes are significant not only for purposes of CEQA compliance but also to comply with your obligation to ensure, as a facility regulated by CalRecycle, that Odor Impact Minimization Plans are in place as well as procedures that establish fence line odor detection thresholds. The 2017 Ordinance does not address these issues.

Thus, although the total square footage of these two separate facilities in the Waste Management Plan amendment text have the same area (approx. 200,000 sq. ft. total) there may be additional un-analyzed impacts regarding the individual facilities and their actual location with respect to air pollutant emissions from the air pollution control devices and transportation related impacts. Also, the separation of the facilities underscores the fact that there have been notable revisions to the plan since the negative declaration issued seven years ago and that the changes proposed are not readily discernable by the public—a key objective of CEQA.

**Conclusion: Substantial Changes Are Proposed Which Obligate Further Review and Documentation**

The proposals in the Waste Management Plan amendment text contained in 2017 Ordinance 2017-02, specifically the potential changes to the volume of on-site composting, the proposed changes to the digestion process, and the construction of separate facilities, exceed or potentially exceed the scope of activities addressed by the City of San Leandro’s 2010 Neg Dec.

The effects of these changes have not been adequately disclosed and evaluated. Further, they may result in potentially significant air quality impacts requiring additional mitigations and notification to the public, including the sensitive population of the Garfield school that is located 0.7 miles southeast of the Project site. As such, we urge that the Waste Management Authority not pass 2017 Ordinance 2017-02, and request that the Waste Management Authority, as a responsible agency under CEQA, provide further review and documentation regarding the environmental effects of these proposed changes.

Sincerely,

A handwritten signature in cursive script that reads "Rachel S. Doughty". The signature is written in black ink and is positioned above the printed name.

Rachel Doughty, Esq.