WMA Board & Energy Council

Bob Carling, WMA President City of Livermore, WMA, EC Francisco Zermeño, WMA 1st Vice President City of Hayward, WMA, EC Tracy Jensen, WMA 2nd Vice President City of Alameda. WMA. EC David Haubert, EC President County of Alameda, WMA, EC Michael Hannon, EC 1st Vice President City of Newark, WMA, EC David Mourra, EC 2nd Vice President City of Emervville, WMA, EC Jennifer Hansen-Romero, City of Albany, WMA, EC Susan Wengraf, City of Berkeley, WMA, EC Dave Sadoff, Castro Valley Sanitary District, WMA Melissa Hernandez, City of Dublin, WMA, EC Yang Shao, City of Fremont, WMA, EC Dan Kalb, City of Oakland, WMA, EC Shelia Young, Oro Loma Sanitary District, WMA Jen Cavenaugh, City of Piedmont, WMA, EC Jack Balch, City of Pleasanton, WMA, EC Fred Simon, City of San Leandro, WMA, EC Jeff Wang, City of Union City, WMA, EC

AGENDA

MEETING OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA) BOARD AND THE ENERGY COUNCIL (EC)

Wednesday, October 25, 2023 3:00 P.M.

IN-PERSON MEETING LOCATION STOPWASTE BOARD ROOM 1537 WEBSTER STREET, OAKLAND, CA

Timothy Burroughs, Executive Director

This meeting will be conducted in a hybrid model with both in-person attendance and Teleconference participation:

Teleconference location #1:	3300 Capitol Ave. Building A, Fremont, CA
Teleconference location #2:	200 Old Bernal, City Council Conf. Rm. Pleasanton, CA
Teleconference location #3:	118 Glashaus Loop, Emeryville, CA
Teleconference location #4:	Scott Haggerty Heritage House, 4501 Pleasanton Ave, Pleasanton, CA
Teleconference location #5:	1404 LeRoy Ave., Berkeley, CA
Teleconference location #6:	David W. Smith City Hall, 37101 Newark Blvd., Conf. Rm #5, Newark, CA
Teleconference location #7:	Heron Bay Regatta Park, 2296 Regatta Way, San Leandro, CA

Members of the public may attend in person at the Board Room or the addresses listed above or by:

- 1. Calling US+1 669 900 6833 and using the Webinar ID 816 2514 6521
- 2. Using the Zoom website or App and entering meeting code 816 2514 6521

During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. The process will be described on the StopWaste website at http://www.stopwaste.org/virtual-meetings no later than noon, Wednesday, October 25, 2023. The public may also comment by sending an e-mail to publiccomment@stopwaste.org. Written public comment will be accepted until 3:00 p.m. on the day prior to the scheduled meeting. Copies of all written comments submitted by the deadline above will be provided to each Board Member and will be added to the official record. Comments will not be read into the record.

In accordance with the Americans with Disabilities Act, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.

<u>AGENDA</u>

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENTS - (*Members are asked to please advise the board or the council if you might need to leave before action items are completed.*)

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the board or council, but not listed on the agenda. Total time limit of 30 minutes with each speaker limited to three minutes unless a shorter period of time is set by the President.

V. CONSENT CALENDAR - The Consent Calendar contains routine items of business. Items in this section will be acted on in one motion for both the WMA and EC, unless removed by a member of either Board. Members of the WMA who are not members of the EC will vote as part of the Consent Calendar vote, but their votes will not be considered in connection with any EC items. Any member of the public may speak on an item on the Consent Calendar at this time. Public Speakers are limited to three (3) minutes.

Page

1 1. Approval of the Draft WMA & EC Minutes of September 27, 2023

- 5 2. Grants Issued Under Executive Director Signature Authority WMA 2023-04
- BayREN Contract for 2024-2027 and Business Plan Update (Emily Alvarez) (EC only)
 Adopt the attached Resolution authorizing the Executive Director to enter into a four-year contract with ABAG, starting January 1, 2024, for BayREN services and other related actions and to approve budget amendments up to 2% (approximately \$768,000) of the contract total where the scope of work remains unchanged.

194. Acceptance of U.S. Department of Energy Buildings Upgrade Prize for Multifamily Building
Electrification (Ben Cooper) (EC only)

Adopt the attached Resolution authorizing the Executive Director to accept a \$200,000 Buildings Upgrade Prize for the development of a multifamily energy efficiency and electrification implementation plan and other related actions.

VI. REGULAR CALENDAR

25 1. Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Jess Ranch Composting Facility located at 15850 Jess Ranch Road in Unincorporated Alameda County (Emily Alvarez)

Staff, the Recycling Board (as the LTF), and the Planning Committee of the WMA recommend to the WMA Board that it hold a public hearing and adopt a resolution to:

- Amend the ColWMP to include the Jess Ranch Composting Facility in Unincorporated Alameda County and make additional changes as needed for consistency (Exhibit 1);
- (2) Find that the Jess Ranch Composting Facility conforms to the CoIWMP as amended (Exhibit 2); and
- (3) Make the findings required by CEQA, including adoption of a Statement of Overriding Considerations.

141 2. Household Hazardous Waste (HHW) Program and Fee Analysis (Pat Cabrera)

That the WMA Board direct staff to conduct the Household Hazardous Waste Fee financial analysis based on current program design to determine if there is a need to adjust the fee beginning in FY 2025.

3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn)

(Joint meeting of the Waste Management Authority Board, The Energy Council, and the Planning Committee & Recycling Board, Wednesday, November 15, 2023 at 3:00 p.m. The meeting will be held at StopWaste, 1537 Webster Street, Oakland, CA)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT – TO JOINT WMA, EC, AND PC & RB MEETING NOVEMBER 15, 2023 at 3:00 P.M.

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DRAFT

MINUTES OF THE MEETING OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD (WMA) AND ENERGY COUNCIL (EC)

Wednesday, September 27, 2023 3:00 P.M.

IN PERSON MEETING LOCATION: STOPWASTE BOARD ROOM 1537 WEBSTER STREET, OAKLAND, CA

I. CALL TO ORDER

President Carling called the meeting to order at 3:00 p.m. Timothy Burroughs explained the process that would be utilized during the meeting. A link to the process is available here: <u>Virtual-Meetings-</u><u>Instructions.</u>

II. ROLL CALL OF ATTENDANCE

WMA & EC

City of Alameda City of Albany City of Berkeley Castro Valley Sanitary District City of Emeryville City of Fremont City of Hayward City of Hayward City of Livermore City of Newark City of Oakland Oro Loma Sanitary District City of Piedmont City of Pleasanton City of San Leandro City of Union City

Absent

County of Alameda City of Dublin

Staff Participating

Timothy Burroughs, Executive Director Pat Cabrera, Administrative Services Director Alma Freeman, Communications Manager Justin Lehrer, Operations Manager Cassie Bartholomew, Senior Program Manager Hugo Gregoire, Program Services Specialist Emily Alvarez, Program Manager Arliss Dunn, Clerk of the Board Adrienne Ramirez, Assistant Clerk of the Board Richard Taylor, WMA Legal Counsel

Tracy Jensen, WMA, EC Jennifer Hansen-Romero, WMA, EC Susan Wengraf, WMA, EC Dave Sadoff, WMA David Mourra, WMA, EC Yang Shao, WMA, EC Francisco Zermeño, WMA, EC Bob Carling, WMA, EC Bob Carling, WMA, EC (WMA President) Luis Freitas, WMA, EC (alternate) Dan Kalb, WMA, EC Shelia Young, WMA Jen Cavenaugh, WMA, EC Jack Balch, WMA, EC Fred Simon, WMA, EC

David Haubert, WMA, EC, (EC President) Melissa Hernandez, WMA, EC

DRAFT

III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There were no public comments.

V. CONSENT CALENDAR

- 1. Approval of the Draft WMA & EC Minutes of July 26, 2023
- Authorization for the Final Disposition of Certain Records (Arliss Dunn)
 Adopt resolution 2023-08 authorizing staff to purge the attached list of agency records that
 have exceeded the minimum retention schedule.
- LAIF Resolution Update List of Authorized Signers (Timothy Burroughs & Jennifer Luong) Staff recommends that the WMA Board approve the attached resolution updating the current authorized signers.

There were no public comments for the Consent Calendar. Board member Sadoff inquired if two signatures are required for the LAIF Resolution. Staff confirmed that two signatures are required. Board member Sadoff moved approval of the Consent Calendar and Board member Zermeño seconded.

The Clerk called the roll: WMA Vote: 16-0 and EC Vote: 16-0.

(Ayes: Balch, Carling, Cavenaugh, Freitas, Jensen, Kalb, Mourra, Sadoff, Shao, Simon, Wang, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Hansen-Romero, Haubert, Hernandez)

VI. REGULAR CALENDAR

1. Alameda County Food Recovery Network Update (Cassie Bartholomew & Hugo Gregoire)

This item is for information only.

Timothy Burroughs introduced the item. Cassie Bartholomew and Hugo Gregoire provided an overview of the network and examples of how the network supports the vital work that food recovery partners are leading in the county to address food insecurity and reduce food waste. A link to the staff report and the presentation is available here: <u>ACFRN-Update-Presentation.pdf</u>. Additional time was provided to the Board for discussion and for clarifying questions. An audio link to the discussion is available here: <u>ACFRN-Update-Discussion</u>

Mr. Burroughs announced that the monthly topic brief highlights the confusion over labeling on food products and proposed legislation that could help bring greater consistency and clarity. A link to the topic brief is available <u>here</u>. There were no public comments on this item. President Carling thanked staff for a very informative presentation.

2. WMA Board Rules of Procedure for Teleconferencing (Timothy Burroughs)

Staff recommends that the Board evaluate the amendments to the Rules of Procedure adopted on January 25, 2023.

Timothy Burroughs provided an overview of the staff report. A link to the report is available here: <u>WMA-Rules-of-Procedure-Memo.pdf</u>. Additional time was provided to the Board for discussion and for clarifying questions. An audio link to the discussion is available here: <u>WMA-Rules-of-Procedure-Discussion</u>.

Board members were pleased with the current makeup of the rules and recommended no changes. There were no public comments.

3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn) (WMA only)

(The Planning Committee & Recycling Board meeting on Thursday, October 12, 2023 at 4:00 p.m., StopWaste, 1537 Webster Street, Oakland, CA)

DRAFT

There were no requests for an interim appointment.

Energy Council 2nd Vice President Mourra chaired the item.

4. BayREN Contract for 2024-2027 and Business Plan Update (Emily Alvarez) (EC only)

Adopt the attached Resolution authorizing the Executive Director to enter into a four-year contract starting January 1, 2024, with ABAG for BayREN services and other related actions.

Timothy Burroughs introduced the item and informed the Board that the BayREN contract must first be approved by ABAG before the Energy Council can act on the item. ABAG was unable to meet to consider the contract. The staff recommendation was modified, and the item was presented for information and discussion. The item will be placed on the consent calendar at a subsequent meeting and the Board can take action at that time. Emily Alvarez provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: <u>BayREN-Contract-memo.pdf</u>. Additional time was provided to the Board for discussion and for clarifying questions. An audio link to the discussion is available here: <u>BayREN-Contract-Discussion</u>.

There were no public comments. EC 2nd Vice President Mourra thanked staff for the presentation.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Mr. Burroughs reminded the Board that on October 5, 10-11:30 am, StopWaste will co-host a webinar on SB 54 with the League of CA Cities and others. Mr. Burroughs encouraged the Board to distribute the information within their networks.

VIII. ADJOURNMENT – TO OCTOBER 25, 2023 AT 3:00 P.M.

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Date:	October 25, 2023
то:	Waste Management Authority (WMA) Board
FROM:	Timothy Burroughs, Executive Director
SUBJECT:	Grants Issued Under Executive Director Signature Authority - WMA 2023-04

SUMMARY

The purchasing and grant policies were amended to simplify paperwork and Board agendas by giving the Executive Director authority to sign contracts and grant agreements less than \$100,000. A condition of the grant policy is that staff informs the Board of recently issued grants.

PROJECT NAME	GRANT AGENCY	PROJECT TYPE/DESCRIPTION	GRANT AMOUNT	BOARD
UC Berkeley Climate Action Tool	UC Berkeley's Renewable and Appropriate Energy Laboratory (RAEL)	We will convene and lead an advisory committee of experienced local government sustainability staff to make recommendations on GHG analysis methods and equity metrics to include in the platform.	\$90,400	WMA
Additional TA Oakland	City of Oakland	1383/ORRO Technical Assistance Cascadia Contract – Beverage Container TA	\$60,000	WMA

Grants: July – September 2023

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DATE:	October 25, 2023
то:	Energy Council
FROM:	Emily Alvarez, Program Manager
SUBJECT:	BayREN Contract for 2024-2027 and Business Plan Update

SUMMARY

Since 2013, StopWaste has represented Alameda County jurisdictions in the Bay Area Regional Energy Network (BayREN) partnership, serving as the lead agency for implementing two of BayREN's programs and also supporting outreach for all BayREN programs locally. The current California Public Utilities Commission (CPUC) Business Plan approving BayREN's programs and associated budget concludes at the end of 2023. A new Business Plan covering program years 2024-2031, and establishing an initial budget to cover years 2024-2027, was approved by the CPUC on June 29, 2023 (Decision 23-06-055). To continue providing BayREN programs in Alameda County, staff requests that the Energy Council authorize the Executive Director to enter into a new contract with the Association of Bay Area Governments (ABAG) to accept up to \$38,410,603 over four calendar years. The Energy Council Board received a presentation on this item at the September 27, 2023 meeting.

BACKGROUND

In 2012 the CPUC invited local governments to coordinate regionally to form "Regional Energy Networks" and submit proposals to implement energy efficiency programs. This solicitation opened a direct channel for local governments to design and offer energy programs independently of the Investor Owner Utilities. On December 5, 2019, the CPUC issued a Decision regarding the long-term status of Regional Energy Networks (RENs), removing them from pilot status and recognizing the value of RENs in helping to achieve the state's energy goals. The CPUC's decision clarifies the role of RENs and ensures ongoing support for BayREN's programs.

BayREN's current 10-year Business Plan included six programs: Single-Family, Green Labeling, Multifamily, Business, Water Upgrades \$ave, and Codes & Standards. BayREN programs must meet specific criteria, including serving hard-to-reach sectors and piloting activities that have the potential to scale while not duplicating activities of PG&E and Community Choice Aggregators that are funded with energy efficiency ratepayer dollars. Unlike other Program Administrators (PAs), RENs are not held to a specific cost-effectiveness threshold.

All PAs of CPUC energy efficiency ratepayer funds were required to file new 8-year Business Plans (divided into two 4-year budget cycles) in 2022. The Business Plans of all PAs were approved by CPUC

Decision 23-06-055 on June 29, 2023. BayREN's Business Plan budget for the first 4-year cycle covering calendar years 2024-2027 was approved up to \$157,085,114 to continue the six current programs, as well as launch four new programs: two new public sector programs, a commercial sector program focused on low-Global Warming Potential refrigerants, and a Workforce, Education & Training (WE&T) program.

DISCUSSION

The BayREN Coordinating Circle (CC), comprised of ABAG and nine public agencies representing the Bay Area counties, elected Energy Council staff into leadership roles for the Multifamily and Green Labeling programs. Energy Council staff is also responsible for the local implementation, marketing, and outreach for the other eight BayREN programs. The BayREN CC approved the 2024-2027 budget allocations listed in Attachment A on September 15, 2023, and on October 13, 2023 the ABAG Administrative Committee authorized its Executive Director (ED) to negotiate and enter into a contract with Energy Council for 2024-2027 BayREN services.

The BayREN Business Plan approved up to \$157,085,114 in budget for calendar years 2024-2027, of which \$38,410,603 would be subcontracted to Alameda County. Also new in the Business Plan is the introduction of a rolling portfolio budget. Previously, unspent funds at the end of the calendar year could only be used if requested by a specific process requiring approval or be rendered inaccessible. To provide flexibility, any unspent funds in a specific calendar year from 2024-2027 will be rolled over into the next year's budget. This is the reason for entering into a four-year contract with ABAG. However, to prevent the accumulation of unspent funds or to allocate more funding, as needed, there will be a true-up after the first two contract years.

Staff is recommending that in addition to authorizing the ED to enter into the contract, that the ED also be given the authority to approve budget amendments up to 2% (approximately \$768,000) of the contract total where the scope of work remains unchanged. This accommodates for potential fund shifts between ABAG and StopWaste to address fluctuations in demand among different BayREN incentive programs and is more proportional to the 4-year budget total than the current \$100,000 ED signing authority limit. The 2-year true up contract and any amendments that alter the scope of work would still be brought to the Energy Council for approval.

A brief description of each of the programs and Energy Council's accountabilities is listed in Attachment B. The largest portion of the budget is \$30,823,044 for the BayREN Multifamily program, which includes technical assistance and rebates for property owners throughout the entire 9-county region. BayREN's Green Labeling program, led by Energy Council staff, offers the Department of Energy's Home Energy Score in the Bay Area and provides professional education to real estate professionals. Under the new Business Plan, the CPUC approved Home Energy Score to become the first non-Investor-Owned Utility (IOU) program to run statewide. Home Energy Score California is expected to launch in 2026 and, like all statewide programs, will transition its implementation to a third party. This is a successful example of Energy Council piloting an innovative idea, beginning with the City of Berkeley's 2015 Building Emissions Savings Ordinance (BESO) that requires a Home Energy Score at the time of listing of a single-family home, then scaling to a voluntary regional program in the Bay Area, and eventually demonstrating the tool's viability and demand statewide. The Energy Council Technical Advisory Group (TAG), made up of member agency staff, receives quarterly updates on the implementation of BayREN programs, provides input on priorities for regional programs and services, and assists staff in targeting local outreach activities throughout the County.

Due to an external technicality, the Energy Council Board was unable to vote on this item at the September 27, 2023 meeting. Staff is bringing this item back to the Board to request approval of the staff recommendation below.

RECOMMENDATION

Adopt the attached Resolution authorizing the Executive Director to enter into a four-year contract with ABAG, starting January 1, 2024, for BayREN services and other related actions and to approve budget amendments up to 2% (approximately \$768,000) of the contract total where the scope of work remains unchanged.

Attachment A: Budget Allocation for 2024-2027 Attachment B: Summary of Energy Council Scope of Work

ENERGY COUNCIL RESOLUTION #EC 2023 –06

MOVED: SECONDED:

AT THE MEETING HELD OCTOBER 25, 2023

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A 2024-2027 CONTRACT FOR BAY AREA REGIONAL ENERGY NETWORK (BayREN) SERVICES AND OTHER RELATED ACTIONS

WHEREAS, the Energy Council recognizes that it is in the interest of local, regional, state, and federal agencies to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency; and

WHEREAS, the Energy Council was formed to seek funding to develop and implement programs and policies that reduce energy demand, increase energy efficiency, advance the use of clean, efficient and renewable resources, and help create climate resilient communities; and

WHEREAS, on December 5, 2019 the California Public Utilities Commission (CPUC) recognized the unique role of Regional Energy Networks in filling gaps in the Investor-Owned Utility programs and helping the state to achieves its Long Term Energy Efficiency Strategic Plan; and

WHEREAS, in its Decision 17-01-013, the CPUC approved a ten-year Business Plan for the Bay Area Regional Energy Network (BayREN) including an annualized budget of \$22,739,000 that concludes at the end of calendar year 2023; and

WHEREAS, in its Decision 23-06-055, the CPUC approved an eight-year Business Plan for BayREN including a four-year rolling portfolio budget of \$157,085,114 covering calendar years 2024-2027; and

WHEREAS, the Energy Council partners with the Association of Bay Area Governments (ABAG) and eight other county representatives to implement BayREN; and

WHEREAS, with ongoing input from the Energy Council Technical Advisory Group (TAG), the Energy Council represents Alameda County jurisdictions within BayREN; and

WHEREAS, the Energy Council has been designated as the lead regional implementer for the Multifamily and Green Labeling programs, and to conduct local outreach for other programs, and

WHEREAS, the ABAG Administrative Committee authorized a scope of work for Energy Council with a budget not to exceed \$38,410,603 for services related to BayREN as described in Attachments A and B;

NOW THEREFORE, BE IT RESOLVED, that the Energy Council hereby authorizes the Executive Director to:

- 1. Enter into all necessary agreements with ABAG in order to accept funds for the BayREN program in the amount of \$38,410,603 and make any necessary conforming changes to the Energy Council's FY 2023/24 budget for Project 1347: BayREN.
- 2. Approve any required time extensions, modifications, or amendments to budget allocations between subprograms and budget categories in the BayREN agreements that would not

increase the contracted amount by more than 2% where there is no change in the type of work to be performed.

3. Allocate the necessary resources to implement and carry out the scope of work.

BE IT FURTHER RESOLVED that the Executive Director as the Board President's designee, is hereby authorized to execute on behalf of the Energy Council all contract-related documents, including, but not limited to, applications, payment requests, agreements (including the hiring of temporary staff), and amendments necessary to secure contract funds and to implement the approved contract projects;

ADOPTED this 25th day of October 2023, by the following votes:

AYES: NOES: ABSENT: ABSTAINED:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution #EC 2023 – 06

TIMOTHY BURROUGHS Executive Director

Attachment A Budget Allocation for 2024-2027

Subprogram	Budget Category	2024	2025	2026	2027
Residential Sector					
Single Family	Administration	1,420	1,459	1,499	1,538
	Implementation	73,982	75,001	76,021	77,040
	Marketing	153,666	157,676	161,686	165,696
	Total:	229,068	234,136	239,206	244,274
	Administration	120	123	127	131
	Implementation	698,250	719,048	740,469	766,502
Green Labeling	Marketing	96,483	89,786	91,280	93,259
	Incentives	600,000	650,000	650,000	650,000
	Total:	1,394,853	1,458,957	1,481,876	1,509,892
	Administration	2,639	2,718	2,797	2,877
	Implementation	2,325,000	2,338,050	2,351,492	2,365,336
Multifamily	Marketing	350,000	355,250	360,658	366,227
	Incentives	5,000,000	5,000,000	5,000,000	5,000,000
	Total:	7,677,639	7,696,018	7,714,947	7,734,440
Commercial Sector					
	Administration	422	435	448	460
Dusinoss	Implementation	0	0	0	0
Business	Marketing	12,000	12,360	12,720	13,080
	Total:	12,422	12,795	13,168	13,540
	Administration	0	0	0	0
Refrigerant	Implementation	0	0	0	0
Management	Marketing	10,000	10,300	10,600	10,900
	Total:	10,000	10,300	10,600	10,900
Public Sector					
	Administration	211	218	134	138
Integrated Energy	Implementation	1,176	1,212	749	769
Services	Marketing	6,666	6,865	4,240	4,360
	Total:	8,053	8,295	5,123	5,267
	Administration	211	218	201	207
Targeted	Implementation	1,372	1,413	1,309	1,347
Services	Marketing	7,777	8,010	7,419	7,628
Services	Total:	9,360	9,641	8,929	9,182
Cross-Cutting					
	Administration	106	109	112	115
Water Upgrades	Implementation	5,000	5,000	5,000	5,000
\$ave	Marketing	0	0	0	0
	Total:	5,106	5,109	5,112	5,115
	Administration	211	218	224	230

Subprogram	Budget Category	2024	2025	2026	2027
Codes & Standards	Implementation	57,747	61,124	62,759	66,450
	Marketing	0	0	0	0
	Total:	57,958	61,342	62,983	66,680
Climate Careers	Administration	53	54	56	58
	Implementation	0	0	0	0
	Marketing	40,061	41,263	42,465	43,666
	Total:	40,114	41,317	42,521	43,724
Portfolio Administration	Total:	48,527	49,958	50,378	51,781
	Contract Total:	\$9,493,099	\$9,587,867	\$9,634,843	\$9,694,794

Attachment B Summary of Energy Council Scope of Work

Single Family – Local Outreach

The Single Family program currently targets moderate income households and offers flexible incentives to homeowners for conducting upgrades over time. It continues to offer the Home Upgrade Advisor services. The Single-Family program is currently being redesigned to have a greater focus on serving equity communities. A new program design is expected to launch in the second half of 2024.

Energy Council will conduct local outreach in Alameda County for the Single-Family program, including the following activities:

- Serve as a liaison for local contractors and facilitate their participation
- Organize homeowner workshops and other outreach events
- Refer property owners to the regional Home Upgrade Advisor service
- Conduct direct mail campaigns
- Establish partnerships with community based organizations and East Bay Community Energy
- Coordinate with other energy programs operating in Alameda County

Green Labeling – Regional Lead and Local Outreach

The Green Labeling program enables market recognition of the value of a green home during real estate transactions. It offers the Department of Energy's Home Energy Score, assessment incentives, and real estate sector education. The Home Energy Score portion of the Green Labeling program will become a statewide program, implemented by a third-party beginning in 2026. Real estate engagement will continue under a Bay Area-specific program.

Energy Council will lead the regional Green Labeling program, and conduct the following activities:

- Promote and screen Home Energy Score incentives
- Recruit and mentor Home Energy Score assessors
- Provide quality assurance in compliance with Department of Energy requirements
- Provide continuing education opportunities for realtors, appraisers, and lenders to increase their ability to understand, market, and evaluate energy efficient homes
- Coordinate with local governments for promotional activities
- Maintain and develop relationships with local real estate stakeholders
- Build relationships and coordinate with the US Department of Energy, California Energy Commission, and other entities pursuing home labeling
- Convene BayREN members to participate in the Green Labeling committee
- Coordinate launch of statewide Home Energy Score California program in 2026

Multifamily – Regional Lead and Local Outreach

The Multifamily program offers rebates and no-cost energy consulting for multifamily properties that undertake energy and water upgrades. The program assists in planning energy savings improvements designed to save 10% or more of a building's energy usage and provides \$500-\$6,000+/unit. Increased incentives are available to project scopes that include electrification measures and properties that fall into geographic zones disproportionally affected by heat, air quality, and/or housing burden.

Energy Council will lead the Regional BayREN Multifamily program and conduct the following activities:

• Ensure that total unit goals and energy savings metrics are met or exceeded

- Oversee technical consultants and partners responsible for implementation
- Verify and approve eligible scopes of work and process rebates for property owners
- Review program performance and develop program enhancements or modifications
- Monitor regulatory activities that impact program and represent Program in relevant stakeholder groups, committees and advisory groups
- Process property owner rebates
- Coordinate with other multifamily programs in the region
- Coordinate reporting and Evaluation, Measurement & Verification (EM&V) activities
- Convene BayREN members to participate in the multifamily committee
- Conduct regional marketing activities and coordinate local outreach activities

Business - Local Outreach

The Business program is a pay-for-performance program. Contractors install energy efficiency measures in small, medium, and hard-to-reach businesses and are paid based on the actual energy savings as measures at the business' utility meter.

Energy Council will conduct local outreach for the program, including the following activities:

- Promote program among member agencies and local businesses eligible for the program
- Conduct outreach to potential contractors to participate in the program
- Coordinate with other local programs serving the Commercial sector, including those from East Bay Community Energy

Refrigerant Management - Local Outreach

The Refrigerant Management program is a new commercial sector program approved in the 2024-2031 Business Plan. The program's main focus is to serve and provide rebates for small-medium businesses in the food service sector to replace inefficient appliances that have high global warming potential (GWP) refrigerants with low or zero GWP options.

It is anticipated that Energy Council will conduct local outreach for the program similar to the outreach conducted under the Business program, including the following activities:

- Promote program among member agencies and local businesses eligible for the program
- Conduct outreach to potential contractors to participate in the program
- Coordinate with other local programs serving the Commercial sector, including those from East Bay Community Energy and those from StopWaste that target food service businesses

Integrated Energy Services - Local Outreach

The Integrated Energy Services program is a new public sector program approved in the 2024-2031 Business Plan. The program will provide an energy concierge service to assist local government staff with identifying the best technical assistance, financing, and incentive options for public facilities projects. It will also provide technical and engineering assistance to develop roadmaps for improving public facilities to meet energy goals, as well as energy assessments for designated and potential Community Resilience Centers, and technical assistance for energy improvements.

It is anticipated that Energy Council will conduct local outreach for the program, which may include the following activities:

- Promote program among member agencies
- Coordinate and partner with local jurisdictions and other local programs, including public-facing programs run by East Bay Community Energy

Targeted Decarbonization Services - Local Outreach

The Targeted Decarbonization Services program is a new public sector program approved in the 2024-2031 Business Plan. The program will provide technical and financial support for selected public facilities projects looking to decarbonize. Anticipated program offerings include a showcase of projects, education, and exploration of funding opportunities.

It is anticipated that Energy Council will conduct local outreach for the program, which may include the following activities:

- Promote program among member agencies
- Coordinate and partner with local jurisdictions and other local programs, including public-facing programs run by East Bay Community Energy

Water Upgrades \$ave - Local Outreach

The Water Upgrades \$ave program is a unique on-bill program that allows municipal water utility customers to pay for efficiency improvements through a monthly charge attached to their meter with no up-front costs and the assurance that their utility bill savings will exceed the program charge.

Energy Council will conduct local outreach for the PAYS financing pilot, including the following:

- Serve as a local contact for water utilities in the County for questions about BayREN
- Provide support to the regional lead and promote the program to local stakeholders

Codes & Standards – Local Outreach

The Codes and Standards program promotes an integrated, measurement-driven management process for enhancing energy code compliance. Its goals include increasing compliance rates with the Energy Code and Green Building standards, developing trainings for Bay Area building professionals, and promoting "reach codes" for local jurisdictions.

Energy Council will conduct local outreach for the Codes and Standards program, including the following activities:

- Conduct outreach to building departments and promote participation in BayREN activities
- Assist in prioritization and development of new BayREN trainings based on local needs
- Support Alameda County jurisdiction in adopting a reach code or energy policy
- Provide input on content of regional forums and promote participation to local governments
- Host and organize one regional Codes and Standards forum
- Serve as liaison to East Bay ICC chapter

Climate Careers – Local Outreach

The Climate Careers program is a new workforce, education & training sector program approved in the 2024-2031 Business Plan. This program will incorporate the Green House Calls, previously an activity under the Single Family program, that offers free, personalized, and brand new equipment like LED light bulbs and high-efficiency showerheads to homeowners and renters. The Climate Careers program will also offer a path to full-time employment in the green economy to low-income and disadvantaged youth through training and job opportunities.

It is anticipated that Energy Council will conduct local outreach for the program, which may include the following activities:

• Conduct outreach to community colleges to partner on job training opportunities

- Outreach to high school youth who may be eligible to participate in the program, including coordination with the StopWaste Schools team
- Build connections with union and contractors who may be able to provide employment opportunities to program participants
- Promote program and coordinate outreach with member agencies, including advertising the Green House Calls to residents

Administration

Energy Council will perform administrative tasks to support the overall implementation of BayREN and its programs, including the following activities:

- Managing the county's BayREN contract, budget and relationships with elected and appointed officials
- Participating in the Coordinating Circle, which is the decision-making body for BayREN
- Representing Alameda County jurisdictions and their interests within BayREN
- Communicating with Alameda County stakeholders about BayREN programs and activities
- Coordinating with East Bay Clean Energy, other Alameda County programs and initiatives
- Preparing and submitting monthly invoices in a timely manner
- Participating in BayREN-wide committees, retreats, and other activities

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DATE:	October 25, 2023
то:	Energy Council
FROM:	Ben Cooper, Program Manager
SUBJECT:	Acceptance of U.S. Department of Energy Buildings Upgrade Prize for Multifamily Building Electrification

SUMMARY

On October 11, the U.S. Department of Energy (DOE) announced that the Energy Council, in partnership with the County of Ventura, had been selected as a winner in the Buildings Upgrade Prize (Buildings UP). Staff is requesting Energy Council approval to accept a \$200,000 award and receive 140 hours of technical assistance from the DOE.

DISCUSSION

Buildings UP is a DOE initiative designed to accelerate equitable, widespread energy efficiency and electrification building upgrades across the country. In July 2023, the County of Ventura approached staff about submitting a proposal to advance multifamily building electrification in the combined Tri-County Regional Energy Network (3C-REN) and BayREN service territory. Energy Council leads the Bay Area Multifamily Building Enhancements (BAMBE) program on behalf of BayREN, which offers free technical assistance and incentives to property owners.

DOE selected the County of Ventura/Energy Council partnership as a winner in the Phase 1 Equity-Centered Innovation pathway. The total prize amount of \$400,000 will be split equally between the two Regional Energy Networks, to be used within 12 months of the date the award is received. The proposed scope of work will address persistent barriers to multifamily upgrades, including:

- Split incentives among owners and renters
- Concerns about new technologies creating long-term maintenance obligations
- Concerns around building electrification and potential for utility bill increases
- Complexities around funding and installation of building electrification and transportation electrification equipment at existing multifamily properties

Buildings UP supports the Agency's aim of advancing equity by providing funding to meaningfully engage a diverse group of stakeholders in program design and delivery. Input from residents, owners, contractors and technology/service providers will inform an implementation plan to improve the BAMBE program. The award will leverage the experience and collaboration from a recently completed Bay Area Air Quality Management District (BAAQMD) Multifamily Electric Vehicle Pilot. ECO, a black, woman-owned electric vehicle supply equipment (EVSE) consultancy and contracting business based in Oakland will support the proposed scope of work.

RECOMMENDATION

Adopt the attached Resolution authorizing the Executive Director to accept a \$200,000 Buildings Upgrade Prize for the development of a multifamily energy efficiency and electrification implementation plan and other related actions.

Attachments: Attachment A: Resolution #EC 2023- 07 Attachment B: Proposed Scope of Work

Attachment A

ENERGY COUNCIL RESOLUTION #EC 2023 – 07

MOVED: SECONDED:

AT THE MEETING HELD October 25, 2023 RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT BUILDINGS UPGRADE PRIZE FOR MULTIFAMILY ELECTRIFICATION AND OTHER RELATED ACTIONS

WHEREAS, the Energy Council recognizes that it is in the interest of the local, regional, state, and federal agencies to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency; and

WHEREAS, the Energy Council was formed to seek funding to develop and implement programs and policies that reduce energy demand, increase energy efficiency, advance the use of clean, efficient and renewable resources, and help create climate resilient communities; and

WHEREAS, the Energy Council implements the Bay Area Multifamily Building Enhancements (BAMBE) program for the Bay Area Regional Energy Network; and

WHEREAS, the County of Ventura invited Energy Council to submit a joint proposal serving 14 counties within the combined Tri-County Regional Energy Network and BayREN service territory; and

WHEREAS, the Department of Energy seeks to build capacity to accelerate equitable, widespread energy efficiency and electrification building upgrades across the country through the Buildings Upgrade Prize; and

WHEREAS, DOE is providing the Energy Council with a cash award of \$200,000 and technical assistance for the scope of work described in Attachment B;

NOW THEREFORE, BE IT RESOLVED, that the Energy Council hereby authorizes the Executive Director to:

- 1. Accept funds in the amount of \$200,000 and make any necessary changes to the FY 2024 budget to add Project 1310 Multifamily DOE Buildings UP.
- 2. Allocate the necessary resources to implement and carry out the scope of work.

BE IT FURTHER RESOLVED that the Executive Director as the Board President's designee, is hereby authorized to execute on behalf of the Energy Council all award-related documents, including, but not limited to, applications, payment requests, agreements (including the hiring of temporary staff), and amendments necessary to secure funds and to implement the approved projects.

ADOPTED this 25th day of October 2023, by the following votes:

AYES: NOES: ABSENT: ABSTAINED:

I certify that under the penalty of perjury that the foregoing is a full, true, and correct copy of Resolution #EC 2023–07

Arliss Dunn, Clerk of the Board

Attachment B Buildings UP Scope of Work

Task	Amount
Task 1. Convene team and project/funds management	\$20,000
Task 2. Finalize property and stakeholder selection criteria and identify properties and stakeholders based on criteria	\$50,000
Task 3. Conduct initial outreach to confirm desired property and stakeholder list to inform implementation plan	\$25,000
Task 4. Identify and secure additional funding sources	\$20,000
Task 5. Develop implementation plan	\$75,000
Task 6. Participate in Buildings UP and related training and events	\$10,000
TOTAL	\$200,000

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DATE:	October 25, 2023
то:	Waste Management Authority Board
FROM:	Emily Alvarez, Program Manager
SUBJECT:	Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Jess Ranch Composting Facility located at 15850 Jess Ranch Road in Unincorporated Alameda County

SUMMARY

On August 10, 2023 the Recycling Board, in its role as the Local Task Force (LTF) and the Planning Committee of the WMA Board unanimously recommended that the WMA Board approve the subject County Integrated Waste Management Plan (CoIWMP) amendment and hold a public hearing at a future WMA meeting.

DISCUSSION

The WMA received a request from Joe and Connie Jess ("The Jesses") for a conformance finding and amendment to the CoIWMP for the construction of a new composting facility located at 15850 Jess Ranch Road in Unincorporated Alameda County in the Altamont Hills. The 160-acre project site has been used for cattle grazing and breeding since 1969. The Jesses propose to use 30-acres of the site to construct the Jess Ranch Composting Facility ("Facility") and continue agricultural uses on the remaining acreage.

The proposed Facility would consist of curing and screening zones, a mixing building, green waste storage areas, product storage, and an entry road. The Facility would produce compost-based soil amendments for horticultural, erosion control, and land reclamation uses. Compost produced by the Facility would undergo the testing and certifications required for intended applications of the final product. Administrative support activities will occur in a leased space within an existing office/utility structure located on an adjacent parcel owned by the Contra Costa Water District.

Construction would occur in two phases – the first phase would be an initial facility with an average annual capacity of 550 TPD and a maximum daily capacity of 1,000 TPD. This variation in daily throughput is to accommodate fluctuations in incoming material that may be affected by seasonality or

weather. Phase 2 of the project would allow for an average annual capacity of up to 1,000 TPD. The Project would require additional approval by the WMA to begin Phase 2.

The Facility would process primarily green waste, food waste, and biosolids¹ utilizing a covered windrow system that would be a combination of aerated static pile (ASP), with either positive or negative aeration, and covered windrow composting technology. The Facility could also receive untreated scrap wood, natural fiber products, non-recyclable paper waste, and inert material, such as sediment, gypsum, wood ash, and clean construction debris. Non-hazardous liquid wastes may also be accepted as a substitute for the water that is added for efficient composting. It is common that biosolids are sent to local and regional landfills for disposal during winter months and during summer months are direct land applied. The Jess Ranch Composting Facility would provide a year-round destination for biosolids processing. This can help local jurisdictions meet organics diversion requirements required by SB 1383.

The proposed Facility would generate approximately 200 vehicle trips per day for Phase 1 and 400 vehicle trips per day at full build out under Phase 2. Organic feedstock materials would be delivered to the site by trucks from regional municipal solid waste collection transfer stations, wastewater treatment plants, and other sources. Incoming material would be accepted approximately 312 days per year (6 days per week). Operations are planned for 24 hours per day, 7 days per week, however, composting operations would mostly occur during daylight hours.

The County of Alameda served as the CEQA lead agency for the proposed Facility and certified a Final Environmental Impact Report and adopted a Statement of Overriding Considerations on June 2, 2022. The County's CEQA process is discussed in greater detail in the August 10, 2023 Staff Memo to the Recycling Board/Planning Committee. (Attachment C below.) As a CEQA responsible agency, the WMA must also adopt a Statement of Overriding Considerations if it approves a CoIWMP amendment and conformance finding for the proposed Facility. The Planning Committee and Recycling Board have recommended that the WMA Board concur with and adopt the Statement of Overriding Considerations previously adopted by the County. (Attachment B, Exhibit 4 below.)

RECOMMENDATION

Staff, the Recycling Board (as the LTF), and the Planning Committee of the WMA recommend to the WMA Board that it hold a public hearing and adopt a resolution to:

¹ "Biosolids" are defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but are not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material with sewage sludge but does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works. (CCR Title 14, Chapter 3.1, Article 1, Section 17852).

- (1) Amend the ColWMP to include the Jess Ranch Composting Facility in Unincorporated Alameda County and make additional changes as needed for consistency (Exhibit 1);
- (2) Find that the Jess Ranch Composting Facility conforms to the CoIWMP as amended (Exhibit 2); and
- (3) Make the findings required by CEQA, including adoption of a Statement of Overriding Considerations.

Attachments:

Attachment A: Jess Ranch Composting Facility Maps and Drawings

Attachment B: Resolution WMA 2023-07

Exhibits:

Exhibit 1: Text Changes to the Countywide Integrated Waste Management Plan

Exhibit 2: Siting Criteria Findings

Exhibit 3: Conditions of Approval

Exhibit 4: Alameda County Resolution R-2022-301

Attachment C: Staff Memo from August 10, 2023 Recycling Board/Planning Committee Meeting (without duplicated attachments and exhibits)



Figure 1. Jess Ranch Composting Facility Regional Location

Figure 2. Facility Project Site Location



Figure 3. Facility Site Plan





Figure 4. Facility Conceptual Rendering

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY RESOLUTION #WMA 2023-07

MOVED:

SECONDED:

AT THE MEETING HELD October 25, 2023 ADOPTING AMENDMENTS TO THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN AND A STATEMENT OF OVERIDING CONSIDERATIONS, AND FINDING PLAN CONFORMANCE FOR THE JESS RANCH COMPOSTING FACILITY AT 15850 JESS RANCH ROAD IN UNINCORPORATED ALAMEDA COUNTY, CALIFORNIA

The Board of the Alameda County Waste Management Authority ("WMA") resolves as follows:

SECTION 1 (Adoption)

The WMA does hereby adopt this Resolution in full consisting of Section 1 through Section 5.

SECTION 2 (Findings)

- (a) The WMA finds that the California Integrated Waste Management Act (California Public Resources Code §§ 40000 et seq.) requires the preparation and adoption of a Countywide Integrated Waste Management Plan (CoIWMP).
- (b) The WMA finds that the Alameda County Joint Exercise of Powers Agreement for Waste Management directs that the WMA prepare, adopt, revise, amend, administer, enforce, and implement the CoIWMP.
- (c) The WMA finds that it adopted a CoIWMP initially dated February 26, 2003, with a comprehensive update adopted April 22, 2020, and has adopted minor amendments since then.
- (d) The WMA finds that on March 21, 2022 the County of Alameda Planning Commission adopted Resolution Z-22-02 approving Conditional Use Permit PLN2015-00087 for construction of the Jess Ranch Composting Facility ("Project") at 15850 Jess Ranch Road.
- (e) The WMA finds that the County of Alameda prepared, considered, and certified on March 21, 2022 a Final Environmental Impact Report (EIR) as required by the California Environmental Quality Act (CEQA) for the Project.
- (f) The WMA finds that on June 2, 2022, the County of Alameda's Board of Supervisors heard an appeal of the Project and upheld the Planning Commission's decision and approved Resolution R-2022-301.
- (g) The WMA finds that on June 8, 2023 the Project applicant submitted the required information to the WMA to amend the CoIWMP to include the Facility at 15850 Jess Ranch Road, Livermore, CA 95377.
- (h) The WMA finds that the Recycling Board, acting as the Local Task Force, has reviewed and commented on the proposed amendment, and the Planning Committee of the WMA has considered the CoIWMP Amendment, including any comments by the Local Task Force, and has recommended approval of the CoIWMP Amendment and conformance finding.

Attachment B

- (i) The WMA finds that WMA staff provided all required notice and held a duly noticed public hearing on October 25, 2023 to consider the CoIWMP Amendment and conformance finding for the Facility.
- (j) The WMA finds that the WMA Board considered all materials and testimony presented by the public, Local Task Force, applicant, and WMA staff.

SECTION 3 (CEQA Determinations)

- (a) The WMA finds that it is a Responsible Agency under CEQA, that this Project underwent the required environmental review under CEQA, and that the WMA's action is within the scope of activities addressed by the County of Alameda's Final EIR.
- (b) The WMA finds that the WMA Board has independently reviewed and considered the County of Alameda's Draft, Partial Recirculation, and Final EIRs.
- (c) The WMA finds that since the County of Alameda's certification of the Final EIR, no substantial changes to the Project have occurred and no new information or changed circumstances exist that require revisions of the EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (d) The WMA has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect that the Project would have on the environment.
- (e) The WMA's approval of the Project, as conditioned, will have a significant and unavoidable impact on the environment as documented in the Final EIR. The County of Alameda has adopted a Statement of Overriding Considerations in Resolution R-2022-301, attached hereto as Exhibit 4, that determines the benefits of the Project outweigh the stated environmental impacts. The WMA concurs with and adopts the Statement of Overriding Considerations made by the County in Resolution R-2022-301.

SECTION 4 (Amendment of CoIWMP)

The WMA hereby amends the CoIWMP as set forth in the CoIWMP Amendment text attached hereto as Exhibit 1 and made a part of this Resolution, subject to the Conditions of Approval attached hereto as Exhibit 3.

SECTION 5 (Conformance Determination)

The WMA does hereby determine that the Project is in conformance with the ColWMP as amended, including the siting criteria as set forth in the siting criteria findings attached hereto as Exhibit 2 and made a part of this Resolution, and that the Jess Ranch Composting Facility, as conditioned by the Conditions of Approval attached hereto as Exhibit 3, would be in conformance with the ColWMP as amended.
Attachment B

Passed and adopted this 25th day of October 2023 by the following vote:

AYES: NOES: ABSTAINING: ABSENT:

> Arliss Dunn Clerk of the Board

Exhibits:

Exhibit 1: Text Changes to the Countywide Integrated Waste Management Plan

Exhibit 2: Siting Criteria Findings

Exhibit 3: Conditions of Approval

Exhibit 4: Alameda County Resolution R-2022-301

Exhibit 1: CoIWMP Amendment Text

Text Changes to the Alameda County Countywide Integrated Waste Management Plan for the Jess Ranch Composting Facility Located at 15850 Jess Ranch Road in the County of Alameda

The Alameda County Countywide Integrated Waste Management Plan ("Plan") adopted April 22, 2020 is hereby amended again as set forth below. In the sections that follow, text to be added to the Plan is shown in <u>underline bold</u> and text to be deleted is shown in <u>strikethrough</u>.

- Figure 3-A on page 3-9 shows the location of waste management facilities serving Alameda County. Amend Figure 3-A adding the name and location of the Jess Ranch Composting Facility to the map.
- Table 3-6 on page 3-12 summarizes information (in alphabetical order) regarding non-disposal facilities operating under a full Solid Waste Facility Permit in Alameda County. Amend Table 3-6 as provided below:

Name	Address	Туре	Owner/Operator
Jess Ranch Composting Facility	<u>15850 Jess Ranch Rd,</u> Livermore, CA 94550	<u>Compost Facility</u>	Joseph John Jess, Sr. and Connie Lee Jess Family Trust/Denali Water Solutions, LLC

3. Appendix C, beginning on page C-1, provides brief descriptions of non-disposal facilities within Alameda County, in alphabetical order by facility type. Amend page C-5 as follows:

Jess Ranch Composting Facility

Joseph John Jess, Sr. and Connie Lee Jess Family Trust (The Jesses) plan to construct a composting facility located at 15850 Jess Ranch Road in Unincorporated Alameda County. The Jess Ranch Composting Facility will be operated by Denali Water Solutions, LLC. The composting facility will be located on 30 acres of the 160-acre site in the Altamont Hills, of which 15 acres will be used for active composting operations. The approved initial phase will be a facility with an average annual capacity of 550 TPD and a maximum daily limit of 1,000 TPD. The Facility will require additional permitting from Alameda County, the Alameda County Waste Management Authority, and other permitting agencies to exceed that capacity.

The Facility would process organic material utilizing a covered windrow system that would be a combination of aerated static pile and covered windrow composting technology. Organic feedstocks would include primarily green waste, food waste, and biosolids. The Facility could also receive untreated scrap wood, natural fiber products, non-recyclable paper waste, and inert material, such as sediment, gypsum, wood ash, and clean construction debris. Nonhazardous liquid wastes may also be accepted as a substitute for the water that is added for efficient composting.

Exhibit 2: Siting Criteria Findings

The Alameda County Waste Management WMA ("WMA") has reviewed the materials submitted in connection with the Jess Ranch Composting Facility ("proposed project"). Based on that review, the WMA hereby makes the following determinations pursuant to the relevant provisions of Chapter 6, Table 6-1 of the ColWMP. The 2019 Draft Environmental Impact Report (EIR), 2020 Partial Recirculation Draft EIR, and 2022 Final EIR prepared by the County of Alameda also contain an analysis of many of the siting criteria listed below.

A. Seismic

The proposed project is not within 200 feet of an active or recently active fault.

B. Floodplains

The proposed project is not located in a 100-year floodplain nor in an area subject to flooding.

C. Wetlands

The proposed project will impact a small seasonal wetland at the project entry road area. An application has been submitted to the US Army Corps of Engineers to place a culvert in the entry road. The access road would eliminate approximately 0.01 acres the seasonal wetland, which would be mitigated as part of the permit conditions.

D. Endangered Species Habitat

The proposed project site is a habitat for several endangered species, including the California tiger salamander, red-legged frog, and kit fox. The EIR documents identified the endangered species and provided mitigation measures, as recommended in the East Alameda County Conservation Plan. Ninety acres of the 160-acre site will be included in a conservation easement that will be managed by a conservation land trust. The proposed project will receive all necessary permits from the US Army Corps of Engineers, US Fish and Wildlife Service, and California Department of Fish and Wildlife.

E. Unstable Soils

Underlying portions of the project site contain soils that have been mapped as having high shrink/swell potential and good water holding capacity. In addition, the project site includes an area mapped as very low to moderate for liquefaction potential; this area underlies the proposed projects' compost windrows. The potential for adverse impacts related to shrink-swell potential and/or settlement of soil associated with expansive soils and liquefaction potential would be considered potentially significant. With implementation of mitigation measures included in the project EIR, impacts associated with expansive soils and liquefaction on the project site would be reduced to a less-than-significant level.

F. Major Aquifer Recharge Areas

The proposed project will be designed, constructed, and maintained to prevent contamination of local aquifers. Inspection and monitoring measures, and other environmental protection controls will prevent runoff from the facility. As required by the State Water Resources Control Board's General Order for large composting facilities, the site will have impervious surfaces and all run-on and runoff to be contained on-site in lined ponds.

G. Depth to Groundwater

Groundwater at the site is located at a depth of at least 30 feet. As described above, the proposed project will adhere to Regional Water Quality Control Board requirements that composting occur on impervious surfaces and all stormwater be retained in lined ponds.

H. Permeable Strata and Soils

The proposed project site is currently vacant land, and the soils are primarily lowpermeability, clay soil. As described above, the facility will be required to conform to the requirements of the State Water Resources Control Board.

I. Non-attainment Air Areas

The Final EIR identified significant and unavoidable impacts related to the proposed project's effect on air quality due to emissions of Reactive Organic Gases (ROGs) and Nitrogen Oxides (NOx) because these emissions, after mitigation, are expected to exceed BAAQMD's significance thresholds. Both of these pollutants are considered ozone precursors, and the San Francisco Bay Area Air Basin is currently in non-attainment for both the state and national ambient air quality standards for ground level ozone.

The proposed project will be required to obtain permits from BAAQMD to construct and operate the composting facility. If the project air emissions continue to exceed BAAQMD's significance thresholds, the project operator will be required to purchase air emission offset credits to mitigate the effects of the project.

J. PSD Air Areas

The proposed project shall comply with all requirements of the Bay Area Air Quality Management District (BAAQMD) in the operation of the facility.

K. Mineral Resources Area

The proposed project is not located in an identified mineral resources area.

L. Prime Agricultural Lands/Open Space

The proposed project site is not designated as Open Space. The proposed project site is designated as Large Parcel Agriculture in the Alameda County East County Area Plan. The Proposed Project is considered a permitted use within that designation, as it would be considered a related waste management facility and an agricultural processing facility. The site is currently under a Williamson Act contract but is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Alameda County has determined that commercial composting is consistent with the Williamson Act contract lands, but commercial composting use is limited to 10 acres. The proposed project will impact approximately 30 acres, which will require a partial cancellation of the Williamson Act Contract on 20 acres of the 160-acre project site.

A Petition to Cancel the Williamson Act on 20 acres of the project site has been submitted and reviewed by the County. This cancellation is still pending at the time of preparation of this memo.

M. Military Lands

The proposed project is not located on current or former military lands. There are also no military lands in the vicinity of the proposed project.

N. Other Federal, State, and Indian Lands

The proposed project is not located on Federal, State, or Indian Lands.

O. Proximity to Major Transportation Routes

The entrance to the proposed project parcel is located approximately 450 feet south of Interstate (I) 580 on W. Grant Line Road. This provides easy access for heavy trucks to the Bay Area and also agricultural markets for the compost products produced at the project site.

P. Proximity to Waste Streams

As noted in the siting criteria, a large volume transfer/processing facility, such as the proposed project, can be located a distance from waste sources because of the need for large sites and buffer zones to protect the public welfare. The proposed project is located in the eastern portion of unincorporated Alameda County with easy access from I-580.

Q. Proximity to Development

The proposed project's composting operations will be located approximately 0.75 miles south of I-580. The proposed project is located approximately 3,500 feet south of the West Grant Line Road offramp on I-580.

The project is in a remote area where there are a few residences. The nearest residence is located approximately 0.5-mile from the proposed project. The nearest school is approximately two miles north of the proposed project and there are no other institutional or public facilities in the vicinity. There are no residences or businesses located near the access road for the project.

R. Residential Development

The proposed project is located in an agricultural area where large parcels are common and most residential areas are over one mile from the project site. There are two residences located under one mile from the project site. The closest residence is approximately 2,500 feet from the proposed project's storage area. This is greater than the buffer recommended in Table 6-1 outlining the CoIWMP's General Solid Waste Facility Siting Criteria. Additionally, this property is owned by the Contra Costa Water District and used as a caretaker's residence for a cattle operation on the property. According to the water district, the residence will be eventually removed from the site.

S. Institutional/Public Facilities

The proposed project is located at least two miles from schools and there are no churches, hospitals, civic buildings, or libraries within the vicinity of the proposed project.

T. Proximity to Public Services

The proposed project is served by existing public services and facilities, including fire, police, and emergency medical services. The nearest fire station is Alameda County Fire Station 20, located at 323 S. Gate Dr. in Livermore, approximately nine miles west of the site. The proposed project site is within the Alameda County's Sheriff's Office service area.

Attachment B

U. Conformance with Approved Countywide Siting Element of the Integrated Waste Management Plan ("Plan")

The proposed project is generally consistent with the goals and policies of the Countywide Siting Element and represents a new organic waste processing facility that is in conformance with the County's land use ordinance. The proposed project is specifically well-aligned with Goals 1-3, as highlighted below:

- *Goal 1: Disposal Capacity* The proposed project would provide the county with additional long-term in-county organic processing capacity. The project was approved for an annual capacity of 550 tons per day (TPD), and a maximum daily limit of 1,000 TPD.
- *Goal 2: Responsible Infrastructure* The proposed project will have minimal operational impacts on neighbors in the area due to its remote location. In addition, as determined in the EIR, there will be minimal environmental impacts from the project with the incorporation of mitigation measures. The only significant impact identified in the EIR is related to air quality impacts. However, the type of composting proposed for the site (covered aerated static pile) would reduce negative air impacts by over 80%.
- Goal 3: Materials Management The proposed project would convert organics into a marketable commodity and reduce disposal at local landfills. Local wastewater agencies could also benefit from the proposed project by having a new recycling option for their biosolids. During winter months biosolids are currently sent to local and regional landfills for disposal. It will also provide a soil amendment that could be used on agricultural lands in the vicinity of the proposed project.

V. Recreational, Cultural, or Aesthetic Areas

There are no potential recreational uses on the property or in the vicinity. Local tribes were notified of the project and there we no letters of concern submitted. The land has been previously used for farming, cattle ranching, and application of biosolids. During the EIR process there were archeological and cultural resource surveys and database records were researched. There were no significant resources located on the property.

W. Airport Zones

The proposed project is not located within 2 miles of an airport, within a Federal Aviation Agency approach zone, installation compatible use zone, or safety zone.

X. Gas Migration & Odor Emissions

The proposed project is a composting facility and will involve the processing of potentially odorous materials, including food waste and biosolids. As described in the EIR, odorous materials will be initially stored and mixed in a building equipped with a biofilter to remove odors prior to release to atmosphere. In addition, the facility will utilize aerated covered static pile composting technology. This process involves covering the compost piles with a layer of finished compost or using a microporous fabric cover that will reduce emission by at least 80%. Additionally, the proposed project is surrounded by open rangeland, with the nearest residence located at least a mile away.

Y. Contingency

Operators of solid waste facilities shall be required to develop Emergency Contingency Plans to provide for continuity in services in the event of disruptions caused by natural or manmade events. The proposed site operator, Denali Water Solutions, currently operates over 30 composting facilities around the US. They will provide an Emergency Contingency Plan for the proposed project as part of the Solid Waste Facility Permit application.

Exhibit 3: Conditions of Approval

Conditions of Approval for the CoIWMP Amendment and Conformity Determination for the Jess Ranch Composting Facility

Pursuant to the Joint Powers Agreement establishing the Alameda County Waste Management Authority ("WMA"), the Alameda County Integrated Waste Management Plan, and State law, the CoIWMP amendment and conformity determination enacted by the resolution to which this exhibit is attached is subject to the conditions below:

- Operations at the Jess Ranch Composting Facility ("Facility") located at 15850 Jess Ranch Road in Unincorporated Alameda County shall comply with all requirements governing the design and operation of large volume transfer/processing facilities under the Full Solid Waste Facility Permit (SWFP) as set forth in Title 14 of the California Code of Regulations.
- Prior to construction, permittee or successor shall receive approval of a request for Williamson Act contract cancellation of 20 acres of the project site. The approved project will be limited to an area of 30 acres.
- 3. Only the following "Acceptable Materials" may be accepted at the Facility: green waste; food waste; biosolids; untreated scrap wood; natural fiber products; non-recyclable paper waste; inert material such as sediment, gypsum, wood ash, and clean construction debris; and non-hazardous liquid wastes.
- 4. Completion of Phase 1 shall provide the facility with an annual average of 550 tons and a maximum daily limit of 1,000 tons per day. Exceeding the annual daily average capacity of 550 tons per day shall require additional permitting from the County of Alameda, Waste Management Authority, and other agencies, as required.
- 5. The number of truck trips transferring incoming and outgoing materials shall not be more than 200 vehicle trips per day for Phase 1.
 - 6. The Facility shall be constructed and operated in compliance with the descriptions and assumptions made in the Final Environmental Impact Report certified by the County of Alameda.
 - 7. The Facility operator must identify the weight of all waste materials received at the transfer station, by jurisdiction of origin, and report the results to the WMA, as provided by WMA Ordinance 98-01. The Facility operator must identify the weight of all material transferred for disposal, by landfill destination.
 - 8. The resolution to which these Conditions of Approval is attached shall take effect only upon the Joseph John Jess, Sr. and Connie Lee Jess Family Trust's ("The Jesses") acceptance of these conditions and its agreement to indemnify and hold harmless the WMA, its agents, officer, and employees according to the terms in paragraph (9) below.

Attachment B

- 9. The Jesses shall defend (with counsel acceptable to the WMA), indemnify and hold harmless the WMA, its agents, officers and employees for any costs, including attorneys' fees, incurred by the WMA, its agents, officers or employees in the defense of any action brought against the WMA, its agents, officers or employees, in connection with the approval or implementation of WMA Resolution 2023-07. The WMA may elect, at its sole discretion, to participate in the defense of such action, and The Jesses shall reimburse the WMA, its agents, officers or employees for any costs, including attorneys' fees, that the WMA, its agents, officers or employees incur as a result of such action. The WMA will provide statements indicating its reimbursable costs expended each month. The Jesses shall remit payment to the WMA for such costs within ten business days of receipt of such statements. This indemnification shall be binding upon the WMA, The Jesses, and all their successors and assigns.
- 10. The Jesses shall comply with the Alameda County Integrated Waste Management Plan, all applicable existing and future ordinances and resolutions of the WMA (including, but not limited to, Ordinance 2009-01 and Resolution 2009-03), all fee and reporting requirements imposed by the WMA, and all conditions imposed by the County of Alameda, including those under the Facility's Conditional Use Permit, and other regulatory agencies.
- 11. These conditions of approval shall restrict the operations of the Facility and shall be incorporated in, and enforceable under, the Facility's Full Solid Waste Facilities Permit issued by the Alameda County Local Enforcement Agency and may be enforced by the County of Alameda in connection with its enforcement of its permits for the Facility.
- 12. Any activities beyond those provided for by WMA Resolution 2023-07 shall require a new CoIWMP amendment and conformance determination by the WMA.

RESOLUTION NO. R-2022-301

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTING A STATEMENT OF OVERIDING CONSIDERATIONS, AND APPROVING CONDITIONAL USE PERMIT PLN2015-00087, FOR THE JESS RANCH COMPOST FACILITY, ADOPTED AT THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA HEARING OF JUNE 2, 2022

WHEREAS, Joe and Connie Jess, filed an application for CONDITIONAL USE PERMIT, PLN2015-00087, to construct and operate a composting facility using compostable wastes from various sources to create compost and compost-based soil amendments for agricultural uses, on a 30 acre project site located on a 123-acre parcel at 15850 Jess Ranch Road, south side, 515 feet west of the southern terminus of the public portion of Jess Ranch Road, unincorporated Livermore area of Alameda County, designated Assessor's Parcel Number 099B-7800-007-08; and

WHEREAS, Planning staff determined the project could have potentially significant impacts on the environment for which mitigation could be assured to be sufficient to reduce those impacts to less than significant levels, and that preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act was required; and

WHEREAS, a Notice of Preparation for the Draft EIR was circulated for 30 days between April 26, 2018 and May 26, 2018; and

WHEREAS, a Scoping Meeting for the Draft EIR was held May 21, 2018; and

WHEREAS, comments received during and after the Scoping Meeting were incorporated into the record; and

WHEREAS, the Draft EIR was prepared and circulated for 45 days between November 25, 2019 and January 13, 2020; and

WHEREAS, a Public Comment Hearing was held on December 16, 2019; and

WHEREAS, comments received at the Hearing and during the public review period were incorporated into the record; and

WHEREAS, a partial recirculation of the Draft EIR was prepared and circulated for 45 days between October 5, 2020 and November 19, 2020; and

WHEREAS, comments received during the public review period were incorporated into the record; and

WHEREAS, in compliance with Section 15091 of the CEQA Guidelines, the Planning Department prepared a Statement of Overriding Considerations, attached herein as Attachment A, providing a brief explanation identifying the potentially significant impacts of the project with one or more written findings for each such impact; and

WHEREAS, further in compliance with Section 15091 of the CEQA Guidelines, the Planning Department has prepared a Statement of Significant Impacts and Mitigation Measures, attached herein as Attachment B, outlining the breadth of the potential project impacts, the mitigation measures, and how these measures address the potential impacts; and

WHEREAS, in further compliance with Section 15091 of the CEQA Guidelines, the Planning Department has prepared a Mitigation Monitoring and Reporting Program (MMRP) for the project, attached herein as Attachment C, which is required to be implemented by the Permittee and by the County as a condition of approval of the Project and that are fully enforceable through permit conditions, agreements, or other measures; and

WHEREAS, the Alameda County Planning Commission determined that approval of the project as conditioned herein, including the implementation of the MMRP attached herein as Attachment C, would provide for all the significant effects on the environment to be eliminated or substantially lessened where feasible, as indicated in the Statement of Overriding Considerations, attached herein as Attachment A; and

WHEREAS, public comments were submitted on the project and the Draft EIR during the indicated 45-day comment period including those of state and local agencies, districts, non-governmental organizations, opponents to and advocates for the project, and responses to the comments received during this period are included with the Final EIR that was made available for public review for more than the minimum of ten (10) days before the March 21, 2022 Planning Commission hearing; and

WHEREAS, the Alameda County Planning Commission did hold a virtual meeting to consider certification of the Final EIR, and approval of the Conditional Use Permit (CUP), at the hour of 1:30 p.m. on the 21st day of March 2022; and

WHEREAS, it satisfactorily appears from affidavits on file that proper notice of said public hearing was given in all respects as required by law; and

WHEREAS, a Pre-Hearing Analysis was submitted recommending certification of the Final EIR, and that the CUP application be approved; and

WHEREAS, the applicant did appear at said virtual hearing and provided testimony in favor of the project, and members of the public did appear also virtually and provided testimony both in opposition to and in support of the application; and

WHEREAS, after deliberation on the CUP and review of the Final EIR, the Alameda County Planning Commission determined that the Final EIR complies with the California

Environmental Quality Act and reflects the independent judgment and analysis of the Planning Department, and the Alameda County Planning Commission certified the Final EIR as reflected in the Resolution Z-22-02; and

WHEREAS, based on facts in the record, the Alameda County Planning Commission did make four findings in the affirmative as required by the Alameda County Zoning Ordinance for approval of a Conditional Use Permit; and

WHEREAS, on March 21, 2022 the Alameda County Planning Commission did approve Conditional Use Permit PLN2015-00087, Resolution No. Z-22-01, subject to nineteen (19) conditions of approval; and

WHEREAS, in a letter of March 31, 2022, appellant Donna Cabanne filed a timely appeal claiming the project EIR is inadequate and that the project would not comply with Measure D; and

WHEREAS, on May 17, 2022 this Board did consider the appeal in a public hearing for which timely public notice was provided; and

WHEREAS, this Board continued action on the appeal and the application to June 2, 2022, and considered the appeal and heard additional public comment on that date; and

WHEREAS, in written reports and oral presentation to the Board, County staff has responded to each assertion contained in the appeals using discussion of existing County policy, information from the historical record, technical information from accepted reliable sources and other statements of fact.

NOW THEREFORE

BE IT RESOLVED that this Board hereby adopts and makes the findings contained in the Statement of Overriding Considerations, attached herein as Attachment A, in compliance with Section 15091 of the CEQA Guidelines, providing a brief explanation of the rationale for each finding, supported by substantial evidence in the record, that changes or alterations have been required in or incorporated into the Project, including by identified mitigation measures which would avoid or substantially lessen some but not all identified significant environmental effects, and furthermore that certain mitigation measures or project alternatives identified in the Final EIR are infeasible due to specified economic, legal, social, technological, or other considerations.

BE IT FURTHER RESOLVED that the Board hereby adopts the Mitigation Monitoring and Reporting Program (MMRP) for the Project, attached herein as Attachment C, which is required to be implemented by the Permittee and by the County as a condition of approval of the Project and that is fully enforceable through permit conditions, agreements, or other measures. **BE IT FURTHER RESOLVED** that this Board hereby makes the following findings in support of issuing a Conditional Use Permit:

- 1. The use is required by the public need, as the pursuit of waste stream reductions in light of limited local landfill capacity, statewide legislative mandates for local jurisdictions, reduction of important greenhouse gases, and uncertain destinations for biosolids during inclement weather addresses multiple public needs.
- 2. The use will be properly related to other land uses and transportation and service facilities in the vicinity in that the location of the subject parcel adjacent to Interstate 580 will facilitate transportation from Alameda County communities that offer common sources of feedstock, as well as to the Central Valley market for agricultural soil amendments, provides a suitable site for compost production.
- 3. The use, under all circumstances and conditions of this particular case, would not materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, in that the project conditions of approval and mitigation measures will help reduce project impacts to less than significant in almost every case, and the project will be designed and operated to minimize emissions to the fullest extent possible. While impacts from emissions will be significant and unavoidable, the project will support jurisdictions in Alameda County and elsewhere in meeting diversion goals, assist the County in meeting a 75-percent waste stream reduction, and provide compost-based amendments to meet local and regional market needs. This facility will undergo required permitting with the Regional Water Quality Control Board, which will require no discharge of stormwater to the surrounding area.
- 4. The use will not be contrary to the specific intent clauses or performance standards established for the "A-BE" District within which the site is located conditionally permit compost facilities. The proposal would be consistent with the ECAP, the intent clause of which is "to promote implementation of general plan land use proposals for agricultural and other non-urban uses, to conserve and protect existing agricultural uses, and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary." The project would support new and continued agricultural uses in Alameda County and the vicinity.

BE IT FURTHER RESOLVED that the Board of Supervisors rejects the assertions made in the appeal and denies the appeals finding as follows:

1. The Williamson Act Uniform Rules is a policy document adopted by this Board for maintaining viable agricultural uses on properties under conservation contracts, and that the project does comply with this policy by maintaining a significant portion of the site in agricultural use. Board of Supervisors approval of a Partial Williamson Act Cancellation for 20 acres of the subject parcel would be required. This cancellation would leave adequate parcel area to support viable agricultural production.

RESOLUTION NO. R-2022-301 CONDITIONAL USE PERMIT PLN2015-00087 – JESS RANCH COMPOST FACILITY June 2, 2022 Page 5

- 2. The project is in conformance with the East County Area Plan, as amended by Measure D. The proposed project is an agricultural support service use, consistent with the Large Parcel Agriculture (LPA) land use designation and supported by ECAP policies. The proposal would not require the extension of public sewer or water, would not lead to a concentration of commercial uses, would be consistent with and would not adversely impact agricultural uses on the subject and neighboring parcels.
- 3. The project is allowable pursuant to the Zoning Ordinance as a conditional use in an "A" District per 17.06.035(C).

BE IT FURTHER RESOLVED that this Board does hereby certify the project EIR and approve Conditional Use Permit PLN2015-00087 to permit the Two-Phased construction and operation of a composting facility with an average annual capacity of 550 tons per day (TPD) with a single-day capacity of 1,000 TPD as evaluated in the project EIR consistent with plans marked Exhibit "B" dated September 23, 2021 and on file with the Alameda County Planning Department, for property located in the "A-BE" (Agricultural, 160 acre MBSA) District, at 15850 Jess Ranch Road, south side, 540 feet west from the southern terminus of the public portion of Jess Ranch Road, designated Assessor's Parcel Number 099B-7800-007-08.

AUTHORIZATION

- 1. Approval of this permit authorizes the construction and operation of a composting with an average daily capacity of 550 tons and a maximum single day capacity of 1,000 tons as evaluated in the project EIR, consistent with plans marked Exhibit "B" dated September 23, 2021 and on file with the Alameda County Planning Department, for property located in the "A-BE" (Agricultural, 160 acre MBSA) District, at 15850 Jess Ranch Road, south side, 540 feet west from the southern terminus of the public portion of Jess Ranch Road, designated Assessor's Parcel Number 099B-7800-007-08.
- 2. Prior to construction, permittee or successor shall receive approval of a request for Williamson Act contract cancellation of 20 acres of the project site. The approved project will be limited to an area of 30 acres.
- 3. The project applicant shall comply with the requirements of, and obtain required permits from all other applicable federal, state, and regional environmental agencies including but not limited to the California Department of Resources Recycling and Recovery (CalRecycle), the Alameda County Waste Management Authority (aka StopWaste), the Bay Area Air Quality Management District and the Regional Water Quality Control Board, as necessary. Expansion of the facility's processing capacity in Phase 2 may require additional review and/or approval from the applicable review and regulatory agencies listed above
- 4. The subject facility shall have a maximum average daily capacity of 550 tons, with a single day maximum of 1000 tons. Exceeding the average daily capacity of 550 tons or the single

day maximum of 1000 tons shall require approval of a subsequent conditional use permit for expansion of the use.

- 5. <u>Public Agency Approval</u>. Applicant shall conform and maintain compliance with the requirements of the following agencies:
 - a. Alameda County Public Works Agency, Land Development Department
 - b. Alameda County Public Works Agency, Building Inspection Department
 - c. Zone 7 Flood Control and Water Conservation District
 - d. Alameda County Fire Department
 - e. Alameda County Waste Management Authority
 - f. Alameda County Department of Environmental Health
 - g. CalRecycle
 - h. California Department of Fish and Wildlife
 - i. California Department of Conservation
 - j. Regional Water Quality Control Board
 - k. Bay Area Air Quality Management District
- 6. <u>Grading</u>. No grading activity may occur on the site until a grading plan and an erosion and sedimentation control plan have been reviewed and a grading permit issued in accordance with the County Grading Ordinance.

GENERAL REQUIREMENTS

- 7. <u>Mitigation Monitoring and Reporting</u>. Applicant shall be responsible for reporting to the Planning Department regarding the implementation of all project Mitigation Measures. Planning Department staff shall be authorized to inspect the facility with regard to the Mitigation Measures upon 48 hours' notice, or at any time under emergency conditions (e.g., where safety or health concerns appear imminent).
- 8. <u>Inspection Fees and Costs</u>. The project sponsor or successors shall be responsible for payment of all reasonable costs associated with the necessary inspections of the conditions of approval contained in the authorization of the facility, including costs incurred by the Community Development Agency, the County Fire Department, the Building Inspection Division, the Public Works Agency or any other applicable Federal, State or County department or agency.
- 9. <u>Hold Harmless</u>. By exercise of this Conditional Use Permit, the property owner and applicant, shall defend, indemnify, and hold harmless Alameda County and its agents, officers, and employees from any claim, action, or proceeding against Alameda County and its agents, officers, or employees to attack, set aside, void, or annul Conditional Use Permit, PLN2015-00087, the findings of the CEQA determination, or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by Alameda County in its defense. The County shall promptly notify applicant of any such challenge.
- 10. <u>Optional Review/Revocation/Revision</u>. At any time during the term of this permit and after notice as provided for in the initial hearing, this matter may be set for rehearing by the Alameda County Planning Commission for the purpose of making a determination whether the use of the site has ceased for a period of six months, and whether the permit should be therefore revoked, or whether

conditions previously imposed should be modified or new conditions should be added to assure continued affirmative findings for this permit. This reconsideration may include imposition of new landscape requirements, changes to drainage systems, fire safety systems, etc. Any condition modified or added shall have the same force and effect as if originally imposed.

- 11. <u>Transfer of Operations</u>. Any entity that has acquired the facilities as authorized under this permit may maintain the benefits of the existing use permit provided that a letter of notification is submitted to the Alameda County Planning Commission within six months after such transaction, and all conditions of approval for the subject facility are carried out by the new operator/permittee.
- 12. <u>Site Restoration</u>. Permittee or successor shall provide written notification to the Alameda County Planning Commission upon cessation of operations on the site. The permittee/property owner shall remove all improvements authorized under this permit from the site, including the 20,000 sq. ft. mixing building, and the property shall be returned to its pre-application condition within three months of cessation.
- 13. The Applicant shall prepare and implement a lighting plan. Proposed exterior lighting shall be shielded and directed downward and shall use full cutoff shielded fixtures that cast low-angle illumination to minimize incidental spillover of light onto adjacent properties and open space. Fixtures that project light upward or horizontally shall not be used, and luminaries shall be directed away from properties adjacent to the project site. The lighting plan and appropriate fixtures shall be shown on the plans submitted to the County, for review and approval by the Planning Department prior to issuance of building permit(s) and operation activities.
- 14. Permittee and successor shall ensure that construction activities be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, between 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays.
- 15. <u>Signage</u>. Permittee shall provide signage as required by the permitting authority (e.g., Fire Department, Planning Department, Environmental Health) including phone numbers of the utility provider for use in case of an emergency.
- 16. <u>Maintenance</u>. All equipment shall be maintained in good condition throughout the term of the permit. This shall include keeping the equipment cabinets, fencing, and other structures graffiti free and in good condition.
- 17. Pursuant to Section 17-52.050 of the Alameda County Zoning Ordinance said Conditional Use Permit shall be implemented within a term of three (3) years of its issuance or it shall be of no force or effect.
- 18. If implemented, said Conditional Use Permit shall undergo a mandatory review to be conducted at the end of three years, June 2, 2025, and shall remain revocable for cause in accordance with Section 17-54.030 of the Alameda County Zoning Ordinance.
- 19. Permittee, and their successors, shall comply with all Federal, State, and Local Laws, Regulations and Alameda County Ordinances.

THE FOREGOING was PASSED and ADOPTED by a majority vote of the Board of Supervisors of the County of Alameda this 2nd day of June, 2022, pursuant to the following vote:

AYES: Supervisors Brown, Valle, Miley, and Haubert - 4

NOES: None

EXCUSED: President Carson - 1

ABSTAINED: None

PRESIDENT, BOARD OF SUPERVISORS

ATTEST: Anika Campbell-Belton, Clerk Board of Supervisors

By: __

Deputy

APPROVED AS TO FORM:

DONNA Rsig ZJE GLER, COUNTY COUNSEL

By: Rachel Sommovilla

Rachel Sommovilla, Assistant County Counsel

Findings and Statement of Overriding Considerations

Introduction

Section 15091 of the California Environmental Quality Act (CEQA) Guidelines (and Section 21081 of the California Public Resources Code) require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more written findings for each such impact. According to Section 21081, "no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the possible findings with respect to each significant effect:
 - 1. Changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.
 - 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identifies in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment."

Section21081.6 of CEQA also requires public agencies to adopt a monitoring and reporting program for assessing and ensuring the implementation of proposed mitigation measures. The mitigation measures identified in the Mitigation Monitoring and Reporting Plan (MMRP) for the Jess Ranch Compost Facility Project, which is provided under a separate cover, are those identified within this Findings and Statement of Overriding Considerations.

The Statement of Overriding Considerations is a written statement explaining the specific reasons why the social, economic, legal, technical, or other beneficial aspects of the proposed project outweigh the unavoidable adverse environmental impacts and why the Lead Agency is willing to accept such impacts. This statement shall be based on the final EIR and/or other substantial evidence in the record.

Statement of Environmental Effects and Required Findings

This section discusses the impacts and mitigation measures identified for the Proposed Project and makes findings for all areas of potential impact.

The EIR focused on those potential effects of the Proposed Project on the environment that the Lead Agency, i.e., Alameda County (County), has determined may be significant. Chapter 3 of the EIR determined that the Proposed Project would have either no impact or less than significant impacts regarding the following issue areas:

- Energy
- Land Use and Agriculture
- Noise
- Public Services and Utilities
- Transportation and Circulation
- Wildfire

As described in Section 15128 of the CEQA Guidelines, and detailed in the EIR, these issues have no potential for significant impacts and required no further environmental review or analysis beyond the discussion in Chapter 3 of the Draft EIR.

Significant or potentially significant impacts prior to the application of mitigation measures have been identified for the Proposed Project in the following areas: Aesthetics, Air Quality and Greenhouse Gases, Biological Resources, Cultural Resources, Geology and Seismicity, Hazards and Human Health, Hydrology and Water Quality, and Tribal Cultural Resources. These resources are discussed in further detail below.

Aesthetics

DESCRIPTION OF POTENTIAL EFFECTS

The Proposed Project would alter the existing visual character of the site by introducing composting operations on essentially undeveloped land. The site's existing appearance would be transformed from undeveloped grassland to an active compost processing facility. From numerous locations in the surrounding vicinity, views of the Proposed Project site are obstructed by intervening topography and vegetation. However, intermittent glimpses of the site may be visible to motorists traveling on the eastbound lanes of I-580 and from a few residences on Midway Road. Residents and travelers through the area would perceive changes in the visual environment attributable to Proposed Project development as adverse due to the loss of an aesthetically pleasing view, though for the most part, topography obstructs roadway views toward the site. Based on intermittent visibility of the site from I-580, its designation as a scenic corridor in the Alameda County General Plan Scenic Route Element (see Section 3.3.1 *Regulatory Framework*), and the potential for motorists and occupants of adjacent land uses to perceive the Project changes as a substantial degradation of the existing visual character and/or quality of the site and its surroundings, aesthetics impacts are conservatively assumed to be significant.

Additionally, under existing conditions, the Project site does not generate significant sources of light, glare, or light trespass into the night sky. Development of the Proposed Project would introduce nighttime light sources related to the proposed outdoor security lighting and lighting associated with the proposed buildings.

MITIGATION MEASURES

The following mitigation measures would reduce impacts related to construction and operation of the Proposed Project related to aesthetics:

Mitigation Measure AES-1: Provide visual screening of Project facilities: In order to partially screen views of the Proposed Project where it will be visible from I 580, a berm, which will be at least 4 feet tall, will surround the facility and will appear against a hillside landscape backdrop. In order to minimize glare, non-reflective, non-glare finishes shall be used for all compost facility structures. The color of proposed building facades and roofs shall be designed to minimize the potential for visual contrast between the compost facility and its natural landscape surroundings. Bright or very light colors (including white) shall be avoided. Recontouring and revegetation of temporarily disturbed, graded areas shall be completed to provide a natural appearing landform upon completion of construction.

Mitigation Measure AES-2: Reduce light and glare effects: In order to reduce the potential light and glare effects of the Proposed Project, the following measures shall be incorporated:

- 1. All lighting shall be focused towards the site and outdoor lighting shall be directed downward;
- 2. The design of exterior light fixtures shall incorporate shielding to prevent glare and offsite light spillage;
- 3. Outdoor Project lighting shall include non-glare fixtures; and
- 4. The Project lighting design, including the location and specific fixture types to be used, shall be subject to review by the County Planning Department.

FINDINGS

For the above impacts to aesthetics, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency
- □ Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to aesthetics from implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.3 of the EIR addresses the Project's aesthetic impacts.

Air Quality and Greenhouse Gases

DESCRIPTION OF POTENTIAL EFFECTS

Proposed Project would exceed the BAAQMD's significance criteria for criteria air pollutant emissions during operation. Therefore, the Proposed Project would conflict with or obstruct implementation of the applicable air quality plan, which would be significant and unavoidable. Combining project emissions with emissions from other projects would result in cumulatively significant air quality operational impacts, which would be significant and unavoidable. Peak day construction-related criteria pollutant emissions would exceed BAAQMD significance thresholds, resulting in a significant impact; however, with mitigation impacts would be reduced to a less than significant level.

MITIGATION MEASURES

The following mitigation measures would reduce impacts related to construction and operation of the Proposed Project related to air quality and greenhouse gases:

Mitigation Measure AQ-1: Implement BAAQMD's Basic Construction Mitigation

Measures: During construction, the construction contractor would be required to implement BAAQMD's recommended Basic Construction Mitigation Measures (listed in Table 8-2 of BAAQMD's current CEQA Air Quality Guidelines) to address construction-related PM10/PM2.5 (fugitive dust) emissions. The applicable measures are as follows:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure 13 CCR 2485). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure AQ-2: Use of Tier 2 or Better Equipment: The construction contractor would be required to use Tier 2 or better engines in all off-road equipment.

Mitigation Measure AQ-3: Composting Control Measures: Composting off-gas emissions were calculated using various sources of emissions factors and control efficiency values for the control equipment alternatives being considered for the Proposed Project. A number of composting options are being considered for use at the proposed facility:

- Windrow composting (represents the worst-case, unmitigated emissions)
- Windrows with micro-porous fabric cover (mitigated)
- Positive ASP with micro-porous cover (mitigated)
- Positive ASP with biocover (mitigated)
- Negative ASP vented to biofilter (mitigated)
- Rotating drum vented to biofilter (mitigated)

In each of the mitigated cases, only the emissions from the active phase of composting are controlled by the listed option.

To mitigate emissions from the curing phase, the Project proponent would provide funding to implement carbon farming in Alameda County. Carbon farming is the implementation of multiple practices, including compost application on rangeland, to increase the ability of the soil to capture and sequester carbon from the atmosphere.

FINDINGS

For the above impacts to air quality and greenhouse gases, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to air quality and greenhouse gases from the implementation of the Proposed Project are found to be significant and unavoidable.

REFERENCES

Section 3.4 of the EIR addresses the Project's air quality and greenhouse gases impacts.

Biological Resources

DESCRIPTION OF POTENTIAL EFFECTS

A number of species and species groups were determined to have the potential to be significantly impacted by Project-related activities, either directly or through habitat modification. These include San Joaquin kit fox and American badger, migratory birds and raptors, and special-status amphibians and reptiles. Implementation of Project activities would result in the loss of riparian vegetation, aquatic or wetland habitat, and/or sensitive natural communities, which would be considered a potentially significant impact. Implementation of Project-related activities would result in the permanent loss of state or federally protected wetlands, which would be considered a potentially significant impact.

MITIGATION MEASURES

The following mitigation measures would reduce impacts related to construction and operation of the Proposed Project related to biological resources:

Mitigation Measure BIO-1: Conduct pre-construction surveys and implement avoidance and minimization measures for special-status plant species: Prior to construction, a construction employee education program would be conducted in reference to special-status species onsite. At minimum, the program would consist of a brief presentation by persons knowledgeable in endangered species biology and legislative protection to explain avoidance and minimization Measures (AMMs) that must be followed by all personnel to reduce or avoid effects on special-status species during construction activities. The program would include: a description of the species and their habitat needs; any reports of occurrences in the Project area; an explanation of the status of each listed species and their protection under the Act; and a list of measures being taken to reduce effects to the species during construction and implementation. Fact sheets conveying this information and an educational brochure containing color photographs of all listed species in the work area(s) would be prepared for distribution to the above-mentioned people and anyone else who may enter the Project area. A list of employees who attend the training sessions would be maintained by the applicant to be made available for review by the Service upon request. Contractor training would be incorporated into construction contracts and would be a component of weekly Project meetings.

Mitigation Measure BIO-2: Conduct environmental tailboard trainings: Environmental tailboard trainings would take place on an as-needed basis in the field. The environmental tailboard trainings would include a brief review of the biology of the covered species and guidelines that must be followed by all personnel to reduce or avoid negative effects to these species during construction activities. Directors, Managers, Superintendents, and the crew foremen and forewomen would be responsible for ensuring that crewmembers comply with the guidelines.

Mitigation Measure BIO-3: Obligate all contractors to comply with EACCS AMMs:

Contracts with contractors, construction management firms, and subcontractors would obligate all contractors to comply with these requirements, AMMs.

Mitigation Measure BIO-4: Hire a qualified biological monitor to remain onsite: A qualified biological monitor would remain onsite during all construction activities in or adjacent to habitat for special-status species. The biological monitor(s) would be given the authority to stop any work that may result in the take of listed species. If the biological monitor(s) exercises this authority, the appropriate resource agencies would be notified by telephone and electronic mail within one working day. The biological monitor would be the contact for any employee or contractor who might inadvertently kill or injure a listed species or anyone who finds a dead, injured, or entrapped individual.

Mitigation Measure BIO-5: Delineate construction area to prevent encroachment of construction personnel and equipment outside of the construction area: Prior to the initiation of ground clearing activities, the construction area would be delineated with high visibility temporary fencing at least 4 feet in height, flagging, or other barrier to prevent encroachment of construction personnel and equipment outside of the construction area. Such fencing would be inspected and maintained daily until completion of the Proposed Project. The fencing would be removed only when all construction equipment is removed from the site. In places where wildlife exclusionary fencing is necessary, as determined by the biological monitor(s), silt fencing or other appropriate wildlife exclusion fencing materials would be used in place of the high visibility temporary construction fencing to prevent listed species from entering the Project area. Exclusion fencing would be at least 3 feet high and the lower 6 inches of the fence would be buried in the ground to prevent animals from crawling under. The remaining 2.5 feet would be left above ground to serve as a barrier for animals moving on the ground surface. The fence would be pulled taut at each support to prevent folds or snags. Fencing would be installed and maintained in good condition during all construction activities. Such fencing would be inspected and maintained daily until completion of the construction for the Proposed Project. The fencing would be removed only when all construction equipment is removed from the site.

Mitigation Measure BIO-6: Prevent nighttime construction: All construction activities must cease one half hour before sunset and should not begin prior to one half hour after sunrise. There would be no nighttime construction.

Mitigation Measure BIO-7: Restrict grading to the minimum area necessary and limit grading to the dry season: Grading would be restricted to the minimum area necessary and be limited to the dry season, typically April-October.

Mitigation Measure BIO-8: Prevent earth-moving-activities in riparian areas within 24 hours of predicted storms or after major storms: Significant earth moving-activities would not be conducted in riparian areas within 24 hours of predicted storms or after major storms (defined as 1-inch of rain or more).

Mitigation Measure BIO-9: Store and inspect pipes, culverts and similar materials greater than four inches in diameter to prevent covered wildlife species from using these as temporary refuges: Pipes, culverts and similar materials greater than four inches in diameter, would be stored so as to prevent covered wildlife species from using these as temporary refuges, and these materials would be inspected each morning for the presence of animals prior to being moved.

Mitigation Measure BIO-10: Erosion control measures: Erosion control measures would be implemented to reduce sedimentation in wetland habitat occupied by covered animal and plant species when activities are the source of potential erosion problems. Plastic mono-filament netting (erosion control matting) or similar material containing netting would not be used at the Proposed Project. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.

Mitigation Measure BIO-11: Remove all vegetation which obscures the observation of wildlife movement prior to the initiation of grading: All vegetation which obscures the observation of wildlife movement within the affected areas containing or immediately adjacent aquatic habitats would be completely removed by hand just prior to the initiation of grading to remove cover that might be used by special-status species. The biological monitor(s) would survey these areas immediately prior to vegetation removal to find, capture and relocate any observed listed species, as approved by the appropriate resource agencies.

Mitigation Measure BIO-12: Place all trash and debris from work area in containers with secure lids: All trash and debris within the work area would be placed in containers with secure lids before the end of each workday in order to reduce the likelihood of predators being attracted to the site by discarded food wrappers and other rubbish that may be left onsite. Containers would be emptied as necessary to prevent trash overflow onto the site and all rubbish would be disposed of at an appropriate off-site location.

Mitigation Measure BIO-13: Stockpile material in order to avoid effects to covered species. Stockpiling of material would occur such that direct effects on covered species are avoided. Stockpiling of material in riparian areas would occur outside of the top of bank, and preferably outside of the outer riparian dripline and would not exceed 30 days.

Mitigation Measure BIO-14: Cover excavated holes and trenches deeper than 6 inches at the end of each workday with plywood or similar materials. To prevent the accidental entrapment of listed species during construction, all excavated holes or trenches deeper than 6 inches would be covered at the end of each workday with plywood or similar materials. Foundation trenches or larger excavations that cannot easily be covered would be ramped at the end of the workday to allow trapped animals an escape method. Prior to the filling of such holes, these areas would be thoroughly inspected for listed species by Service-approved biologists. In the event of a trapped animal is observed, construction would cease until the individual has been relocated to an appropriate location.

Mitigation Measure BIO-15: Prevent trash dumping, firearms, open fires, hunting and pets at or near work sites. The following would not be allowed at or near work sites for covered activities: trash dumping, firearms, open fires (such as barbecues) not required by the activity, hunting, and pets (except for safety in remote locations).

Mitigation Measure BIO-16: Park vehicles on pavement, existing roads, and previously disturbed areas. Vehicles and equipment would be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.

Mitigation Measure BIO-17: Minimize off-road vehicle travel. Off-road vehicle travel would be minimized.

Mitigation Measure BIO-18: Set speed limit on unpaved roads, within natural land-cover types, or during off-road travel. Vehicles would not exceed a speed limit of 15 mph on unpaved roads within natural land-cover types, or during off-road travel.

Mitigation Measure BIO-19: Prohibit refueling of vehicles within 100 feet of a wetland, stream, or other waterway. Vehicles or equipment would not be refueled within 100 feet of a wetland, stream, or other waterway unless a bermed and lined refueling area is constructed.

Mitigation Measure BIO-20: Wash vehicles only at approved areas, outside of job sites. Prior to any vehicles and equipment entering a project site, a qualified biologist would perform an inspection for invasive plant species. All visible soil, plant materials, animal remnants, or any other signs of invasive species on vehicles and equipment shall be removed prior to entering the project site. Removal and decontamination requirements of vehicles and equipment shall be up to the discretion of the qualified biologist. Additionally, if a vehicle or piece of equipment must leave the project site for any length of time and has been exposed to a different project site or location, it will be required to be re-inspected prior to re-entering the project site. Vehicles would be washed only at approved areas. No washing of vehicles would occur at job sites.

Mitigation Measure BIO-21: Discourage the introduction and establishment of invasive plant species. To discourage the introduction and establishment of invasive plant species, seed mixtures/straw used within natural vegetation would be either rice straw or weed-free straw and will occur as necessary throughout the life of the project. Any invasive mustard (family Brassicaceae) identified within the project area will be removed prior or during construction of the facility. Invasive plant material removed during work activities shall be bagged and appropriately incinerated or disposed of in a landfill or permitted composting facility.

Mitigation Measure BIO-22: Restore all exposed and/or disturbed areas resulting from project-related activities to their original contour and grade using locally native grass and forb seeds, plugs or a mix of the two. All exposed and/or disturbed areas resulting from project-related activities shall be returned to their original contour and grade, and restored using locally native grass and forb seeds, plugs or a mix of the two. Areas shall be seeded with species appropriate to their topographical and hydrological character. For example, temporarily disturbed seasonal wetlands shall be seeded with native hydrophytic species typical to the region; whereas upland areas shall be seeded with an upland grass and forb mix. Seeded areas shall be covered with broadcast straw and/or jute netted, where appropriate. A species list and restoration and monitoring plan would be included with the Project proposal for review and approval by USACE, USFWS, and/or CDFW as appropriate. Such a plan must include, but not be limited to, location of the restoration, species to be used, restoration techniques, time of year the work would be done, duration and frequency of work, identifiable success criteria for completion, monitoring protocols, and remedial actions if the success criteria are not achieved.

Mitigation Measure BIO-23: Translocation of special-status species. Special-status species translocation would be approved on a project specific basis. The applicant would prepare a

translocation plan for the Project to be reviewed and approved by the appropriate resource agencies prior to Project implementation. The plan would include trapping and translocation methods, translocation site, and post translocation monitoring.

Mitigation Measure BIO-24: Hire a qualified botanist to perform focused surveys to determine the presence/absence of special status plant species in the project area. A qualified botanist would be retained to perform focused surveys to determine the presence/absence of special-status plant species with potential to occur in and adjacent to (within 100 feet, where appropriate) the proposed impact area, including new construction access routes. These surveys would be conducted in accordance with CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2009). These guidelines require that rare plant surveys be conducted at the proper time of year when rare or endangered species are both evident and identifiable. Field surveys would be scheduled to coincide with known flowering periods, and/or during appropriate developmental periods that are necessary to identify the plant species of concern.

Mitigation Measure BIO-25: Avoid state listed, federally listed, and/or CNPS List 1 or CNPS List 2 plant species found within 100 feet of the project area. If any state listed, federally listed, and/or CNPS List 1 or CNPS List 2 plant species are found within 100 feet of proposed impact areas during the surveys, these plant species would be avoided to the greatest extent possible and the following would be implemented:

Before the approval of grading plans or any ground-breaking activity within Project work areas, a mitigation plan would be submitted concurrently to CDFW and USFWS (if appropriate) for review and comment. The plan would include mitigation measures for the population(s) directly or indirectly affected. Possible mitigation for impacts on special-status plant species can include implementation of a program to transplant, salvage, cultivate, or re-establish the species at suitable sites (if feasible), or through the purchase of credits from an approved mitigation bank, if available. The actual level of mitigation may vary depending on the sensitivity of the species, its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. The final mitigation strategy for directly impacted plant species would be determined by CDFW and USFWS (if appropriate) through the mitigation plan approval process.

Any special-status plant species that are identified adjacent to Project work areas, but not proposed to be disturbed by the Project, would be protected by barrier fencing to ensure that construction activities and material stockpiles do not impact any special-status plant species. These avoidance areas would be identified on Project plans.

Mitigation Measure BIO-26: Hire a qualified biologist to survey the work site immediately prior to construction activities. A qualified biologist would survey the work site immediately prior to construction activities. If any life stages of California red-legged frog, California tiger salamander, California glossy snake, and/or San Joaquin coachwhip are found, the biologist would contact the appropriate resource agencies to determine if moving any of the life-stages is appropriate. In making this determination the resource agencies would consider if an appropriate translocation site exists as provided in the translocation plan. If the resource agencies approve moving animals, a qualified biologist would be allowed sufficient time to move individuals from the work site before ground disturbing activities begin. Only resource agency-approved biologists would participate in activities associated with the capture, handling, and monitoring of California red-legged frogs and/or California tiger salamanders.

Mitigation Measure BIO-27: Use bare hands to capture California red-legged frog, California tiger salamander, California glossy snake, and/or San Joaquin coachwhip. Bare hands would be used to capture California red-legged frog, California tiger salamander, California glossy snake, and/or San Joaquin coachwhip. Biologists would not use soaps, oils, creams, lotions, repellents, or solvents of any sort on their hands within 2 hours before and during periods when they are capturing and relocating individuals. To avoid transferring disease or pathogens of handling of the amphibians, biologists would follow the Declining Amphibian

Populations Task Force's Code of Practice.

Mitigation Measure BIO-28: Hire a qualified biologist to stake and flag an exclusion zone prior to ground disturbing activities if these activities would occur within the typical dispersal distance and/or within 500 feet of suitable aquatic habitat for California redlegged frogs and California tiger salamanders. If ground disturbing activities would occur within the typical dispersal distance (contact USFWS/CDFW for latest research on this distance) and/or within 500 feet of suitable aquatic habitat for California tiger salamanders, a qualified biologist would stake and flag an exclusion zone prior to initiation of ground disturbing activities. The exclusion zone would be fenced with orange construction zone and erosion control fencing (to be installed by construction crew), in accordance with MM BIO-5. The exclusion zone would encompass the maximum practicable distance from the work site and at least 500 feet from the aquatic feature wet or dry. Barrier fencing would be removed within 72 hours of completion of work.

Mitigation Measure BIO-29: Provide mitigation for permanent impacts on California redlegged frog and California tiger salamander habitat at a minimum 3:1 ratio. Mitigation for permanent impacts on California red-legged frog and California tiger salamander habitat would be provided at a minimum 3:1 ratio. Mitigation can include onsite restoration, in-lieu fee payment, or purchase of mitigation credits at a USFWS approved mitigation bank. Mitigation as required in regulatory permits issued through the USFWS and/or USACE may be applied to satisfy this measure.

Mitigation Measure BIO-30: Hire a qualified biologist to conduct preconstruction surveys to identify active migratory bird and/or raptor nests if construction activities would occur during the migratory bird nesting season. If clearing and/or construction activities occur during the migratory bird nesting season (March 15 to September 1), then preconstruction surveys to identify active migratory bird and/or raptor nests, including burrowing owl burrows, would be conducted by a qualified biologist within 14 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites or burrowing owl burrows within the proposed work area, including construction access routes and a 500-foot buffer, where feasible.

Mitigation Measure BIO-31: Conduct work outside of nesting season if an active nest is identified near a proposed work area. If an active nest is identified near a proposed work area, work would be conducted outside of the nesting season (March 15 to September 1), if feasible. If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone would be established by a qualified biologist. The no-activity zone would be large enough to avoid nest abandonment and would at a minimum be 250-foot radius from the nest. If burrowing owls are present at the site during the non-breeding period, a qualified biologist would establish a no-activity zone of at least 150 feet.

If an effective no-activity zone cannot be established in either case, a qualified biologist would develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the birds, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the nesting birds.

Mitigation Measure BIO-32: Hire a qualified biologist to determine if active dens for San Joaquin kit fox and/or American badger occur within 500 feet of the proposed work areas. Prior to implementation of Project-related activities, a qualified biologist would be retained to determine if active dens for San Joaquin kit fox and/or American badger occur within 500 feet of the proposed work areas, including construction access routes. Surveys would be conducted in accordance with current resource agency protocols.

Mitigation Measure BIO-33: Avoid disturbance and destruction to dens. If potential dens are present, their disturbance and destruction would be avoided. If potential dens are located within the proposed work area and cannot be avoided during construction, qualified biologist would determine if the dens are occupied or were recently occupied using methodology coordinated with USFWS and CDFW. If unoccupied, the qualified biologist would collapse these dens by hand in accordance with current USFWS procedures.

Mitigation Measure BIO-34: Implement exclusion zones following current USFWS procedures or the latest USFES procedures available at the time. Exclusion zones would be implemented following current USFWS procedures or the latest USFWS procedures available at the time. The radius of these zones would follow current standards or would be as follows: Potential Den – 50 feet; Known Den – 100 feet; Natal or Pupping Den – to be determined on a case by-case basis in coordination with USFWS and CDFW.

Mitigation Measure BIO-35: Provide mitigation for permanent impacts on San Joaquin kit fox habitat at a minimum 3:1 ratio. Mitigation for permanent impacts on San Joaquin kit fox habitat would be provided at a minimum 3:1 ratio. Mitigation can include onsite restoration, inlieu fee payment, or purchase of mitigation credits at a USFWS approved mitigation bank. Mitigation as required in regulatory permits issued through the USFWS and/or USACE may be applied to satisfy this measure.

Mitigation Measure BIO-36: Provide mitigation for permanent impacts on sensitive communities at a minimum 1:1 ratio. Mitigation for permanent impacts on sensitive communities would be provided at a minimum 1:1 ratio. Mitigation can include onsite

restoration, in-lieu fee payment, or purchase of mitigation credits at a USACE approved mitigation bank. Mitigation as required in regulatory permits issued through the USACE and/or CDFW may be applied to satisfy this measure.

FINDINGS

For the above impacts to biological resources, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency
- □ Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to biological resources from implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.5 of the EIR addresses the Project's biological resources impacts.

Cultural Resources

DESCRIPTION OF POTENTIAL EFFECTS

Implementation of the Proposed Project is not anticipated to result in disturbance of eligible/significant cultural resources. No cultural resources were identified within the Proposed Project's APE. Nonetheless, while unlikely, buried or previously unidentified cultural resources could exist. Record search and survey results indicate that there are no significant cultural resources on the surface of the APE, and there are few known cultural resources in the immediate area. While the surface of the Project area has been altered through previous agricultural use, prehistoric and historic period archaeological sites could occur in buried contexts. Thus, the potential exists that buried resources could be discovered during construction.

Although no evidence of human remains or recorded cemeteries were found in documentary research and during the intensive field investigation, future ground-disturbing activities in the Project area could adversely affect presently unknown prehistoric burials.

MITIGATION MEASURES

The following mitigation measures would reduce impacts related to construction and operation of the Proposed Project related to cultural resources:

Mitigation Measure CR-1: Halt Construction Activities if Any Cultural Materials Are

Discovered: Prior to construction, construction personnel shall be briefed regarding the proper procedure in the event buried cultural materials are encountered. If previously undocumented

archaeological materials are encountered during Project construction, all ground-disturbing activity shall be suspended temporarily within an appropriate distance determined by a qualified professional archaeologist based on the potential for disturbance of additional resource-bearing soils. The qualified professional archaeologist shall identify the materials, determine their possible significance, and formulate appropriate mitigation measures. Appropriate mitigation may include no action, avoidance of the resource, and/or potential data recovery. Ground disturbance in the zone of suspended activity shall not recommence without authorization from the archaeologist.

Mitigation Measure CR-2: Halt Construction Activities if Any Human Remains Are

Discovered: If human remains are uncovered during Project construction, all ground-disturbing activities shall immediately be suspended within an appropriate distance determined by a qualified professional archaeologist based on the potential for disturbance of additional remains. The Alameda County Coroner, and a qualified professional archaeologist, if one is not already onsite, shall be notified. The coroner shall examine the discovery within 48 hours. If the Coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours. The NAHC shall contact the most likely descendant of the remains. The most likely descendant shall be consulted regarding the removal or preservation and avoidance of the remains, and the parties shall rebury or preserve the remains as appropriate. Ground disturbance in the zone of suspended activity shall not recommence without authorization from the archaeologist.

FINDINGS

For the above impacts to cultural resources, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency
- □ Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to cultural resources from the implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES Section 3.6 of the EIR addresses the Project's cultural resources impacts.

Geology and Seismicity

DESCRIPTION OF POTENTIAL EFFECTS

The potential for adverse impacts related to shrink-swell potential and/or settlements of soil associated with expansive soils and liquefaction potential would be considered potentially

significant. According to the University of California Museum of Paleontology database, paleontological resources are known to exist in Alameda County near the Project area in Livermore, California. Construction activities requiring ground disturbance such as, clearing, grubbing, and grading activities would remove ground cover, and have the potential to impact undiscovered paleontological resources, if present.

MITIGATION MEASURES

The following mitigation measures would reduce impacts related to construction and operation of the Proposed Project related to geology and seismicity:

Mitigation Measure GEO-1: Perform geotechnical investigation and reporting: Prior to initiation of grading, a design-level geotechnical investigation and report shall be prepared that includes measures to ensure potential damages related to expansive soils, non-uniformly compacted fill, and liquefiable sediments are minimized. Measures may range from complete removal of the problematic soils during grading operations, to conditioning the soils, or designing and constructing improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. In addition, the following measures shall be incorporated into the Project: 1) all soil handling and conditioning measures, and structural foundations shall be designed by a licensed professional engineer; 2) all designs shall be submitted to, and approved by, the Alameda County Public Works Department prior to implementation; and 3) onsite soil management and/or conditioning activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist.

In addition, the condition of all surfaces related to operations on the site, including at the active composting pad, curing area and storage pads, shall be inspected on a monthly basis (the condition of the catchment basin liner shall be inspected on an annual basis). The results of the inspections shall be recorded on an appropriate data form. Any cracking in pavements or liners, potholes, wheel ruts, or other conditions that could cause ponding on the active surfaces, lead to damage to facilities or structures, or allow infiltration of runoff into the subsurface shall be noted and corrective action initiated within seven days.

Mitigation Measure GEO-2: Follow the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts on Paleontological Resources: Temporary and permanent impacts on a unique paleontological resource or site during construction and ground disturbance would be mitigated by implementing the following measures:

- 1. Conduct an intensive field survey and surface salvage prior to earth moving, if applicable;
- 2. Hire a qualified paleontological resource monitor to monitor excavations in previously disturbed rock units;
- 3. Salvage unearthed fossil remains and/or traces (for example, tracks, trails, burrows, etc.
- 4. Wash screens to recover small specimens, if applicable;
- 5. Prepare salvaged fossils to a point of being ready for curation (that is, removal of the enclosing matrix, stabilization and repair of specimens, and construction of reinforced support cradles where appropriate);

- 6. Identify, catalog, curate, and provide for repository storage of prepared fossil specimens; and
- 7. Prepare a final report of the finds and their significance.

Mitigation Measure GEO-3: Perform geotechnical investigation for slope stability: As part of the design level geotechnical investigation discussed in Mitigation Measure GEO-1, an analysis of the stability of all slopes that would be created under the selected grading plan shall also be prepared. Proposed cut and fill slope designs shall have factors of safety not lower than 1.5 under static conditions and 1.0 under seismic shaking conditions. All grading plans, cut and fill slopes, compaction procedures, and retaining structures shall be designed by a licensed professional engineer. All designs shall be submitted to, and approved by, the Alameda County Public Works Department prior to implementation. Grading and slope preparation activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist.

FINDINGS

For the above impacts to cultural resources, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency
- □ Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to geology and seismicity from the implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.8 of the EIR addresses the Project's geology and seismicity impacts.

Hazards and Human Health

DESCRIPTION OF POTENTIAL EFFECTS

The potential for exposure of composting facility workers and end users of compost to chemical contaminants and/or pathogens that may be present in compost feedstocks is considered a significant impact. Operation of the proposed compost facility does have the potential to generate both *A. fumigatus* and endotoxins. Bioaerosols generated by the facility would primarily result from grinding and screening materials and from turning windrows. Given their proximity to composting operations, onsite workers have the greatest potential for exposure to bioaerosols resulting in a significant impact. Composting operations may also attract vectors, which may pose a health risk to facility workers and the general public.

MITIGATION MEASURES

The following mitigation measures would reduce impacts related to construction and operation of the Proposed Project related to hazards and human health:

Mitigation Measure HAZ-1: Prepare and implement screening, monitoring, testing, and training procedures: Prior to operation of the facility, procedures for complying with CCR Title 14, Chapter 3.1 Composting Operations Regulatory Requirements shall be prepared by the facility operator and submitted to the Alameda County Department of Environmental Health for approval as part of the facility's Report of Composting Site Information (RCSI). At a minimum, these procedures shall include:

- procedures for screening feedstocks for contaminants;
- monitoring temperature and moisture content during the composting process;
- sampling composts for pathogens and heavy metals; and
- a training program to train workers to identify contaminants in feedstocks and implement and document screening, monitoring, and sampling procedures. Employee training shall include proper handling of potentially contaminated compost feedstocks and chemical agents used in the composting process (e.g., lime), including safe work practices and use of personal protective equipment, if warranted.

Work practices shall be designed to prevent exposure to employees in excess of Permissible Exposure Limits, which are the legal exposure limits for airborne contaminants set forth in Cal/OSHA regulations. Sampling requirements shall meet or exceed requirements in the ACWMA's Draft Compost Quality Standards and Testing Protocol, which include screening for chemical contaminants and pathogens.

Mitigation Measure HAZ-2: Provide worker training and protective equipment: In accordance with recommendations by the California Department of Health Services, all applicants for employment at the compost facility shall be trained and educated on hazards associated with the job. Training shall include information on the nature of the organic decay process and the increased potential for exposure to bioaerosols in some job categories. New employees with debilitating conditions, especially those on immunosuppressant medication, shall be cautioned and restricted from certain activities, such as screening or in locations where considerable dust emissions occur.

The facility operator shall install protective equipment in accordance with OSHA requirements to minimize risks to onsite workers. Examples of this equipment include dust-collecting equipment, such as bag houses, in vicinity of screens and other major dust-producing equipment; dust filters in cabs of front-end loaders and other vehicles; and masks, respirators, and other personal protective equipment.

Mitigation Measure HAZ-3: Prepare a Vector Control Plan: Prior to operation of the facility, a Vector Control Plan for the facility shall be prepared by the facility operator and approved by the Alameda County Department of Environmental Health. The Vector Control Plan shall include:

- housekeeping procedures to prevent processing areas and recycled water basins from attracting potential vectors;
- measures to minimize standing water and prevent mosquito breeding at the site, including frequent drawdown of the recycled water basins;
- operating procedures designed to destroy fly eggs and larvae before they can become adult flies, such as the prompt processing and mixing of the feedstock so that the compost pile temperature is raised quickly;
- the use of fly traps to attract and capture adult flies;
- a monitoring program to measure vectors near the site perimeter, including action levels (such as number of flies collected in off-site traps) for determining whether significant off-site vector migration is occurring;
- a contingency program for mitigating off-site vector migration when action levels are exceeded, including use of insecticides and rodent traps, if warranted; and
- a program to train workers to properly implement and document the procedures of the Vector Control Plan.

FINDINGS

For the above impacts to hazards and human health, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to hazards and human health from implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.9 of the EIR addresses the Project's hazards and human health impacts.

Hydrology and Water Quality

DESCRIPTION OF POTENTIAL EFFECTS

Grading, earthmoving, roadway excavation, and facility construction would disturb the existing vegetative cover, soil, and drainage characteristics of the Project site. By removing the existing vegetative cover, the proposed construction activities would expose the site's soils to wind and storm water erosion. Construction activities could result in substantial storm water discharges of suspended solids and other pollutants into local drainage channels from the Project construction site. In addition, intense rainfall and associated storm water runoff could result in short periods of sheet erosion within areas of exposed or stockpiled soils. The potential for chemical releases

from construction equipment and materials is also a concern at construction sites. Once released, substances such as fuels, oils, paints, and solvents could be transported to surface waters and/or groundwater in storm water runoff, wash water, and dust control water, potentially reducing the quality of the receiving waters. Therefore, construction impacts on water quality would be potentially significant. During operations, although the Proposed Project would generate a new source of storm water requiring drainage, storm water runoff would be managed through careful facility design and operation.

MITIGATION MEASURES

The following mitigation measures would reduce impacts related to construction and operation of the Proposed Project related to hydrology and water quality:

Mitigation Measure HWQ-1: Prepare and implement a SWPPP: As required by the County, a grading permit application shall be prepared and submitted to the County for review and approval prior to initiation of any earthwork at the site. The grading permit application shall include measures to control storm water drainage from the site and to minimize the potential for sediment discharges from the site. In addition, the applicant shall prepare a SWPPP designed to reduce potential impacts on surface water quality during construction. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed composting facility. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction and operation materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with receiving waters.

An important component of the storm water quality protection effort is construction workers' knowledge of the site. To educate onsite personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP. The SWPPP shall also specify a routine monitoring program to be implemented by the construction contractor.

FINDINGS

For the above impacts to hydrology and water quality, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
The potential impacts to hydrology and water quality from implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.10 of the EIR addresses the Project's hydrology and water quality impacts.

Tribal Cultural Resources

DESCRIPTION OF POTENTIAL EFFECTS

As discussed in Section 3.4.3 of the EIR under impact discussions CR-1 and CR-2, impacts from the Proposed Project could impact unknown archaeological resources including Native American artifacts and human remains. These artifacts, sites, and remains may also be, by extension, considered tribal cultural resources.

MITIGATION MEASURES

The following mitigation measures would reduce impacts related to construction and operation of the Proposed Project related tribal cultural resources:

Mitigation Measure CR-1: Halt Construction Activities if Any Cultural Materials Are

Discovered: Prior to construction, construction personnel shall be briefed regarding the proper procedure in the event buried cultural materials are encountered. If previously undocumented archaeological materials are encountered during Project construction, all ground-disturbing activity shall be suspended temporarily within an appropriate distance determined by a qualified professional archaeologist based on the potential for disturbance of additional resource-bearing soils. The qualified professional archaeologist shall identify the materials, determine their possible significance, and formulate appropriate mitigation measures. Appropriate mitigation may include no action, avoidance of the resource, and/or potential data recovery. Ground disturbance in the zone of suspended activity shall not recommence without authorization from the archaeologist.

Mitigation Measure CR-2: Halt Construction Activities if Any Human Remains Are

Discovered: If human remains are uncovered during Project construction, all ground-disturbing activities shall immediately be suspended within an appropriate distance determined by a qualified professional archaeologist based on the potential for disturbance of additional remains. The Alameda County Coroner, and a qualified professional archaeologist, if one is not already onsite, shall be notified. The coroner shall examine the discovery within 48 hours. If the Coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours. The NAHC shall contact the most likely descendant of the remains. The most likely descendant shall be consulted regarding the removal or preservation and avoidance of the remains, and the parties shall rebury or preserve the remains as appropriate. Ground disturbance in the zone of suspended activity shall not recommence without authorization from the archaeologist.

FINDINGS

For the above impacts to tribal cultural resources, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to tribal cultural resources from implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.15 of the EIR addresses the Project's tribal cultural resources impacts.

Statement of Overriding Considerations

Pursuant to the requirements of Public Resources Code Sections 21001, 21001/1 and 21081, and Section 15093 of the State CEQA Guidelines, County finds that approval of the proposed Jess Ranch Compost Facility, whose potential impacts have been evaluated in the Final EIR, and as indicated in the *Statement of Environmental Effects and Required Findings*, discussed above, would result in the occurrence of significant effects that are not avoided or substantially lessened. These significant and unavoidable effects are listed below.

- Impact AQ-1: Conflict with or obstruct implementation of the BAAQMD 2017 Clean Air Plan.
- Impact AQ-3: Cumulatively significant net increase of any nonattainment pollutant.

Further, as required by CEQA Section 21081(b) and State CEQA Guidelines Section 15093, the County finds that the unavoidable significant effects listed above are outweighed by specific overriding economic, legal, social, technological, or other benefits offered by the Proposed Project. Specifically, the Project will provide the benefits described below.

Environmental and Legal Benefits

There have been a number of recent state laws enacted affecting organic waste management, which include the following:

- Senate Bill (SB) 1383. Requires reduction in methane by reducing 50% of currently disposed organic waste in landfills by 2020, and 75% by 2025.
- Assembly Bill (AB) 1572. This bill gives the California Department of Resources and Recycling Recovery (CalRecycle) greater flexibility in ensuring locals comply with sustainable waste management law while reducing burdens associated with oversight for areas that exceed state requirements.

- **AB 876.** Requires jurisdiction to report estimated additional organics infrastructure required and locations for new/expanded infrastructure. The local counties and regional agencies are also required to estimate the amount of organic waste during a 15-year period.
- **AB 1594.** The bill requires a local jurisdiction to include information in an annual report on how the local jurisdiction intends to address these diversion requirements and divert green material that is being used as alternative daily cover.

Consistent with the objectives of the Proposed Project, the following legal and environmental benefits would be achieved through implementation of the Project:

- The Proposed Project would assist jurisdictions in Alameda County in meeting the diversion goals of the IWMA and Alameda County's Measure D by diverting organic materials from landfills;
- The Proposed Project would assist other jurisdictions in other counties, as appropriate, in meeting their individual diversion goals;
- The Proposed Project would assist the state in providing additional organics processing capacity to meet the requirements of recent legislation;
- The Proposed Project would facilitate and secure a long-term, in-county, organics processing facility available to government agencies to increase the diversion of green and food materials from the waste stream;
- The Proposed Project would Satisfy local and regional market demands for compost-based amendments; and
- The Proposed Project would support the County in meeting their 75-percent goal for waste reduction countywide by diverting from the waste stream up to 1,000 TPD of organic materials.

In addition to these benefits, the Project would also address the need for a facility which processes biosolids in the Bay Area. The Bay Area produces approximately 160,000 dry tons of biosolids annually. Currently biosolids are generally applied during dry months and used as landfill cover during the rainy season. The Proposed Project would be the only site in the Bay Area that could use biosolids as a compost feedstock.

Social

The location and design of the Proposed Project have been chosen to serve the anticipated market areas—primarily agricultural uses in the California Central Valley —while providing sufficient isolation to minimize the potential for aesthetic concerns, odors and similar effects in residential areas. Transportation distances, both to transport organic material feedstock to the Project site and to transport composted material to market areas, are balanced with remoteness to minimize adverse effects. The Project site is located within a 30-mile radius of major sources of organic materials, which is generally a lesser distance than where organics are currently being transported for processing.

Summary

Accordingly, the County hereby concludes that the Proposed Project's benefits outweigh and override its unavoidable significant impacts for the reasons stated above. The County reached this decision after having done all of the following: (1) adopted all feasible mitigation measures, (2) rejected as infeasible alternatives to the Project, (3) rejected alternatives that do not fully meet the Project objectives, (4) recognized all significant, unavoidable impacts, and (5) balanced the benefits of the Project against its significant and unavoidable impacts.

Impact	Level of Significance	Mitigation Measure		
3.3 Aesthetics				
Impact AES-1: Permanent Alteration of the Visual Character and Quality of the Proposed Project Area	Less than Significant with Mitigation Incorporated	Mitigation Measure AES-1: Provide visual screening of Project facilities.		
Impact AES-2: Introduction of New Sources of Light and Glare at the Site	Less than Significant with Mitigation Incorporated	Mitigation Measure AES-2: Reduce light and glare effects.		
3.4 Air Quality and Greenhouse Gases				
Impact AQ-1: Conflict with or obstruct implementation of the applicable air quality plan	Significant and Unavoidable	None; impact would remain significant and unavoidable		
Impact AQ-2: Violate any air quality standard or contribute significantly to an existing or projected air quality violation	Less than Significant with Mitigation Incorporated	Mitigation Measure AQ-1: Implement BAAQMD's Basic Construction Mitigation Measures Mitigation Measure AQ-2: Use of Tier 2 or Better Equipment Mitigation Measure AQ-3: Composting Control Measures		
Impact AQ-3: Result in a cumulative net increase of any nonattainment pollutant (including releasing emissions that exceed quantitative thresholds for ozone precursors)	Significant and Unavoidable	None; impact would remain significant and unavoidable		
3.5 Biological Resources				
Impact BIO-1: Impacts on Candidate, Sensitive, or Special-Status Species	Less than Significant with Mitigation Incorporated	 Mitigation Measure BIO-1: Conduct pre-construction surveys and implement avoidance and minimization measures for special-status plant species. Mitigation Measure BIO-2: Conduct environmental tailboard trainings. Mitigation Measure BIO-3: Obligate all contractors to comply with EACCS AMMs Mitigation Measure BIO-4: Hire a qualified biological monitor to remain onsite during all construction activities in or adjacent to habitat for special status species. Mitigation Measure BIO-5: Delineate construction area to prevent encroachment of construction personnel and equipment outside of the construction area. Mitigation Measure BIO-6: Prevent nighttime construction. Mitigation Measure BIO-7: Restrict grading to the minimum area necessary and limit grading to the dry season. Mitigation Measure BIO-8: Prevent earth-moving-activities in riparian areas within 24 hours of predicted storms or after major storms. 		

Impact	Level of Significance	Mitigation Measure			
		Mitigation Measure BIO-9: Store and inspect pipes, culverts and similar materials greater than four inches in diameter to prevent covered wildlife species from using these as temporary refuges. Mitigation Measure BIO-11: Remove all vegetation which obscures the observation of wildlife movement prior to the initiation of grading. Mitigation Measure BIO-12: Place all trash and debris from work area in containers with secure lids. Mitigation Measure BIO-13: Stockpile material in order to avoid effects to covered species. Mitigation Measure BIO-14: Cover excavated holes and trenches deeper than 6 inches at the end of each workday with plywood or similar materials. Mitigation Measure BIO-15: Prevent trash dumping, firearms, open fires, hunting and pets at or near work sites. Mitigation Measure BIO-16: Park vehicles on pavement, existing roads, and previously disturbed areas. Mitigation Measure BIO-17: Minimize off-road vehicle travel. Mitigation Measure BIO-17: Minimize off-road vehicle travel. Mitigation Measure BIO-19: Prohibit refueling of vehicles within 100 feet of a wetland, stream, or other waterway. Mitigation Measure BIO-21: Discourage the introduction and establishment of invasive plant species. Mitigation Measure BIO-22: Revegetate project site with an appropriate assemblage of native riparian wetland and upland vegetation. Mitigation Measure BIO-23: Translocation of special-status species. Mitigation Measure BIO-24: Hire a qualified botanist to perform focused surveys to determine the presence/absence of special status plant species in the project area. Mitigation Measure BIO-25: Avoid state listed, federally listed, and/or CNPS List 1 or CNPS List 2 plant species found within 100 feet of the project area. Mitigation Measure BIO-26: Hire a qualified botanist to serform focused surveys to determine the presence/absence of special status plant species in the project area. Mitigation Measure BIO-26: Hire a qualified botanist to perform focused surveys to determine the presence/absence of special status plan			

Impact	Level of Significance	Mitigation Measure			
		Mitigation Measure BIO-28: Hire a qualified biologist to stake and flag an exclusion zone prior to ground disturbing activities if these activities would occur within the typical dispersal distance and/or within 500 feet of suitable aquatic habitat for California red-legged frogs and California tiger salamanders. Mitigation Measure BIO-29: Provide mitigation for permanent impacts on California red-legged frog and California tiger salamander habitat at a minimum 3:1 ratio. Mitigation Measure BIO-30: Hire a qualified biologist to conduct preconstruction surveys to identify active migratory bird and/or raptor nests if construction activities would occur during the migratory bird nesting season. Mitigation Measure BIO-31: Conduct work outside of nesting season if an active nest is identified near a proposed work area. Mitigation Measure BIO-32: Hire a qualified biologist to determine if active dens for San Joaquin kit fox and/or American badger occur within 500 feet of the proposed work areas. Mitigation Measure BIO-33: Avoid disturbance and destruction to dens. Mitigation Measure BIO-34: Implement exclusion zones following current USFWS procedures or the latest USFES procedures available at the time. Mitigation Measure BIO-35: Provide mitigation for permanent impacts on San Joaquin kit fox habitat at a minimum 3:1 ratio.			
Impact BIO-2: Impacts on Riparian, Aquatic or Wetland Habitat, or other Sensitive Natural Community	Less than Significant with Mitigation Incorporated	Mitigation Measure BIO-1 through Mitigation Measure BIO-35 (described above). Mitigation Measure BIO-36: Provide mitigation for permanent impacts on sensitive communities at a minimum 1:1 ratio.			
Impact BIO-3: Impacts on State and/or Federally Protected Wetlands	Less than Significant with Mitigation Incorporated	Mitigation Measure BIO-1 through Mitigation Measure BIO-36 (described above).			
3.6 Cultural Resources					
Impact CR-1: Cause a Substantial Adverse Change in the Significance of a Historical or Archaeological Resource	Less than Significant with Mitigation Incorporated	Mitigation Measure CR-1: Halt Construction Activities if Any Cultural Materials Are Discovered.			
Impact CR-2: Directly or Indirectly Destroy a UniqueLess than SignificantPaleontological ResourceMitigation Incorporat		Mitigation Measure CR-2: Halt Construction Activities if Any Paleontological Resources Are Discovered.			
Impact CR-3: Disturb Human Remains	Less than Significant with Mitigation Incorporated	Mitigation Measure CR-3: Halt Construction Activities if Any Human Remains Are Discovered.			

Impact	Level of Significance	Mitigation Measure			
3.8 Geology and Seismicity					
Impact GEO-3: Structures and facilities could be subject to damage related to shrink-swell potential and/or settlements of site soils	Less than Significant with Mitigation Incorporated	Mitigation Measure GEO-1: Perform geotechnical investigation and reporting			
Impact GEO-4: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	Less than Significant with Mitigation Incorporated	Mitigation Measure GEO-2: Follow the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts on Paleontological Resources			
Impact GEO-5: Damage to structures, pavements, and/or utilities could occur at the compost facility site if cut and fill slopes failed, resulting in landsliding.	Less than Significant with Mitigation Incorporated	Mitigation Measure GEO-3: Perform geotechnical investigation for slope stability			
3.9 Hazards and Human Health					
Impact HAZ-3: Composting facility workers and end users of compost could be exposed to chemical contaminants and/or pathogens potentially present in compost feedstocks	Less than Significant with Mitigation Incorporated	Mitigation Measure HAZ-1: Prepare and implement screening, monitoring, testing, and training procedures			
Impact HAZ-4: Composting facility workers could suffer health effects as a result of exposure to bioaerosols	Less than Significant with Mitigation Incorporated	Mitigation Measure HAZ-2: Provide worker training and protective equipment			
Impact HAZ-5: Composting operations may attract vectors, which may pose a health risk to facility workers and the general public	Less than Significant with Mitigation Incorporated	Mitigation Measure HAZ-3: Prepare a Vector Control Plan			
3.10 Hydrology and Water Quality					
Impact HWQ-1: Degradation of water quality during Construction and Operation	Less than Significant with Mitigation Incorporated	Mitigation Measure HWQ-1: Prepare and implement a SWPPP			
3.12 Noise					
Impact NO-1: Substantial Temporary or Periodic Increase in Ambient Noise Levels in the Project Vicinity during Construction	Less than Significant	None required			

Impact	Level of Significance	Mitigation Measure
3.15 Tribal Cultural Resources		
Impact TCR-1: Cause a substantial adverse change in the significance of a tribal cultural resource	Less than Significant with Mitigation Incorporated	Mitigation Measure CR-1: Halt Construction Activities if Any Cultural Materials Are Discovered. Mitigation Measure CR-2: Halt Construction Activities if Any Paleontological Resources Are Discovered.

Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

The owners of Jess Ranch (ranch), Joe and Connie Jess are the applicants for the Proposed Project located in eastern Alameda County, California. The Proposed Project would be located within the 160-acre Jess Ranch property located south of Interstate 580 (I-580) at 15850 Jess Ranch Road (APN 99B-7800-007-08).

The Proposed Project is located in the eastern portion of unincorporated Alameda County. San Joaquin County and the Central Valley is immediately to the east. As such, the Project site is conveniently located close to the organic waste generating communities of the Bay Area and the potential agricultural soils amendment markets of the Central Valley. The location and design of the Proposed Project have been chosen to serve the anticipated market areas—primarily agricultural uses in the Central Valley —while minimizing the potential for aesthetic concerns, odors and similar effects in residential areas.

The Proposed Project would receive and process organic materials, primarily greenwaste, food waste, and biosolids, but may also receive untreated scrap wood, natural fiber products, non-recyclable paper waste, and inert material, such as sediment, gypsum, wood ash, and clean construction debris. Non-hazardous liquid wastes may also be accepted for use in moisture conditioning of the compost piles. The Proposed Project would process organic material utilizing an aerated static pile (ASP) system with positive or negative aeration or a combination of both. The Proposed Project would be developed in two phases, with Phase 1 supporting a daily throughput of up to 500 tons per day (TPD) and Phase 2 developing the facility to full build out for a maximum of 1,000 TPD. The proposed Project will receive organic materials and produce compost-based soil amendments for agricultural, horticultural, erosion control and land reclamation uses.

In order to approve these activities for the construction and operation of the compost facility, the applicant has completed an Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA). This environmental review process focuses on the potential impacts caused by the proposed compost facility on local resources.

In accordance with Section 21083, Public Resources Code (CEQA Guidelines §15097), a public agency shall adopt a program for monitoring and reporting on the measures that is has imposed in an EIR or negative declaration to mitigate or avoid significant environmental effects. That public agency may delegate responsibilities to another public agency or private entity which accepts the delegation however the lead agency remains responsible for the enforcement of those mitigation measures in accordance with the program. This Mitigation Monitoring and Reporting Program (MMRP) addresses the requirement.

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Mitigation Monitoring and Reporting Program

CEQA Mitigation Designation	Mitigation and/or Monitoring Description	Impact Level Prior to Mitigation	Impact Level with Mitigation	Responsibilities/Enforcement	Timeframe
Aesthetics			.		
Discussion: From numerous locativegetation. However, residences on Midway mitigation.	ons in the surrounding vicinity, view intermittent glimpses of the site ma v Road. Significant impacts on aest	vs of the Propose y be visible to m hetics and visual	ed Project site are otorists traveling of I resources would	e obstructed by intervening topograp on the eastbound lanes of I-580 and be reduced to a less than significar	hy and I from a few It level with
Impact AES-1: Permanent Alteration of the Visual Character and Quality of the Proposed Project Area	Mitigation Measure AES-1: Provide visual screening of Project facilities: In order to partially screen views of the Proposed Project where it will be visible from I 580, a berm, which will be at least 4 feet tall, will surround the facility and will appear against a hillside landscape backdrop. In order to minimize glare, non-reflective, non-glare finishes shall be used for all compost facility structures. The color of proposed building facades and roofs shall be designed to minimize the potential for visual contrast between the compost facility and its natural landscape surroundings. Bright or very light colors (including white) shall be avoided. Re-contouring and revegetation of temporarily disturbed, graded areas shall be completed to provide a natural appearing landform upon completion of construction.	Significant	Less than Significant	The contractor would be responsible for installation of the berm and non-reflective non- glare finishes on the compost facility structures. The contractor would also contour and revegetate disturbed areas.	Installation of the berm and non-reflective, non-glare finishes would occur during construction. Contouring and revegetation of disturbed areas would occur after construction is complete.

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Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

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Impact AES-2: Introduction of New Sources of Light and Glare at the Site	Mitigation Measure AES-2: Reduce light and glare effects: In order to reduce the potential light and glare effects of the Proposed Project, the following measures shall be incorporated: 1. All lighting shall be focused towards the site and outdoor lighting shall be directed downward; 2. The design of exterior light fixtures shall incorporate shielding to prevent glare and offsite light spillage; 3. Outdoor Project lighting shall include non-glare fixtures; and 4. The Project lighting design, including the location and specific fixture types to be used, shall be subject to review by the County Planning Department.	Potentially Significant	Less than Significant	The applicant and contractor would implement light and glare reduction measures. The Project lighting design shall be subject to review by the County Planning Department.	Light and glare reduction measures would be implemented during both construction and operation of the Project. The Project lighting design shall be subject to review by the County Planning Department prior to construction.
Air Quality and Gree	nhouse Gases				

Discussion:

Proposed Project would exceed the BAAQMD's significance criteria for criteria air pollutant emissions during operation. Therefore, the Proposed Project would conflict with or obstruct implementation of the applicable air quality plan, which would be significant and unavoidable. Combining project emissions with emissions from other projects would result in cumulatively significant air quality operational impacts, which would be significant and unavoidable. Peak day construction-related criteria pollutant emissions would exceed BAAQMD significance thresholds, resulting in a significant impact; however, with mitigation impacts would be reduced to a less than significant level.

Impact AQ-1:	None	Potentially	Significant	Not applicable.	Not applicable.
Conflict with or		Significant	and		
obstruct		-	Unavoidable		
implementation of					
the applicable air					
quality plan					

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Mitigation Monitoring and Reporting Program

Impact AQ-2: Violate any air quality standard or contribute significantly to an existing or projected air quality violation	Mitigation Measure AQ-1: Implement BAAQMD's Basic Construction Mitigation Measures: During construction, the construction contractor would be required to implement BAAQMD's recommended Basic Construction Mitigation Measures (listed in Table 8-2 of BAAQMD's current CEQA Air Quality Guidelines) to address construction-related PM10/PM2.5 (fugitive dust) emissions. The applicable measures are as follows: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material offsite shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	Potentially Significant	Less than Significant	The construction contractor would be required to implement BAAQMD's recommended Basic Construction Mitigation Measures (listed in Table 8-2 of BAAQMD's current CEQA Air Quality Guidelines) to address construction-related PM10/PM2.5 (fugitive dust) emissions.	Measures would be implemented during construction of the Project.
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Mitigation Monitoring and Reporting Program

	. Idling times shall be minimized		
	• Idling times shall be minimized		
	by either shutting equipment off		
	when not in use or reducing the		
	maximum idling time to 5		
	minutes (as required by the		
	California airborne toxics control		
	measure 13 CCR 2485). Clear		
	signage shall be provided for		
	construction workers at all		
	access points		
	All construction equipment		
	shall be maintained and		
	properly tuned in accordance		
	with manufacturer's		
	specifications. All equipment		
	specifications. All equipment		
	shall be checked by a certified		
	visible emissions evaluator.		
	Post a publicity visible sign with		
	the telephone number and		
	person to contact at the lead		
	agency regarding dust		
	complaints. This person shall		
	respond and take corrective		
	action within 48 hours. The Air		
	District's phone number shall		
	also be visible to ensure		
	compliance with applicable		
	regulations.		

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Mitigation Monitoring and Reporting Program

Mitigation Measure AQ-2: Use of Tier 2 or Better Equipment: The construction contractor would be required to use Tier 2 or better engines in all off-road equipment.		The construction contractor would be required to use Tier 2 or better engines in all off-road equipment.	Measures would be implemented during construction of the Project.

Mitigation Monitoring and Reporting Program

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	Mitigation Measure AQ-3:		The applicant would be	Measures would
	Composting Control		responsible for implementing	be implemented
	Measures: Composting off-gas		composting control measures.	during operation
	emissions were calculated using			of the Project.
	various sources of emissions			
	factors and control efficiency			
	values for the control equipment			
	alternatives being considered			
	for the Proposed Project. A			
	number of composting options			
	are being considered for use at			
	the proposed facility:			
	 Windrow composting 			
	(represents the worst-case,			
	unmitigated emissions)			
	 Windrows with micro-porous 			
	fabric cover (mitigated)			
	 Positive ASP with micro- 			
	porous cover (mitigated)			
	 Positive ASP with biocover 			
	(mitigated)			
	 Negative ASP vented to 			
	biofilter (mitigated)			
	 Rotating drum vented to 			
	biofilter (mitigated)			
	In each of the mitigated cases,			
	only the emissions from the			
	active phase of composting are			
	controlled by the listed option.			
	To mitigate emissions from the			
	curing phase, the Project			
	proponent would provide			
	funding to implement carbon			
	farming in Alameda County.			
	Carbon farming is the			
	implementation of multiple			
	practices, including compost			

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Mitigation Monitoring and Reporting Program

	application on rangeland, to increase the ability of the soil to capture and sequester carbon from the atmosphere.				
Impact AQ-3:	None	Potentially	Significant	Not applicable.	Not applicable.
Result in a cumulative net increase of any nonattainment pollutant (including releasing emissions that exceed quantitative		Significant	and Unavoidable		

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Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

thresholds for ozone precursors)			

Biological Resources

Discussion:

A number of species and species groups were determined to have the potential to be significantly impacted by Project-related activities, either directly or through habitat modification. These include San Joaquin kit fox and American badger, migratory birds and raptors, and special-status amphibians and reptiles. Implementation of Project activities would result in the loss of riparian vegetation, aquatic or wetland habitat, and/or sensitive natural communities, which would be considered a potentially significant impact. Implementation of Project-related activities would result in the permanent loss of state or federally protected wetlands, which would be considered a potentially significant impact. With implementation of mitigation measures, impacts would be less than significant.

Mitigation Monitoring and Reporting Program

Impact BIO-1: Impacts on	Mitigation Measure BIO-1: Conduct pre-construction	Potentially Significant	Less than Significant	The construction contractor would be responsible for	Measures would be implemented
Candidate,	surveys and implement			implementing measures and	prior to
Sensitive, or	avoidance and minimization			obtaining a person	construction.
Special-Status	measures for special-status			knowledgeable in endangered	
Species	plant species: Prior to			species biology and legislative	
	construction, a construction			protection for trainings.	
	employee education program				
	would be conducted in				
	reference to special-status				
	species onsite. At minimum, the				
	program would consist of a brief				
	presentation by persons				
	knowledgeable in endangered				
	species biology and legislative				
	protection to explain avoidance				
	and minimization Measures				
	(AMMs) that must be followed				
	by all personnel to reduce or				
	avoid effects on special-status				
	species during construction				
	activities. The program would				
	include: a description of the				
	species and their habitat needs;				
	any reports of occurrences in				
	the Project area; an explanation				
	of the status of each listed				
	species and their protection				
	under the Act; and a list of				
	measures being taken to reduce				
	effects to the species during				
	construction and				
	implementation. Fact sheets				
	conveying this information and				
	an educational brochure				
	containing color photographs of				
	all listed species in the work				
	area(s) would be prepared for				

Mitigation Monitoring and Reporting Program

distribution to the above- mentioned people and anyone else who may enter the Project area. A list of employees who attend the training sessions would be maintained by the applicant to be made available for review by the Service upon request. Contractor training would be incorporated into construction contracts and would be a component of weekly Project meetings.				
	distribution to the above- mentioned people and anyone else who may enter the Project area. A list of employees who attend the training sessions would be maintained by the applicant to be made available for review by the Service upon request. Contractor training would be incorporated into construction contracts and would be a component of weekly Project meetings.			

Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-2 Conduct environmental tailboard trainings: Environmental tailboard trainings would take place as-needed basis in the fiel The environmental tailboard trainings would include a b review of the biology of the covered species and guide that must be followed by a personnel to reduce or avor negative effects to these species during construction activities. Directors, Manag Superintendents, and the of foremen and forewomen w be responsible for ensuring crewmembers comply with quidelines	en an d. d d rief lines l id n gers, crew ould g that the	Directors, Managers, Superintendents, and the crew foremen and forewomen would be responsible for ensuring that crewmembers comply with the guidelines.	Measures would be implemented during construction of the Project.
Mitigation Measure BIO-3 Obligate all contractors to comply with EACCS AMI Contracts with contractors, construction management and subcontractors would obligate all contractors to comply with these requirer AMMs.	s: o fi rms, hents,	Construction contractors.	Measures would be implemented during construction of the Project.

Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-4:		The construction contractor	A qualified
monitor to remain onsite: Δ		obtaining a qualified biological	monitor would
qualified biological monitor		monitor	romain ancita
would remain ensite during all		momor.	during oll
construction activities in or			construction
adjacent to habitat for special-			activities in or
status species. The biological			adjacent to
monitor(s) would be given the			habitat for
authority to stop any work that			special-status
may result in the take of listed			species.
species. If the biological			
monitor(s) exercises this			
authority, the appropriate			
resource agencies would be			
notified by telephone and			
electronic mail within one			
working day. The biological			
monitor would be the contact for			
any employee or contractor who			
might inadvertently kill or injure			
a listed species or anyone who			
finds a dead, injured, or			
entrapped individual.			

Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-5:		The construction contractor	Measures would
Delineate construction area to		would be responsible for	be implemented
prevent encroachment of		implementing measures and	prior to initiation
construction personnel and		obtaining a qualified biological	of ground
equipment outside of the		monitor.	clearing
construction area: Prior to the			activities.
initiation of ground clearing			
activities, the construction area			
would be delineated with high			
visibility temporary fencing at			
least 4 feet in height, flagging,			
or other barrier to prevent			
encroachment of construction			
personnel and equipment			
outside of the construction area.			
Such fencing would be			
inspected and maintained daily			
until completion of the Proposed			
Project. The fencing would be			
removed only when all			
construction equipment is			
removed from the site.			
In places where wildlife			
exclusionary fencing is			
necessary, as determined by			
the biological monitor(s), silt			
fencing or other appropriate			
wildlife exclusion fencing			
materials would be used in			
place of the high visibility			
temporary construction fencing			
to prevent listed species from			
entering the Project area.			
Exclusion fencing would be at			
least 3 feet high and the lower 6			
inches of the fence would be			
buried in the ground to prevent			
animals from crawling under.			

Mitigation Monitoring and Reporting Program

The remaining 2.5 feet would be			
left above ground to serve as a			
barrier for animals moving on			
the ground surface. The fence			
would be pulled taut at each			
support to prevent folds or			
snags. Fencing would be			
installed and maintained in good			
condition during all construction			
activities. Such fencing would			
be inspected and maintained			
daily until completion of the			
construction for the Proposed			
Project. The fencing would be			
removed only when all			
construction equipment is			
removed from the site.			
			• •
Mitigation Measure BIO-6:		The construction contractor	Measures would
Prevent nighttime		would be responsible for	be implemented
construction: All construction		implementing measures.	during
activities must cease one half			construction of
hour before sunset and should			the Project.
not begin prior to one half hour			

Mitigation Monitoring and Reporting Program

after sunrise. There would be n nighttime construction.)		
Mitigation Measure BIO-7: Restrict grading to the minimum area necessary and limit grading to the dry season: Grading would be restricted to the minimum area necessary and be limited to the dry season, typically April- October.		The construction contractor would be responsible for implementing measures.	Measures would be implemented during construction of the Project.
Mitigation Measure BIO-8: Prevent earth-moving- activities in riparian areas within 24 hours of predicted storms or after major storms Significant earth moving- activities would not be conducted in riparian areas within 24 hours of predicted storms or after major storms (defined as 1-inch of rain or more).		The construction contractor would be responsible for implementing measures.	Measures would be implemented during construction of the Project.
Mitigation Measure BIO-9: Store and inspect pipes, culverts and similar materials greater than four inches in diameter to prevent covered wildlife species from using these as temporary refuges: Pipes, culverts and similar materials greater than four inches in diameter, would be stored so as to prevent covered wildlife species from using thes	9	The construction contractor would be responsible for implementing measures.	Pipes, culverts and similar materials would be inspected each morning.

Mitigation Monitoring and Reporting Program

as temporary refuges, and these materials would be inspected each morning for the presence of animals prior to being moved.		
Mitigation Measure BIO-10: Erosion control measures: Erosion control measures would be implemented to reduce sedimentation in wetland habitat occupied by covered animal and plant species when activities are the source of potential erosion problems. Plastic mono-filament netting (erosion control matting) or similar material containing netting would not be used at the Proposed Project. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.	The construction contractor would be responsible for implementation of measures.	Measures would be implemented prior to grading and during construction.

Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

Mitigation Measure BIO-11: Remove all vegetation which obscures the observation of wildlife movement prior to the initiation of grading: All vegetation which obscures the observation of wildlife movement within the affected areas containing or immediately adjacent aquatic habitats would be completely removed by hand just prior to the initiation of grading to remove cover that might be used by special-status species. The biological monitor(s) would survey these areas immediately prior to vegetation removal to find, capture and relocate any observed listed species, as approved by the appropriate resource agencies.	y d s	The construction contractor would be responsible for implementing measures and obtaining a biological monitor.	Measures would be implemented prior to the initiation of grading.
Mitigation Measure BIO-12: Place all trash and debris from work area in containers with secure lids: All trash and debris within the work area would be placed in containers with secure lids before the end of each workday in order to reduce the likelihood of predators being attracted to the site by discarded food wrappers and other rubbish that may be left onsite. Containers would be emptied as necessary to prevent trash overflow onto the site and all rubbish would be		The construction contractor would be responsible for implementing measures.	Measures would be implemented during construction of the Project.

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Mitigation Monitoring and Reporting Program

disposed of at an appropriate off-site location.			
Mitigation Measure BIO-13:		The construction contractor	Measures would
Stockpile material in order to		would be responsible for	be implemented
avoid effects to covered		implementing measures.	during
species. Stockpiling of material			construction of
would occur such that direct			the Project.
effects on covered species are			
in riperian areas would assur			
outside of the top of bank and			
preferably outside of the outer			
riparian dripline and would not			
exceed 30 days.			
Mitigation Measure BIO-14:		The construction contractor	Measures would
Cover excavated holes and		would be responsible for	be implemented
trenches deeper than 6 inches		implementing measures and	during
at the end of each workday		obtaining Service approved	construction of
with plywood or similar		biologists.	the Project.
materials. To prevent the			
accidental entrapment of listed			
species during construction, all			
excavated notes of trenches			
covered at the end of each			
workday with plywood or similar			
materials Foundation trenches			
or larger excavations that			
cannot easily be covered would			
be ramped at the end of the			

Mitigation Monitoring and Reporting Program

workday to allow trapped animals an escape method. Prior to the filling of such holes, these areas would be thoroughly inspected for listed species by Service-approved biologists. In the event of a trapped animal is observed, construction would cease until the individual has been relocated to an appropriate location.		
Mitigation Measure BIO-15: Prevent trash dumping, firearms, open fires, hunting and pets at or near work sites. The following would not be allowed at or near work sites for covered activities: trash dumping, firearms, open fires (such as barbecues) not required by the activity, hunting, and pets (except for safety in remote locations).	The construction contractor would be responsible for implementing measures.	Measures would be implemented during construction of the Project.
Mitigation Measure BIO-16: Park vehicles on pavement, existing roads, and previously disturbed areas. Vehicles and equipment would be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.	The construction contractor would be responsible for implementing measures.	Measures would be implemented during construction of the Project.

Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-17: Minimize off-road vehicle travel. Off-road vehicle travel would be minimized.	The construction contractor would be responsible for implementing measures.	Measures would be implemented during construction of the Project.
Mitigation Measure BIO-18: Set speed limit on unpaved roads, within natural land- cover types, or during off- road travel. Vehicles would not exceed a speed limit of 15 mph on unpaved roads within natural land-cover types, or during off- road travel.	The construction contractor would be responsible for implementing measures.	Measures would be implemented during construction of the Project.
Mitigation Measure BIO-19: Prohibit refueling of vehicles within 100 feet of a wetland, stream, or other waterway. Vehicles or equipment would not be refueled within 100 feet of a wetland, stream, or other waterway unless a bermed and lined refueling area is constructed.	The construction contractor would be responsible for implementing measures.	Measures would be implemented during construction of the Project.

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Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-20:		Measures would be implemented	Measures would
Wash vehicles only at		by the construction contractor	be implemented
approved areas, outside of		and a qualified biologist.	prior to vehicles
job sites. Prior to any vehicles			and equipment
and equipment entering a			entering the site
project site, a qualified biologist			during
would perform an inspection for			construction.
invasive plant species. All			
visible soil, plant materials,			
animal remnants, or any other			
signs of invasive species on			
vehicles and equipment shall be			
removed prior to entering the			
project site. Removal and			
decontamination requirements			
of vehicles and equipment shall			
be up to the discretion of the			
qualified biologist. Additionally, if			
a vehicle or piece of equipment			
must leave the project site for			
any length of time and has been			
exposed to a different project			
site or location, it will be			
required to be re-inspected prior			
to re-entering the project site.			
Vehicles would be washed only			
at approved areas. No washing			
of vehicles would occur at job			
sites.			

Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-21:		Measures would be implemented	Measures would
Discourage the introduction		by the construction contractor	be implemented
and establishment of invasive		and a qualified biologist.	during
plant species. To discourage			construction of
the introduction and			the Project.
establishment of invasive plant			
species, seed mixtures/straw			
used within natural vegetation			
would be either rice straw or			
weed-free straw and will occur			
as necessary throughout the life			
of the project. Any invasive			
mustard (family Brassicaceae)			
identified within the project area			
will be removed prior or during			
construction of the facility.			
Invasive plant material removed			
during work activities shall be			
bagged and appropriately			
incinerated or disposed of in a			
landfill or permitted composting			
facility.			

Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

Mitigation Measure BIO-22:		Measures would be implemented	Measures would
Restore all exposed and/or		by the construction contractor. A	be implemented
disturbed areas resulting		species list and restoration and	during and after
from project-related activities		monitoring plan would be	construction of
to their original contour and		included with the Project	the Project.
grade using locally native		proposal for review and approval	
grass and forb seeds, plugs		by USACE, USFWS, and/or	
or a mix of the two. All		CDFW as appropriate.	
exposed and/or disturbed areas			
resulting from project-related			
activities shall be returned to			
their original contour and grade,			
and restored using locally native			
grass and forb seeds, plugs or a			
mix of the two. Areas shall be			
seeded with species appropriate			
to their topographical and			
hydrological character. For			
example, temporarily disturbed			
seasonal wetlands shall be			
seeded with native hydrophytic			
species typical to the region;			
whereas upland areas shall be			
seeded with an upland grass			
and forb mix. Seeded areas			
shall be covered with broadcast			
straw and/or jute netted, where			
appropriate. A species list and			
restoration and monitoring plan			
would be included with the			
Project proposal for review and			
approval by USACE, USFWS,			
and/or CDFW as appropriate.			
Such a plan must include, but			
not be limited to, location of the			
restoration, species to be used,			
restoration techniques, time of			
year the work would be done,			

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Mitigation Monitoring and Reporting Program

duration and frequency of identifiable success criteria completion, monitoring protocols, and remedial ac if the success criteria are r achieved.	work, a for tions not		
Mitigation Measure BIO-2 Translocation of special- status species. Special-s species translocation woul approved on a project spe basis. The applicant would prepare a translocation pla the Project to be reviewed approved by the appropria resource agencies prior to Project implementation. Th	23: tatus d be cific in for and te	The applicant would prepare a translocation plan for the Project to be reviewed and approved by the appropriate resource agencies prior to Project implementation.	Measures would be implemented prior to construction.

Mitigation Monitoring and Reporting Program

plan would include trapping and translocation methods, translocation site, and post translocation monitoring.			
Mitigation Measure BIO-24:	-	A qualified botanist would be	Field survevs
Hire a gualified botanist to		retained to perform focused	would be
perform focused surveys to		surveys. These surveys would	scheduled to
determine the		be conducted in accordance with	coincide with
presence/absence of special		CDFW Protocols for Surveying	known flowering
status plant species in the		and Evaluating Impacts to	periods, and/or
project area. A qualified		Special Status Native Plant	during
botanist would be retained to		Populations and Natural	appropriate
perform focused surveys to		Communities (2009).	developmental
determine the			periods that are
presence/absence of special-			necessary to
status plant species with			identify the plant
potential to occur in and			species of
adjacent to (within 100 feet,			concern.
where appropriate) the			
proposed impact area, including			
new construction access routes.			
I nese surveys would be			
CONducted in accordance with			
and Evaluating Impacts to			
Special Status Native Plant			
Populations and Natural			
Communities (2009) These			
guidelines require that rare plant			
surveys be conducted at the			
proper time of year when rare or			
endangered species are both			
evident and identifiable. Field			

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Mitigation Monitoring and Reporting Program

surveys would be scheduled to coincide with known flowering periods, and/or during appropriate developmental periods that are necessary to identify the plant species of concern.		
Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-25:	CDFW and USFWS would be	Before the
Avoid state listed, federally	responsible for reviewing a	approval of
listed, and/or CNPS List 1 or	mitigation plan. The final	grading plans or
CNPS List 2 plant species	mitigation strategy for directly	any ground-
found within 100 feet of the	impacted plant species would be	breaking activity
project area. If any state listed,	determined by CDFW and	within Project
federally listed, and/or CNPS	USFWS (if appropriate) through	work areas, a
List 1 or CNPS List 2 plant	the mitigation plan approval	mitigation plan
species are found within 100	process.	would be
feet of proposed impact areas		submitted
during the surveys, these plant		concurrently to
species would be avoided to the		CDFW and
greatest extent possible and the		USFWS (if
following would be		appropriate) for
implemented:		review and
Before the approval of grading		comment.
plans or any ground-breaking		
activity within Project work		
areas, a mitigation plan would		
be submitted concurrently to		
CDFW and USFWS (if		
appropriate) for review and		
comment. The plan would		
include mitigation measures for		
the population(s) directly or		
indirectly affected. Possible		
mitigation for impacts on		
special-status plant species can		
include implementation of a		
program to transplant, salvage,		
cultivate, or re-establish the		
species at suitable sites (if		
feasible), or through the		
purchase of credits from an		
approved mitigation bank, if		
available. The actual level of		
mitigation may vary depending		
on the sensitivity of the species,		

Mitigation Monitoring and Reporting Program

	1		
its prevalence in the area, and			
the current state of knowledge			
about overall population trends			
and threats to its survival. The			
final mitigation strategy for			
directly impacted plant species			
would be determined by CDEW			
and LISEWS (if appropriate)			
through the mitigation plan			
Approval process.			
Any special-status plant species			
that are identified adjacent to			
Project work areas, but not			
proposed to be disturbed by the			
Project, would be protected by			
barrier fencing to ensure that			
construction activities and			
material stockpiles do not			
impact any special-status plant			
species. These avoidance areas			
would be identified on Project			
plans.			

Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-26:		A qualified biologist would be	Measures would
Hire a qualified biologist to		hired to survey the work site.	be implemented
survey the work site		Only resource agency-approved	immediately
immediately prior to		biologists would participate in	prior to
construction activities. A		activities associated with the	construction
qualified biologist would survey		capture, handling, and	activities.
the work site immediately prior		monitoring of California red-	
to construction activities. If any		legged frogs and/or California	
life stages of California red-		tiger salamanders.	
legged frog, California tiger			
salamander, California glossy			
snake, and/or San Joaquin			
coachwhip are found, the			
biologist would contact the			
appropriate resource agencies			
to determine if moving any of			
the life-stages is appropriate. In			
making this determination the			
resource agencies would			
consider if an appropriate			
translocation site exists as			
provided in the translocation			
plan. If the resource agencies			
approve moving animals, a			
qualified biologist would be			
allowed sufficient time to move			
individuals from the work site			
before ground disturbing			
activities begin. Only resource			
agency-approved biologists			
would participate in activities			
associated with the capture,			
handling, and monitoring of			
California red-legged frogs			
and/or California tiger			
salamanders.			

Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-27: Use bare hands to capture California red-legged frog, California tiger salamander, California glossy snake, and/or San Joaquin coachwhip. Bare hands would be used to capture California red-legged frog, California tiger salamander, California glossy snake, and/or San Joaquin coachwhip. Biologists would not use soaps, oils, creams, lotions, repellents, or solvents of any sort on their hands within 2 hours before and during periods when they are capturing and relocating individuals. To avoid transferring disease or pathogens of handling of the amphibians, biologists would follow the Declining Amphibian Populations Task Force's Code		Measures would be implemented by a qualified biologist.	Measures would be implemented prior to and during construction of the Project.
follow the Declining Amphibian Populations Task Force's Code of Practice.			

Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

Mitigation Measure BIO-28:		A qualified biologist would be	Measures would
Hire a qualified biologist to		responsible for implementing	be implemented
stake and flag an exclusion		measures.	prior to ground
zone prior to ground			disturbing
disturbing activities if these			activities.
activities would occur within			
the typical dispersal distance			
and/or within 500 feet of			
suitable aquatic habitat for			
California red-legged frogs			
and California tiger			
salamanders. If ground			
disturbing activities would occur			
within the typical dispersal			
distance (contact			
USFWS/CDFW for latest			
research on this distance)			
and/or within 500 feet of suitable			
aquatic habitat for California			
red-legged frogs and California			
tiger salamanders, a qualified			
biologist would stake and flag			
an exclusion zone prior to			
initiation of ground disturbing			
activities. The exclusion zone			
would be fenced with orange			
construction zone and erosion			
control fencing (to be installed			
by construction crew), in			
accordance with MM BIO-5. The			
exclusion zone would			
encompass the maximum			
practicable distance from the			
work site and at least 500 feet			
from the aquatic feature wet or			
dry. Barrier fencing would be			
removed within 72 hours of			
completion of work.			

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Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-29:	Mitigation as required in	Measures would
Provide mitigation for	regulatory permits issued	be implemented
permanent impacts on	through the USFWS and/or	during and after
California red-legged frog and	USACE may be applied to	construction of
California tiger salamander	satisfy this measure.	the Project.
habitat at a minimum 3:1		
ratio. Mitigation for permanent		
impacts on California red-legged		
frog and California tiger		
salamander habitat would be		
provided at a minimum 3:1 ratio.		
Mitigation can include onsite		
restoration, in-lieu fee payment,		
or purchase of mitigation credits		
at a USFWS approved		
mitigation bank. Mitigation as		
required in regulatory permits		
issued through the USFWS		
and/or USACE may be applied		
to satisfy this measure.		
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Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

Mitigation Measure BIO-30:	A qualified biologist would be	If clearing
Hire a qualified biologist to	hired to conduct preconstruction	and/or
conduct preconstruction	surveys.	construction
surveys to identify active		activities occur
migratory bird and/or raptor		during the
nests if construction activities		migratory bird
would occur during the		nesting season
migratory bird nesting		(March 15 to
season. If clearing and/or		September 1),
construction activities occur		then
during the migratory bird nesting		preconstruction
season (March 15 to September		surveys to
1), then preconstruction surveys		identify active
to identify active migratory bird		migratory bird
and/or raptor nests, including		and/or raptor
burrowing owl burrows, would		nests, including
be conducted by a qualified		burrowing owl
biologist within 14 days of		burrows, would
construction initiation. Focused		be conducted
surveys must be performed by a		by a qualified
qualified biologist for the		biologist within
purposes of determining		14 days of
presence/absence of active nest		construction
sites or burrowing owl burrows		initiation.
within the proposed work area,		
including construction access		
routes and a 500-foot buffer,		
where feasible.		

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Mitigation Monitoring and Reporting Program

Mitigation M	easure BIO-31:		A qualified biologist would be	Measures would
Conduct wo	rk outside of		responsible for implementing	be implemented
nesting seas	son if an active		measures.	prior to and
nest is ident	ified near a			during
proposed w	ork area. If an			construction of
active nest is	identified near a			the Project.
proposed wo	rk area, work would			
be conducted	d outside of the			
nesting seas	on (March 15 to			
September 1), if feasible. If an			
active nest is	identified near a			
proposed wo	rk area and work			
cannot be co	nducted outside of			
the nesting s	eason, a no-activity			
zone would b	e established by a			
qualified biol	ogist. The no-			
activity zone	would be large			
enough to av	oid nest			
abandonmer	it and would at a			
minimum be	250-foot radius			
from the nest	t. If burrowing owls			
are present a	at the site during the			
non-breeding	period, a qualified			
biologist wou	ld establish a no-			
activity zone	of at least 150 feet.			
If an effective	e no-activity zone			
cannot be es	tablished in either			
case, a quali	fied biologist would			
develop a sit	e-specific plan (i.e.,			
a plan that co	onsiders the type			
and extent of	the proposed			
activity, the c	luration and timing			
of the activity	, the sensitivity and			
habituation o	f the birds, and the			
dissimilarity d	of the proposed			
activity with t	background			
activities) to	minimize the			

Mitigation Monitoring and Reporting Program

potential to affect the reproductive success of the nesting birds.			
Mitigation Measure BIO-32:		A qualified biologist would be	Measures would
Hire a qualified biologist to		responsible for implementing	be implemented
determine if active dens for		measures.	prior to
San Joaquin Kit fox and/or			implementation
500 feet of the proposed work			related
areas. Prior to implementation			activities
of Project-related activities, a			
qualified biologist would be			
retained to determine if active			
dens for San Joaquin kit fox			
and/or American badger occur			

Mitigation Monitoring and Reporting Program

within 500 feet of the proposed work areas, including construction access routes. Surveys would be conducted in accordance with current resource agency protocols.		
Mitigation Measure BIO-33: Avoid disturbance and destruction to dens. If potential dens are present, their disturbance and destruction would be avoided. If potential dens are located within the proposed work area and cannot be avoided during construction, qualified biologist would determine if the dens are occupied or were recently occupied using methodology coordinated with USFWS and CDFW. If unoccupied, the qualified biologist would collapse these dens by hand in accordance with current USFWS procedures.	A qualified biologist would determine if the dens are occupied or were recently occupied using methodology coordinated with USFWS and CDFW. If unoccupied, the qualified biologist would collapse these dens by hand in accordance with current USFWS procedures.	Measures would be implemented prior to implementation of Project related activities.

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Mitigation Monitoring and Reporting Program

Mitigation Measure BIO-34: Implement exclusion zones following current USFWS procedures or the latest USFES procedures available		Exclusion zones would be implemented following current USFWS procedures or the latest USFWS procedures available at the time.	Measures would be implemented prior to implementation of Project
at the time. Exclusion zones would be implemented following current USFWS procedures or the latest USFWS procedures available at the time. The radius of these zones would follow current standards or would be as follows: Potential Den – 50 feet; Known Den – 100 feet; Natal or Pupping Den – to be determined on a case by-case basis in coordination with USFWS and CDFW.			related activities.
Mitigation Measure BIO-35: Provide mitigation for permanent impacts on San Joaquin kit fox habitat at a minimum 3:1 ratio. Mitigation for permanent impacts on San Joaquin kit fox habitat would be provided at a minimum 3:1 ratio. Mitigation can include onsite restoration, in-lieu fee payment, or purchase of mitigation credits at a USFWS approved mitigation bank. Mitigation as required in regulatory permits issued through the USFWS and/or USACE may be applied to satisfy this measure.		Mitigation as required in regulatory permits issued through the USFWS and/or USACE may be applied to satisfy this measure.	Measures would be implemented during and after construction of the Project.

Mitigation Monitoring and Reporting Program

Impact BIO-2: Impacts on Riparian, Aquatic or Wetland Habitat, or other Sensitive Natural Community	Mitigation Measure BIO-1 through Mitigation Measure BIO-35 (described above).	Potentially Significant	Less than Significant	Mitigation Measure BIO-1 through Mitigation Measure BIO- 35 are described above.	Mitigation Measure BIO-1 through Mitigation Measure BIO- 35 are described above.
	Mitigation Measure BIO-36: Provide mitigation for permanent impacts on sensitive communities at a minimum 1:1 ratio. Mitigation for permanent impacts on sensitive communities would be provided at a minimum 1:1 ratio. Mitigation can include onsite restoration, in-lieu fee payment, or purchase of mitigation credits at a USACE approved mitigation bank. Mitigation as required in regulatory permits issued through the USACE and/or CDFW may be applied to satisfy this measure.			Mitigation as required in regulatory permits issued through the USACE and/or CDFW may be applied to satisfy this measure.	Measures would be implemented during and after construction of the Project.
Impact BIO-3: Impacts on State and/or Federally Protected Wetlands	Mitigation Measure BIO-1 through Mitigation Measure BIO-36 (described above).	Potentially Significant	Less than Significant	Mitigation Measure BIO-1 through Mitigation Measure BIO- 36 are described above.	Mitigation Measure BIO-1 through Mitigation Measure BIO- 36 are described above.
Cultural Resources Discussion:					,

Mitigation Monitoring and Reporting Program

No cultural resources or human remains were identified in the proposed project area. However, in the event that buried cultural or historical						
resources are inadver	tently discovered during construction	on, mitigation me	easures would be	implemented to reduce impacts to a	less than	
significant level.						
Impact CR-1:	Mitigation Measure CR-1: Halt	Potentially	Less than	Construction personnel shall be	Measures would	
Cause a Substantial	Construction Activities if Any	Significant	Significant	briefed regarding the proper	be implemented	
Adverse Change in	Cultural Materials Are	_		procedure in the event buried	prior to	
the Significance of a	Discovered: Prior to			cultural materials are	construction of	
Historical or	construction, construction			encountered. If previously	the Project.	
Archaeological	personnel shall be briefed			undocumented archaeological		
Resource	regarding the proper procedure			materials are encountered during		
	in the event buried cultural			Project construction, all ground-		
	materials are encountered. If			disturbing activity shall be		
	previously undocumented			suspended temporarily within an		
	archaeological materials are			appropriate distance determined		
	encountered during Project			by a qualified professional		
	construction, all ground-			archaeologist based on the		
	disturbing activity shall be			potential for disturbance of		
	suspended temporarily within an			additional resource-bearing soils.		
	appropriate distance determined			The qualified professional		
	by a qualified professional			archaeologist shall identify the		
	archaeologist based on the			materials, determine their		
	potential for disturbance of			possible significance, and		
	additional resource-bearing			formulate appropriate mitigation		
	soils. The qualified professional			measures.		
	archaeologist shall identify the					
	materials, determine their					
	possible significance, and					
	formulate appropriate mitigation					
	measures. Appropriate					
	mitigation may include no					
	action, avoidance of the					
	resource, and/or potential data					
	recovery. Ground disturbance in					
	the zone of suspended activity					
	shall not recommence without					
	authorization from the					
	archaeologist.					

Mitigation Monitoring and Reporting Program

Impact CR-2: Disturb Human Remains	Mitigation Measure CR-2: Halt Construction Activities if Any Human Remains Are Discovered: If human remains are uncovered during Project construction, all ground- disturbing activities shall immediately be suspended within an appropriate distance determined by a qualified professional archaeologist based on the potential for disturbance of additional remains. The Alameda County Coroner, and a qualified professional archaeologist, if one is not already onsite, shall be notified. The coroner shall examine the discovery within 48 hours. If the Coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours. The NAHC shall contact the most likely descendant of the remains. The most likely descendant shall be	Potentially Significant	Less than Significant	The Alameda County Coroner, and a qualified professional archaeologist would be responsible for implementation of measures. NAHC would be contacted if remains of Native Americans are discovered.	Measures would be implemented prior to and during construction of the Project.
	within 24 hours. The NAHC shall contact the most likely				
	most likely descendant shall be consulted regarding the removal				
	or preservation and avoidance of the remains, and the parties				
	snall rebury or preserve the remains as appropriate. Ground disturbance in the zone of				
	suspended activity shall not recommence without				
	archaeologist.				
Geology and Seismi	city				

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Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

Discussion:

The potential for adverse impacts related to shrink-swell potential and/or settlements of soil associated with expansive soils and liquefaction potential would be considered potentially significant. According to the University of California Museum of Paleontology database, paleontological resources are known to exist in Alameda County near the Project area in Livermore, California. Construction activities requiring ground disturbance such as, clearing, grubbing, and grading activities would remove ground cover, and have the potential to impact undiscovered paleontological resources, if present. With implementation of mitigation measures, impacts would be less than significant.

Mitigation Monitoring and Reporting Program

Impact GEO-3: Structures and facilities could be subject to damage related to shrink- swell potential and/or settlements of site soils	Mitigation Measure GEO-1: Perform geotechnical investigation and reporting: Prior to initiation of grading, a design-level geotechnical investigation and report shall be prepared that includes measures to ensure potential damages related to expansive soils, non-uniformly compacted fill, and liquefiable sediments are minimized. Measures may range from complete removal of the problematic soils during grading operations, to conditioning the soils, or designing and constructing improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. In addition, the following measures shall be incorporated into the Project: 1) all soil handling and conditioning measures, and structural foundations shall be designed by a licensed professional engineer; 2) all designs shall be submitted to, and approved by, the Alameda County Public Works Department prior to implementation; and 3) onsite soil management and/or conditioning activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist.	Potentially Significant	Less than Significant	All soil handling and conditioning measures, and structural foundations shall be designed by a licensed professional engineer; all designs shall be submitted to, and approved by, the Alameda County Public Works Department prior to implementation; and onsite soil management and/or conditioning activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist.	Measures would be implemented prior to initiation of grading.
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Mitigation Monitoring and Reporting Program

In addition, the condition of all		
surfaces related to operations		
surfaces related to operations		
on the site, including at the		
active composting pad, curing		
area and storage nade, shall be		
alea allu siolaye paus, silali be		
inspected on a monthly basis		
(the condition of the catchment		
hasin liner shall be inspected on		
an annual basis). The results of		
the inspections shall be		
recorded on an appropriate data		
form Any cracking in		
pavements or liners, potnoles,		
wheel ruts, or other conditions		
that could cause ponding on the		
active surfaces lead to damage		
to facilities or structures or		
allow infiltration of runoff into the		
subsurface shall be noted and		
corrective action initiated within		
seven days.		

Mitigation Monitoring and Reporting Program

Impact GEO-4:	Mitigation Measure GEO-2:	Potentially	Less than	A qualified paleontological	Measures would
Directly or indirectly	Follow the Society of	Significant	Significant	resource monitor would be hired	be implemented
destroy a unique	Vertebrate Paleontology	_		for implementation of measures.	prior to earth
paleontological	Standard Procedures for the				moving.
resource or site or	Assessment and Mitigation of				
unique geologic	Adverse Impacts on				
feature	Paleontological Resources:				
	Temporary and permanent				
	impacts on a unique				
	paleontological resource or site				
	during construction and ground				
	disturbance would be mitigated				
	by implementing the following				
	measures:				
	1. Conduct an intensive field				
	survey and surface salvage				
	prior to earth moving, if				
	applicable;				
	2. Hire a qualified				
	paleontological resource				
	monitor to monitor excavations				
	in previously disturbed rock				
	units;				
	3. Salvage unearthed fossil				
	remains and/or traces (for				
	example, tracks, trails, burrows,				
	etc.;				
	4. Wash screens to recover				
	small specimens, if applicable;				
	5. Prepare salvaged fossils to a				
	point of being ready for curation				
	(that is, removal of the enclosing				
	matrix, stabilization and repair of				
	specimens, and construction of				
	reinforced support cradies				
	wnere appropriate);				
	b. Identify, catalog, curate, and				
	provide for repository storage of				

Mitigation Monitoring and Reporting Program

prepared fossil specimens; and 7. Prepare a final report of the finds and their significance.		

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Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

Impact GEO-5:	Mitigation Measure GEO-3:	Potentially	Less than	All grading plans, cut and fill	Measures would
Damage to	Perform geotechnical	Significant	Significant	slopes, compaction procedures,	be implemented
structures,	investigation for slope	-	_	and retaining structures shall be	prior to initiation
pavements, and/or	stability: As part of the design			designed by a licensed	of grading.
utilities could occur	level geotechnical investigation			professional engineer. All	
at the compost	discussed in Mitigation Measure			designs shall be submitted to,	
facility site if cut and	GEO-1, an analysis of the			and approved by, the Alameda	
fill slopes failed,	stability of all slopes that would			County Public Works	
resulting in	be created under the selected			Department prior to	
landsliding.	grading plan shall also be			implementation. Grading and	
	prepared. Proposed cut and fill			slope preparation activities shall	
	slope designs shall have factors			be conducted under the	
	of safety not lower than 1.5			supervision of a licensed	
	under static conditions and 1.0			Geotechnical Engineer or	
	under seismic shaking			Certified Engineering Geologist.	
	conditions. All grading plans, cut				
	and fill slopes, compaction				
	procedures, and retaining				
	structures shall be designed by				
	a licensed professional				
	engineer. All designs shall be				
	submitted to, and approved by,				
	the Alameda County Public				
	Works Department prior to				
	implementation. Grading and				
	slope preparation activities shall				
	be conducted under the				
	supervision of a licensed				
	Geotechnical Engineer or				
	Certified Engineering Geologist.				

Hazards and Human Health

Discussion:

The potential for exposure of composting facility workers and end users of compost to chemical contaminants and/or pathogens that may be present in compost feedstocks is considered a significant impact. Operation of the proposed compost facility does have the potential to generate both *A. fumigatus* and endotoxins. Bioaerosols generated by the facility would primarily result from grinding and screening materials and from turning windrows. Given their proximity to composting operations, onsite workers have the greatest potential for exposure to

Mitigation Monitoring and Reporting Program

bioaerosols resulting i	n a significant impact. Composting	operations may	also attract vecto	rs, which may pose a health risk to t	facility workers
and the general public	 With implementation of mitigation 	measures, impa	acts would be less	s than significant.	
Impact HAZ-3:	Mitigation Measure HAZ-1:	Potentially	Less than	Procedures for complying with	Measures would
Composting facility	Prepare and implement	Significant	Significant	CCR Title 14, Chapter 3.1	be implemented
workers and end	screening, monitoring,			Composting Operations	prior to
users of compost	testing, and training			Regulatory Requirements shall	operation of the
could be exposed to	procedures: Prior to operation			be prepared by the facility	Project.
chemical	of the facility, procedures for			operator and submitted to the	
contaminants and/or	complying with CCR Title 14,			Alameda County Department of	
pathogens	Chapter 3.1 Composting			Environmental Health for	
potentially present	Operations Regulatory			approval as part of the facility's	
in compost	Requirements shall be prepared			Report of Composting Site	
feedstocks	by the facility operator and			Information (RCSI).	
	submitted to the Alameda				
	County Department of				
	Environmental Health for				
	approval as part of the facility's				
	Report of Composting Site				
	Information (RCSI). At a				
	minimum, these procedures				
	shall include:				
	 procedures for screening 				
	feedstocks for contaminants;				
	 monitoring temperature and 				
	moisture content during the				
	composting process;				
	 sampling composts for 				
	pathogens and heavy metals;				
	and				
	 a training program to train 				
	workers to identify contaminants				
	in feedstocks and implement				
	and document screening,				
	monitoring, and sampling				
	procedures. Employee training				
	shall include proper handling of				
	potentially contaminated				
	compost feedstocks and				

Mitigation Monitoring and Reporting Program

chemical agents used in the composting process (e.g., lime),		
including safe work practices		
equipment if warranted		
Work practices shall be		
designed to prevent exposure to		
employees in excess of		
Permissible Exposure Limits,		
which are the legal exposure		
limits for airborne contaminants		
set forth in Cal/OSHA		
regulations. Sampling		
exceed requirements in the		
ACWMA's Draft Compost		
Quality Standards and Testing		
Protocol, which include		
screening for chemical		
contaminants and pathogens.		

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

masks, respirators, and other personal protective equipment.		

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Mitigation Monitoring and Reporting Program

Impact HAZ-5:	Mitigation Measure HAZ-3:	Potentially	Less than	Vector Control Plan for the	Measures would
Composting	Prepare a Vector Control	Significant	Significant	facility shall be prepared by the	be implemented
operations may	Plan: Prior to operation of the			facility operator and approved by	prior to
attract vectors,	facility, a Vector Control Plan for			the Alameda County Department	operation of the
which may pose a	the facility shall be prepared by			of Environmental Health.	Project.
health risk to facility	the facility operator and				
workers and the	approved by the Alameda				
general public	County Department of				
	Environmental Health. The				
	Vector Control Plan shall				
	include:				
	 housekeeping procedures to 				
	prevent processing areas and				
	recycled water basins from				
	attracting potential vectors;				
	 measures to minimize 				
	standing water and prevent				
	mosquito breeding at the site,				
	including frequent drawdown of				
	the recycled water basins;				
	 operating procedures 				
	designed to destroy fly eggs and				
	larvae before they can become				
	adult flies, such as the prompt				
	processing and mixing of the				
	feedstock so that the compost				
	pile temperature is raised				
	quickly;				
	 the use of fly traps to attract 				
	and capture adult flies;				
	 a monitoring program to 				
	measure vectors near the site				
	perimeter, including action				
	levels (such as number of flies				
	collected in off-site traps) for				
	determining whether significant				
	off-site vector migration is				
	occurring;				

Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

 a contingency program for mitigating off-site vector migration when action levels are exceeded, including use of insecticides and rodent traps, if warranted; and a program to train workers to properly implement and document the procedures of the Vector Control Plan. 		

Hydrology and Water Quality

Discussion:

Grading, earthmoving, roadway excavation, and facility construction would disturb the existing vegetative cover, soil, and drainage characteristics of the Project site. By removing the existing vegetative cover, the proposed construction activities would expose the site's soils to wind and storm water erosion. Construction activities could result in substantial storm water discharges of suspended solids and other pollutants into local drainage channels from the Project construction site. In addition, intense rainfall and associated storm water runoff could result in

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Mitigation Monitoring and Reporting Program

JESS RANCH COMPOST FACILITY, CONDITIONAL USE PERMIT, PLN2015-00087

short periods of sheet erosion within areas of exposed or stockpiled soils. The potential for chemical releases from construction equipment and materials is also a concern at construction sites. Once released, substances such as fuels, oils, paints, and solvents could be transported to surface waters and/or groundwater in storm water runoff, wash water, and dust control water, potentially reducing the quality of the receiving waters. Therefore, construction impacts on water quality would be potentially significant. Although the Proposed Project would generate a new source of storm water requiring drainage, storm water runoff would be managed through careful facility design and operation. Therefore, the Proposed Project's impact related to operational impacts on water quality would be less than significant and mitigation would further reduce impacts.

Mitigation Monitoring and Reporting Program

Mitigation Measure HWQ-1:	Potentially	Less than	As required by the County, a	
Prepare and implement a	Significant	Significant	grading permit application shall	
SWPPP: As required by the			be prepared and submitted to	
County, a grading permit			the County for review and	
application shall be prepared			approval.	
and submitted to the County for				
review and approval prior to				
initiation of any earthwork at the				
site. The grading permit				
application shall include				
measures to control storm water				
drainage from the site and to				
minimize the potential for				
sediment discharges from the				
site. In addition, the applicant				
shall prepare a SWPPP				
designed to reduce potential				
impacts on surface water quality				
during construction. The				
SWPPP would act as the overall				
program document designed to				
provide measures to mitigate				
potential water quality impacts				
associated with implementation				
of the proposed composting				
The CM/DDD shell include				
The SWPPP shall include				
specific and detailed bivins				
At a minimum PMDa shall				
At a minimum, Divies Shall				
the contact of construction and				
and maintenance supplies (o d				
fuels lubricante painte				
solvents adhesives) with				
receiving waters				
	Mitigation Measure HWQ-1: Prepare and implement a SWPPP: As required by the County, a grading permit application shall be prepared and submitted to the County for review and approval prior to initiation of any earthwork at the site. The grading permit application shall include measures to control storm water drainage from the site and to minimize the potential for sediment discharges from the site. In addition, the applicant shall prepare a SWPPP designed to reduce potential impacts on surface water quality during construction. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed composting facility. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction and operation materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with receiving waters.	Mitigation Measure HWQ-1: Prepare and implement a SWPPP: As required by the County, a grading permit application shall be prepared and submitted to the County for review and approval prior to initiation of any earthwork at the site. The grading permit application shall include measures to control storm water drainage from the site and to minimize the potential for sediment discharges from the site. In addition, the applicant shall prepare a SWPPP designed to reduce potential impacts on surface water quality during construction. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed composting facility.Potentially SignificantThe SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants.At a minimum, BMPs shall include practices to minimize the contact of construction and operation materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with receiving waters.	Mitigation Measure HWQ-1: Prepare and implement a SWPPP: As required by the County, a grading permit 	Mitigation Measure HWQ-1: Prepare and implement a SWPPP: As required by the County, a grading permit application shall be prepared and submitted to the County for review and approval prior to initiation of any earthwork at the site. The grading permit application shall lock application shall holde measures to control storm water drainage from the site and to minimize the potential for sediment discharges from the site. In addition, the applicant shall prepare a SWPPP designed to reduce potential impacts on surface water quality during construction. The SWPPP would act as the overall provide measures to mitigate potential water quality impacts associated with implementation of the proposed composting facility.Potentially SignificantLess than SignificantThe SWPPP shall include specific and detailed BMPs designed to mitigate construction. The specific and detailed BMPs designed to mitigate construction and operation materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with receiving waters.As required by the County, a grading permit application shall be prepared and submitted to the county for review and approval.

Mitigation Monitoring and Reporting Program

An important component of the storm water quality protection effort is construction workers' knowledge of the site. To educate onsite personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP. The SWPPP shall als specify a routine monitoring program to be implemented by the construction contractor.				
Discussion:				

Mitigation Monitoring and Reporting Program

No tribal cultural resources were identified in the proposed project area. However, in the event that buried tribal cultural or historical resources					
are inadvertently discovered during construction, mitigation measures would be implemented to reduce impacts to a less than significant level.					
Impact TCR-1:	Mitigation Measure TCR-1:	Potentially	Less than	MM CR-1 and MM-CR-2 are	MM CR-1 and
Cause a substantial	Implement Mitigation	Significant	Significant	described above.	MM-CR-2 are
adverse change in	Measures CR-1 and CR-2. MM	-			described
the significance of a	CR-1 and MM-CR-2 are				above.
tribal cultural	described above.				
resource					



DATE:	August 10, 2023
то:	Planning Committee/Recycling Board
FROM:	Emily Alvarez, Program Manager
SUBJECT:	Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Jess Ranch Composting Facility in Unincorporated Alameda County

SUMMARY

Joe and Connie Jess ("The Jesses") are proposing to construct a new composting facility ("Facility") located at 15850 Jess Ranch Road in unincorporated Alameda County. The Facility would receive and process organic materials, primarily green waste, food waste, and biosolids.² The Jesses are seeking an amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) and a finding of conformance with the CoIWMP. This report sets forth the background, project description, CEQA compliance, and staff recommendation to approve the proposed amendment and conformance finding. The proposed project will be reviewed by the Recycling Board acting as the Local Task Force (LTF) and the Planning Committee prior to action by the Waste Management Authority (WMA).

DISCUSSION

Background

The Jesses own and operate a ranch on a 160-acre property located at 15850 Jess Road in Unincorporated Alameda County. The Jesses have been operating the ranch since 1969 and became owners in 1973. The current primary use of the ranch is for cattle grazing and breeding. The Jesses are proposing to construct the Facility on a 30-acre portion of the ranch. The site is zoned as Agricultural by the Alameda County Zoning Ordinance and designated as Large Parcel Agriculture under the East County

² "Biosolids" are defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material with sewage sludge but does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works. (CCR Title 14, Chapter 3.1, Article 1, Section 17852).

Area Plan. The Facility is considered a permitted use within that designation, as it would be considered a related waste management facility and an agricultural processing facility. The site is currently under a Williamson Act contract but is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.³ Alameda County has determined that commercial composting is consistent with the Williamson Act contract lands, but a commercial composting use is limited to 10 acres. The proposed project will impact approximately 30 acres, which will require a partial cancellation of the Williamson Act on 20 acres of the 160-acre project site. A Petition to Cancel the Williamson Act on 20 acres of the project site has been submitted and reviewed by the County. This cancellation is still pending at the time of preparation of this memo. A Condition of Approval requiring the approval of the cancellation is included in Exhibit 3.

There are three organics processing facilities currently located within Alameda County – at the Altamont Landfill, Davis Street Transfer Station, and the Vision Recycling Compost Facility. However, none of these facilities processes biosolids. In addition to these in-county facilities, a portion of Alameda County's composting feedstock is transported to out-of-county composting facilities, including the Recology Blossom Valley Organics North facility located in San Joaquin County and the Newby Island Landfill composting facility located in Santa Clara County.

The proposed Facility would receive and process an annual average of 550 tons per day (TPD) of organic materials, primarily green waste, food waste, and biosolids. The Facility could also receive untreated scrap wood, natural fiber products, non-recyclable paper waste, and inert material, such as sediment, gypsum, wood ash, and clean construction debris. Non-hazardous liquid wastes may also be accepted as a substitute for the water that is added for efficient composting. It is common that biosolids are sent to local and regional landfills for disposal during winter months. The Jess Ranch Composting Facility would provide a year-round destination for biosolids processing. This can help local jurisdictions meet organics diversion requirements required by SB 1383.

Project Description

The Jess Ranch Composting Facility site is bounded by Interstate (I) 580 to the north; by agricultural lands to the east, south, and west; and by the Southern Pacific Railroad right-of-way to the southwest. The proposed Facility's parcel does not contain residences or other buildings. Parcels to the west and north are owned by the Contra Costa Water District and are under a conservation easement to be used as habitat mitigation. Land uses in the general vicinity include wind farms, grazing lands, and rural residences.

The Jesses are proposing to construct an approximately 15-acre composting facility consisting of curing and screening zones, a mixing building, green waste storage areas, product storage, and an entry road.

³ The Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners to restrict the uses of agricultural and open space lands to farming and ranching during the length of the contract period as a way for local governments to integrate the protection of open space and agricultural resources into their overall strategies for planning urban growth patterns.

The Facility would produce compost-based soil amendments for agricultural, horticultural, erosion control, and land reclamation uses. Cattle grazing operations are proposed to continue on the remainder of the site. Administrative support activities will occur in a leased space within an existing office/utility structure located on an adjacent parcel owned by the Contra Costa Water District.

The Facility would process organic material utilizing a covered windrow system that would be a combination of aerated static pile (ASP), with either positive or negative aeration, and covered windrow composting technology. Active composting piles would vary in height, up to a maximum of 12 feet. Construction will occur in two phases – the first phase would be an initial facility with an average annual capacity of 550 TPD and a maximum of 1,000 TPD. This variation in daily throughput is to accommodate fluctuations in incoming material that may be affected by seasonality or weather. Phase 2 of the project would allow for an average annual capacity of up to 1,000 TPD. The Project would require additional approval by the WMA to begin Phase 2 operations.

The Facility would accept incoming material approximately 312 days per year (6 days per week). Operations are planned for 24 hours per day, 7 days per week, however, composting would mostly occur during daylight hours.

The proposed Facility would generate approximately 200 vehicle trips per day for Phase 1 and 400 vehicle trips per day at full build out (Phase 2). Organic feedstock materials would be delivered to the site by trucks from regional municipal solid waste collection transfer stations, wastewater treatment plants, and other sources. It is anticipated that the majority of feedstock would arrive from sources within the San Francisco Bay Area, with some feedstocks potentially coming from the Central Valley.

Construction of the Facility will require grading, excavation and soil removal, deposition and compaction of fill material, reuse of excavated soil as fill, transport and installation of materials and equipment, disposal of soil and construction waste, and construction of retention ponds and project access roads. A drainage system incorporated into the windrow area would deliver storm runoff from the compost site to a stormwater detention pond.

County Approvals

On March 21, 2022, the County of Alameda's Planning Commission held a meeting and adopted Resolution Z-22-02 that certified the Final Environmental Impact Report (EIR) and approved Conditional Use Permit (CUP) PLN2015-00087 for the construction and operation of Phase 1 of the Jess Ranch Composting Facility. Phase 2 would require an amended or new CUP.

An appeal of the County's approval was filed on March 31, 2022 claiming that the project EIR was inadequate and that the project would not comply with the Save Agriculture and Open Space Lands Measure of 2000. The County of Alameda's Board of Supervisors held a meeting on May 17, 2022 and considered the merits of the appeal, heard public comment, and continued the item in order to allow the applicant to decide whether a 500 TPD maximum was acceptable, as recommended by the appellant, instead of the proposed annual average capacity of 550 TPD with a maximum capacity on any one day of 1,000 TPD. The applicant decided to pursue the 550 TPD annual average and 1,000 TPD daily

maximum, as initially proposed. On June 2, 2022, the County Board of Supervisors once again considered the appeal and upheld the Planning Commission's decision by adopting Resolution R-2022-301.

CEQA Compliance⁴

A Draft EIR for the Jess Ranch Composting Facility, with the County of Alameda acting as the Lead Agency, was prepared and circulated for public review and comment between March 6 and April 21, 2020. A partial recirculation of the DEIR was circulated between October 5 and November 19, 2020, that evaluated a reduced project size alternative.

The County of Alameda Planning Commission certified the Jess Ranch Composting Facility Final EIR during its March 31, 2022 meeting. On appeal, the County's Board of Supervisors certified the Final EIR during its June 2, 2022 meeting.

The Draft and Final EIR⁵ concluded that the majority of environmental impacts from the project were either less than significant or less than significant with implementation of applicable mitigation measures. However, two air quality impacts related to expected emissions of Reactive Organic Gases (ROGs) and Nitrogen Oxides (NOx) from the Facility are considered significant and unavoidable.

As such, the County adopted a Statement of Overriding Considerations under CEQA. The Statement of Overriding Considerations is a written statement explaining the specific reasons why the social, economic, legal, technical, or other beneficial aspects of the proposed project outweigh the unavoidable adverse environmental impacts, and why the County of Alameda as the Lead Agency is willing to accept such impacts.

In its determination that the benefits of the project outweighed the potential environmental impacts, the County cited the following reasons:

- 1. Alignment with state laws affecting organic waste management, including the following:
 - Senate Bill (SB) 1383. Requires reduction in methane by reducing 50% of currently disposed organic waste in landfills by 2020, and 75% by 2025.
 - Assembly Bill (AB) 1572. This bill gives the California Department of Resources and Recycling Recovery (CalRecycle) greater flexibility in ensuring locals comply with sustainable waste management law while reducing burdens associated with oversight for areas that exceed state requirements.
 - AB 876. Requires jurisdiction to report estimated additional organics infrastructure required and locations for new/expanded infrastructure. The local counties and regional agencies are also required to estimate the amount of organic waste during a 15-year period.
 - AB 1594. The bill requires local jurisdictions to include information in an annual report on

⁴ Alameda County's CEQA documents can be found at:

http://www.acgov.org/cda/planning/landuseprojects/currentprojects.htm

⁵ The FEIR can be found at: <u>http://www.acgov.org/cda/planning/landuseprojects/documents/JessCompost-</u> <u>FinalEIR2022.pdf</u>

how the local jurisdiction intends to address diversion requirements and divert green material that is being used as alternative daily cover.

- 2. Legal and environmental benefits achieved through implementation of the Project:
 - Assist jurisdictions in Alameda County in meeting the diversion goals of the WMA and Alameda County's Measure D by diverting organic materials from landfills;
 - Assist other jurisdictions in other counties, as appropriate, in meeting their individual diversion goals;
 - Assist the state in providing additional organics processing capacity to meet the requirements of recent legislation;
 - Facilitate and secure a long-term, in-county, organics processing facility available to government agencies to increase the diversion of green and food materials from the waste stream;
 - Satisfy local and regional market demands for compost-based amendments;
 - Support the County in meeting their 75-percent goal for waste reduction countywide by diverting from the waste stream up to 1,000 TPD of organic materials; and
 - Address the need for a facility which processes biosolids in the Bay Area. The Bay Area produces approximately 160,000 dry tons of biosolids annually. Currently biosolids are generally applied during dry months and used as landfill cover during the rainy season. The Proposed Project would be the only site in the Bay Area that could use biosolids as a compost feedstock.

The WMA is a responsible agency under CEQA and thus must consider the information in the Draft and Final EIRs. Consistent with the Public Resource Code section 21166 and the CEQA Guidelines section 15162, when an EIR has already been adopted, no subsequent or supplemental CEQA documentation shall be required by a responsible agency unless one or more of the following events occurs:

- (a) Substantial changes are proposed to the project that will require major revisions of the EIR 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 EIR 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.

WMA staff has reviewed the existing CEQA documents and concludes that, based on the whole record before it, the Facility underwent the review required by CEQA and that the CoIWMP amendment is within the scope of activities addressed by the Draft and Final EIRs. Since preparation and certification of the Final EIR, there have been no substantial changes to the proposed project. In addition, the conditions at the project site have not changed since preparation of the Final EIR, nor are there any other substantial changed circumstances, or new information that has become available that would result in any new significant impacts or a substantial increase in impacts. WMA staff concurs with the County's finding that the environmental impacts of the proposed project are adequately analyzed by the existing CEQA documents and no additional review is required. As a Responsible Agency, the WMA must also adopt a Statement of Overriding Considerations. WMA staff agrees with County's assessment that the benefits of the Facility, cited in the Statement of Overriding Considerations and listed above, outweigh the Project's significant and unavoidable environmental impacts.

ColWMP Amendment and Finding of Conformance

An amendment to the CoIWMP is needed to add the location and description of the Jess Ranch Composting Facility to the CoIWMP. Under the criteria set forth in the CoIWMP, any solid waste facility located in Alameda County seeking a Full Solid Waste Facility Permit must undergo a review for conformance with the CoIWMP, including the CoIWMP's siting criteria, and an amendment if deemed in conformance.

Before the WMA Board considers the CoIWMP Amendment, the proposed CoIWMP Amendment must be reviewed by the Recycling Board in its capacity as the Local Task Force, and the Planning Committee of the WMA. If the WMA Board approves the amendment, the changes will be forwarded to CalRecycle for processing and approval. Additional review and permitting is required by several other regulatory agencies, including the Bay Area Air Quality Management District and the San Francisco Bay Regional Water Quality Control Board.

Local Task Force and Planning Committee Review

The Recycling Board, as the Local Task Force, and the Planning Committee of the WMA will consider the proposed CoIWMP Amendment at its meeting on August 10, 2023 at 4:00 p.m. In its advisory capacity, the Local Task Force will review and provide comments on the proposed CoIWMP Amendment (which can include a comment recommending adoption). The Planning Committee will receive the staff report and consider whether to recommend approval of the proposed CoIWMP Amendment and conformance finding to the full WMA Board.

RECOMMENDATION

Staff recommends that the Recycling Board, in its role as Local Task Force, provide comments recommending, and that the Planning Committee recommend to the WMA Board that it hold a public hearing and adopt a resolution to (1) amend the ColWMP (Exhibit 1) to include the Jess Ranch Composting Facility in Unincorporated Alameda County, and make additional changes for consistency, (2) find that the Jess Ranch Composting Facility conforms to the ColWMP as amended, and (3) make the findings required by CEQA.


DATE:	October 25, 2023
то:	Waste Management Authority (WMA) Board
FROM:	Pat Cabrera, Administrative Services Director
SUBJECT:	Household Hazardous Waste (HHW) Program and Fee Analysis

SUMMARY

The HHW program is designed to keep household hazardous waste out of the landfill. The County of Alameda and City of Fremont provide collection/disposal services to Alameda County residents. These services are funded by fees collected by the Waste Management Authority (WMA). Pursuant to the HHW fee ordinance amended on October 25, 2019, a funding analysis is required to determine if the fee needs to be adjusted beginning in FY 2025. At the October 25, 2023 WMA Board meeting, staff will provide an overview of the HHW program and seek input from the Board in preparation of the fee analysis.

DISCUSSION

Household Hazardous Waste Program

Because household hazardous waste cannot be disposed of in landfills, the County of Alameda and City of Fremont provide HHW disposal services to Alameda County residents through a network of drop-off centers and one-day disposal events at various locations around the county. This program is funded by fees collected by the WMA, discussed in more detail below. The WMA has separate agreements with the County of Alameda and City of Fremont for implementing the program and the allocation of revenues.

Current HHW Fee Structure

The HHW program is primarily funded by two fees – a per-ton fee on solid waste, and a collection and disposal fee collected primarily on the property tax roll.

The per-ton fee, established in 1990, is set at \$2.15 per ton and is collected for all solid waste tons disposed within Alameda County or transferred through a county solid waste facility but disposed out-of-county. The fee is also collected on solid waste that is direct-hauled or under a franchise agreement and disposed of out-of-county. The fee was intended to support the then three Alameda County HHW facilities, with the Hayward and Livermore facilities opening in 1993 and the Oakland facility opening in 1996. A fourth facility, located in Fremont, opened in 2008.

With increased demand for HHW disposal services and anticipated declining revenues from the per-ton fee, the WMA evaluated options for the future of the program beginning in 2012. The WMA determined that the perton fee alone would not support the program without a drastic cut in services. On May 28, 2014, the WMA approved Ordinance 2014-1, which established a household hazardous waste collection and disposal fee capped at \$9.55 per household per year. The household fee was established to supplement the \$2.15 per ton fee to support the four countywide HHW facilities and one-day collection events. The ordinance required that the household fee be adjusted each year to take into account revenues from the per-ton fee and the PaintCare program (an industry-run extended producer responsibility program that collects unused paint for reuse and proper disposal). The ordinance also included a sunset provision effective June 20, 2024.

The fee adopted by the WMA in FY 2015 was set at \$9.55 per residential unit and remained in effect through FY 2016. Consistent with the ordinance, beginning in FY 2017, the fee was adjusted based on a formula that took into account the per-ton fee revenue and PaintCare statewide industry stewardship program offsets. When those amounts exceeded the annual thresholds outlined in the ordinance, the fee was reduced for the following year then "reset" back to \$9.55 for the next year's calculation. Based on this formula, the fee dropped to \$8.60 in FY 2017, \$8.46 in FY 2018, \$7.40 in FY 2019, and \$6.64 in FY 2020. The annual fee calculation was cumbersome, however, and the annual change (although lower) was potentially confusing for residents.

As such, staff engaged the services of HF&H Consultants to analyze various funding scenarios and determined that the annual fee of \$6.64 per residential unit would be sufficient to fund the program for several years. On September 25, 2019, the WMA adopted Ordinance 2019-01 amending Ordinance 2014-1, which removed the sunset provision and established an annual fee of \$6.64 per residential unit through June 30, 2024. The ordinance requires an analysis of the HHW program's operational and funding needs be conducted no later than March 31, 2024, and every five years thereafter to determine whether the fee needs to be adjusted, either lower or higher, provided that the fee does not exceed the original annual fee of \$9.55 per residential unit. The amended ordinance also requires annual approval by the WMA to place the fee on the property tax roll, which for FY 2024 was approved by the Board on June 28, 2023.

The WMA maintains Memorandums of Understanding (MOUs) with both the County and the City of Fremont. These agreements were updated in 2020 and include operational requirements and reimbursement limits per fiscal year. The MOUs remain in effect contingent upon the respective parties complying with the terms including any revisions to the reimbursement limits resulting from the analysis discussed above. An overview of the agreements is as follows:

Oakland Facility	Hayward Facility	Livermore Facility	
Household Program			
Wed-Fri 9-2:30	Thurs-Fri 9-2:30	Thurs-Fri 9-2:30	
Sat 9-4:00	Sat 9-4:00	Sat 9-4:00	
Accept E-Waste	Accept E-Waste	Accept E-waste	
Small Business program			
Tuesdays (excluding holidays)	Wednesdays generally 2x	Wednesday generally 2x per month	
9am – noon	per month 9am -noon	9 am -noon	
Residential landlord program (no fee for residential rental	Residential landlord program	Residential landlord program	
properties)	Drop in for universal waste/latex paint, other	Drop in for universal waste/latex paint, other materials by appointment	
Drop in for universal waste/latex paint, other materials by appointment	materials by appointment		

MOU with County of Alameda

Small businesses that qualify as Conditionally Exempt Small Quantity Generators (CESQGs) as defined in the Health and Safety Code section 258.18.1 and the code of Federal Regulations 40, Section 261.5, may also use the HHW facilities for a fee (with the exception of residential rental properties as noted above).

In addition to the operations of the facilities described in the table, the County is required to host at least eight one-day events per year.

MOU with City of Fremont

The City of Fremont contracts with BLT Enterprises to provide transfer station/recyclables processing services at the Fremont Transfer Station, which includes an HHW drop off center. The center is convenient to residents of Fremont, Union City, and Newark and is available to all Alameda County residents. The HHW operational parameters for the Fremont Facility are listed below:

Fremont Facility
Open to households
Wed-Fri: 8:30 am -2:30 pm
Sat: 8 am-4:30 pm
E-Waste Accepted
Small Businesses including Residential Landlord Program:
Tuesdays between 9 am and 2 pm
Drop in for Universal Waste & Latex paint, other materials by appointment

Participation and Outreach

StopWaste provides outreach and promotional services for the three County-run programs including Spanish translation on our website. It is noteworthy that the HHW program is the most visited page on our website.

The participation goal for the three County facilities is 60,000 households per year. While household participation increased steadily from approximately 33,000 in FY 2014 to approximately 54,000 in FY 2021, there were declines over the past two years, with household participation totaling approximately 39,000 in FY 2023.

Fremont has consistently met or exceeded its goal of serving 13,000 households per year. In particular, Fremont exceeded participation by approximately 1,100 transactions in FY 2020 compared to FY 2019 (totaling over 18,000 household transactions), as it remained open as an essential service during the pandemic and accommodated users that would have normally used one of the County facilities. This fiscal year household participation including electronic waste drop off totaled over 16,800 household transactions (see Attachment 1 - page 2 of the City of Fremont's annual report).

In addition to collecting HHW at county facilities, the County also held eight one day events at different locations throughout the County, which totaled approximately 3,800 participants, plus a one-day Dublin event (included in its franchise agreement) that hosted 403 participants. The total number of households participating in one-day events plus utilizing HHW drop-off at the County facilities is approximately 43,000 household participants for the year. Based on statewide trends (Attachment 2, page 6 of the County's annual report), which tracks cumulative waste quantities collected by all HHW programs, there has been an overall statewide decrease, which aligns with County participation data.

The County and StopWaste are taking several steps designed to increase program participation. The County removed the online appointment scheduler which was put in place as a safety measure during the COVID-19 Shelter in Place order to manage drop-offs and is no longer needed. StopWaste continues to assess its ongoing outreach efforts to increase participation this fiscal year. This includes employing more local media to reach residents - including local ads in Nextdoor and Patch and this year, contracting El Timpano to conduct outreach via text messages to Spanish-speaking residents. Staff is also utilizing the online RE:Source guide to direct people to the facilities as well as combining waste prevention messaging to help reduce consumers' reliance on

harmful HHW products. Local platforms such as Nextdoor have helped to drive people to the HHW website home page. A paid editorial and e-blast in local news outlet Cityside (for both Berkeley and Oakland) resulted in over 5,000 article views. When cities have added their own promotion, staff has seen higher participation at one day events. Union City staff even included outreach through the school district newsletter. Staff will continue to monitor these efforts and make adjustments as needed.

Even with lower participation the past two years, the program for both the County and City of Fremont served over 60,000 households in FY 2023 and continues to receive positive feedback from residents.

Curbside collection and other ways to transport HHW to facilities

Most jurisdictions in the County have some type of HHW curbside collection as part of their respective franchise agreements (see Attachment 3). Batteries, cell phones, motor oil and filters, and electronic waste are common items either collected during normal service dates or through a scheduled bulky pickup.

In addition, section 7 of AB 2481, the Household Hazardous Waste facilities legislation adopted in 2022 (see Attachment 4), allows another person to transport waste from an individual who is unable to do so "for reasons including, but not limited to death, illness or disability." Staff plans to include reference to this provision in its outreach moving forward.

On-call HHW pick up of other HHW items (pesticides, cleaning supplies, solvents, etc.) is not offered in the County. Adding an on-call service was discussed when the collection and disposal fee was proposed in 2014, however the cost and operational considerations prevented the service from being added as part of the County or Fremont programs. Providing on-call service would require that the County contract with a collection company and develop and implement the logistics to ensure responsiveness and efficiency. Further analysis would be needed to determine the costs associated with such a service, but staff estimates that the additional cost per parcel would be \$3-\$5 per year per residential unit.

Given that Alameda County has four HHW facilities and up to eight one day events per year, plus that state law allows another person to transport HHW materials on behalf of an individual who is unable to do so, and also considering the cost and cost/benefit, providing a County-administered on-call service is not recommended at this time.

Ordinance Requirement

Ordinance 2019-01 requires a financial analysis of the HHW program no later than March 2024 and in 5-year increments thereafter to determine if the fee needs to be adjusted for the next five years. Depending on the analysis, the fee could stay the same, be lowered, or be raised provided that it does not exceed the original fee of \$9.55 per residential unit. The Agency, the County and the City of Fremont are committed to providing residents with a robust HHW collection program in the most cost-effective and efficient manner.

Based on discussions with both County and City of Fremont staff, and the success of the HHW program overall, staff recommends maintaining program operations for purposes of the upcoming analysis. Staff will engage the services of Crowe consulting to perform this analysis.

RECOMMENDATION

That the WMA Board direct staff to conduct the Household Hazardous Waste Fee financial analysis based on current program design to determine if there is a need to adjust the fee beginning in FY 2025.

Attachments:

Attachment 1: City of Fremont Annual Report Attachment 2: County Annual Report Attachment 3: Curbside Collection per Jurisdiction Attachment 4: AB 2481

Fremont Household Hazardous Waste Facility Report

Fiscal Year 2022/2023

Fremont HHW Facility Overview

The Fremont Household Hazardous Waste Drop-off Facility is co-located at the Fremont Recycling & Transfer Station Facility. BLT Enterprises operates the site under contract with the City of Fremont. The facility is in operation year-round, excepting materials from Alameda County residents, apartment owners and managers, and small quantity commercial generators. Electronic waste items are also collected.

Notable for FY 22/23 was that overall household HHW delivery transactions declined by 1,639 from FY 21/22 levels.

Tuesday	By Appointment (between	CESQG Program
	9:00 AM to 2:00 PM)	
Wednesday	8:30 AM – 2:30 PM	Residential Programs
Thursday	8:30 AM – 2:30 PM	Residential Programs
Friday	8:30 AM – 2:30 PM	Residential Programs
Saturday	8:00 AM – 4:30 PM	Residential Programs

Fremont - Hours of Operation



Fremont Facility Transactions

Household HHW Transactions in FY 22/23	FY 22/23
Fremont	9,774
Newark	1870
Union City	1097
Alameda	10
Albany	1
Berkeley	10
Castro Valley	63
Dublin	36
Emeryville	0
Hayward	421
Livermore	26
Oakland	56
Piedmont	2
Pleasanton	73
San Leandro	67
San Lorenzo	18
Other - Alameda County	6
Total of Household HHW Transactions	13,530

E-Waste Only Deliveries

Electronic Waste Only Drop-off Transactions	3312

CESQG's Served

Total CESQG's Served in FY 22/23	156
Fremont	120
Newark	19
Union City	3
Other Alameda County Jurisdictions	14

Total Fremont HHW Facility Transactions

All Transactions (incl. E-Waste & CESQG's)	16,998

Residential/Landlord User Breakdown

SFD Owners	15928
SFD Renters	914
Multi-Family Landlord	0
Multi-Family Renter – 2 to 4 Units	0
Multi-Family Renter – 5 or More Units	0

Summary of HHW Facility Expenses & Revenues

Administrative Overhead	\$42,000
Operating Supplies & Expenses	\$139,089
Labor & Benefits	\$575,013
Disposal Expenses	\$458,549
Revenue Offset (CESQG)	(\$27,748)
Revenue Offset (E-waste, Batteries)	(\$633)
Revenue Offset – PaintCare Reuse	(\$746)
Estimated PaintCare Paint Disposal Offset	(\$151,010)

Operating Expenses

Net Operating Expenses =	\$1,185,525
Net Cost per Transaction =	\$69.74/transaction
Net Cost per Pound/Transaction =	\$1.03/Pound

Summary of Materials Received and Processed

Fremont HHW Facility Total Pounds =	1,148,282 lbs.
Percentage Recycled =	82.77%



Alameda County Household Hazardous Waste Program, 1131 Harbor Bay Parkway, Mail Stop 51701, Alameda, California 94502-6540 PH 510/670-6460

Alameda County Household Hazardous Waste Program Fiscal Year 2022 - 2023 Annual Report

Household Hazardous Waste Program Overview at Its 30 Year Anniversary

Since 1993, the Waste Management Authority (Authority) in partnership with Alameda County's Department of Environmental Health (DEH) has provided hazardous waste disposal service to County residents at three Permanent Household Hazardous Waste (HHW) collection facilities in Haward, Livermore and Oakland. Services by these sites was augmented with the opening of a HHW facility by the City of Fremont at the Fremont Recycling and Transfer Station in 2008, and the implementation of Temporary Household Hazardous Waste Collection Facility events (One-Day events) starting in 2015. California law requires that jurisdictions provide household hazardous waste collection and disposal services to their residents. The services the Authority has funded have made it increasingly easy for residents to dispose of hazardous products and waste from their home over the thirty-year history of the program. In total, over 1.1 million drop off visits have been made and over 41 thousand tons of hazardous wastes have been managed safely. The Authority under terms of successive MOUs with DEH and the City of Fremont has been an essential partner in providing this outstanding service to County residents.

Each of the four HHW facilities serves residents from the entire county for disposal of their household hazardous waste and accepts waste from agencies, organizations and small businesses in the county which generate Universal Wastes or qualify as Very Small Quantity Generators (VSQGs). The four sites operate as a single program from the perspective of a resident or business.

Funding History

From inception, HHW services have been funded through a landfill tipping fee established by the Authority in 1992 at \$1.25/ton. In the late 90's the Authority foresaw a funding shortfall which led the Authority Board to vote to increase the tipping fee to \$2.15 in 2000.

In 2009 analysis of tipping fee trends predicted a funding shortfall within 6 years. The Authority then explored options to address longer term funding for operation of the four HHW facilities. On May 28th, 2014, the Authority adopted a fee ordinance authorizing funding from a Household Hazardous Waste Fee per residential unit collected via the property tax roll. The fee prevented a funding shortfall and supported expansion HHW program services. The fee went

Fee Year	FY	FY	FY	FY	FY	FY	FY	FY	Net
	2016	2017	2018	2019	2020	2021	2022	2023	Savings
Fee	\$ 9.54	\$ 8.60	\$ 8.46	\$ 7.40	\$6.64	\$6.64	\$6.64	\$6.64	
Annual Change	NA	-\$0.96	-\$1.08	-\$ 2.14	-\$0.76	\$0.00	\$0.00	\$0.00	-30% from 2016 fee

into effect July 1, 2014 and is capped at an annual maximum of \$9.54 per residential unit. After two years the fee was adjusted annually through a formula that accounts for tipping fees and savings from product stewardship programs with ongoing program costs. In FY 16-17 the HHW fee was lowered to \$8.60. In FY17-18 the fee was again lowered, to \$8.46. In FY 18-19 the fee was lowered to \$ 7.40, a reduction of 22.4% from the original baseline \$9.54 fee.

In 2018 the Authority completed a study of projected trends and found that the fee could be reduced further. To stabilize funding for the long-term and reduce cost of re-analyzing program funding on an annual basis the Authority promulgated Ordinance 2019-01 which revised the 2014 expansion plan and adopted a fee of \$6.64 per household, with fee amount reviewed every 5 years, and with no fixed sunset date. Five-year review of funding and program costs will be completed in 2025.

Convenience of HHW Service to Residents – at Facilities and One-Day Events

From 1993 to 1999 County HHW facilities in Hayward, Livermore and Oakland operated with one facility open per week on a rotating basis. Waste was accepted by appointment. Starting in FY 2000 the facilities accepted waste deliveries with no appointment. From 1999 to 2007, waste was accepted with no appointment needed and one facility was open each week. In 2007, staffing was increased to allow two facilities to be open each week. The centrally located Hayward facility was open every week, with the Livermore and Oakland facilities open alternating weeks. With the opening of the Fremont facility in 2008, the schedule was adjusted such that the Oakland and Fremont facilities were open weekly while Hayward and Livermore facilities were open alternating weeks, matching participation at the sites. Since 2015 all four facilities have been open every week.

For reporting fiscal year 2022-2023 the County facilities continued operating under the expanded schedule begun with Authority approval in May 2018. Alameda County residents now have access to all four facilities every week. The Oakland and Fremont facilities are open each Wednesday, Thursday and Friday from 9:00AM to 2:30PM and on Saturdays from 9:00AM to 4:00PM. The Livermore and Hayward facilities are open each Thursday and Friday from 9:00AM to 2:30PM and on Saturdays from 9:00AM to 4:00PM. During pandemic years 2020, 2021 and 2022 sites in Hayward, Livermore and Oakland accepted waste by appointment. Since March 2023 with the end of the COVID Emergency Health Declaration no appointment is needed for a resident to deliver wase. The Authority was instrumental in rolling out a highly efficient on-line appointments system that most residents found easy to use, provides residents with important safety information as well as assures prompt service. This appointments system is now used only for One-Day events.

Temporary "One-Day" Household Hazardous Waste Collection Events

An element of the 2014 expansion plan is to serve communities geographically further from permanent HHW facilities through temporary, or one-day, HHW collection events. During FY 2022-2023 the County held eight One-Day events, seeing good rates of participation from most of the communities served. One-Day events are only possible due to collaboration between the host city or agency recycling programs, a host site owner, disposal vendors, HHW program staff, product stewardship organizations and oversight by a CUPA. Siting an event depends on the availability of a paved site that is vacant during the scheduled weekend. Sites must be large enough to park several tractor-trailer trucks and cordon off several thousand square feet of hazardous waste handling "Hot Zone" and allow for traffic to queue from 50 to 100 cars. Events are sited where local roads can safely handle traffic of 500 cars in 4 hours. A typical event takes 12 hours from setup to clean up, with some equipment left on site before and after the event. Planning events starts 3 to 9 months in advance to file for a Temporary HHWCF Permit and arrange for advertising in the target area. Temporary collection events are scheduled during Q1 and Q4, from late March through early October, to avoid rainy weather. Some events are concurrent with other city sponsored events such as textile collection and compost giveaway at the Castro Valley event.

HHW Program Participation

Resident use of the HHW program during FY 2022-2023 continued to be impacted by aftereffects of the pandemic. Sites have seen participation numbers lower than the years immediately before the pandemic and during the pandemic work-from-home period. The program has returned to a full schedule of One-Day HHW collection events in FY 2022-2023 many of which were cancelled in FYs 2020 and 2021 due to pandemic restrictions. The Fremont HHW facility continued to accept waste from residents on its established schedule and saw continued robust participation, predominantly from residents of Fremont and the other Tri-Cities.



HHW Program Participation Trend											
HHW Facility	FY 2015	FY 2016	FY 2017 ⁽¹⁾	FY 2018	FY 2019	FY 2020 ⁽²⁾	FY 2021	FY 2022	FY 2022- 2023	FY 22-23 vs. FY 22	FY 22-23 vs. 5 Yr. Avg.
Hayward	7,198	8,211	5,331	10,039	11,092	8,578	11,201	9,218	7,918	-14%	-21%
Livermore	9,891	11,347	14,419	16,718	16,478	12,083	15,221	12,501	11,255	-10%	-23%
Oakland	19,148	21,295	22,984	26,622	27,273	20,710	27,467	23,299	7,918	-66%	-68%
Fremont	13,739	14,599	14,854	18,763	16,957	18,025	20,528	18,481	16,842	-9%	-9%
1-Day events	1,348	4,071	3,926	4,376	3,014	2,056	495	4,190	3,755	-10%	33%
Dublin event	485	505	523	476	593	0	546	481	403	-16%	-4%
Totals	51,810	60,028	62,037	75,993	75,407	61,452	75,460	68,173	60,162	-12%	-16%

In 2017 the Hayward facility was closed for 5 months due to a pipe failure 1.

2. In 2020 Hayward, Livermore and Oakland sites were closed for 3 months due to Health Emergency Declaration

	Temporary Events Held During FY 2022- 2023								
Event Site	Date	Day	Households served	Comment					
Oakland Coliseum	7/17/2022	Sunday	167						
Castro Valley	7/23/2022	Saturday	704	Textile Collection, Compost Give-away					
Albany GGF	7/31/2022	Sunday	540						
Union City	9/11/2022	Sunday	416	Mattress Collection					
Albany GGF	10/2/2022	Sunday	384						
Oakland Marine flares	11/6/2022	Sunday	37						
San Leandro	5/7/2023	Sunday	409						
Pleasanton	5/21/2023	Sunday	580						
Albany GGF	6/25/2023	Sunday	518						
Dublin	6/3/2023	Saturday	403	Performed by Amador Valley Industries as a part of the Dublin Franchise agreement					
		Total	4,158						

One-Day Events Held in FY 2022-2023

Comparison to Statewide Trends

For comparison with Statewide HHW participation trends, the following graph shows cumulative waste quantities collected by all HHW Programs, reported annually to CalRecycle on "Form 303". State-wide waste quantities collected are used as an analog for participation data as CalRecycle does not make household participation data available.



Participation by City Within Alameda County

Comparing the city of origin of HHW participants with the number of households in each city (data from the California Department of Finance E5 table, households per city, 1/1/23) shows variation in participation between communities. Overall, in FY 2023-2023 participation in HHW program services equaled 9.8% of the number of occupied housing units in the county. During FY 2022-23 several cities, including Alameda, Fremont, Livermore, Piedmont, Newark and Pleasanton approach or exceed the 12-14 percent-of-households goal outlined in the expansion plan. In contrast, Oakland, Berkeley, Emeryville, Hayward and San Leandro saw lower per-household participation. Increasing participation from these jurisdictions was targeted by holding a number of one-day events closer to the jurisdictions.



Participation by City as a Percent of Housholds

City	FY 22-23 Participants by City	FY 22-23 Ppt. as % of Hh Units	Occupied Hh units (2023 DOF E-5 & city- data.com)
Alameda	4,169	13.1%	31,846
Albany	735	9.7%	7,541
Berkeley	3,329	6.8%	48,644
Castro Valley	2,574	8.5%	30,158
Dublin	2,087	8.6%	24,238
Emeryville	270	3.7%	7,220
Fremont	12,541	16.1%	77,920
Hayward	4,248	7.9%	53,749
Livermore	6,558	16.5%	39,775
Newark	2,302	14.7%	15,689
Oakland	11,780	6.7%	175,640
Piedmont	859	22.3%	3,852
Pleasanton	3,549	12.4%	28,674
San Leandro	2,458	7.7%	32,104
San Lorenzo	841	8.4%	10,060
Sunol	36	10.2%	354
Union City	1,826	8.5%	21,412
Totals	59,759	9.8%	608,875

Use of HHW Facilities by Resident's City of Origin

Although County residents may deliver waste to any of the four HHW facilities, each facility predominantly serves residents in its local geographical area.



Waste and Materials Received

Paints and paint related materials continue to be the products delivered in greatest quantity to HHW facilities and one day events - comprising 43% of total weight of materials received by the program. Electronic waste is the second largest volume category at over 900 thousand pounds in FY 2023, or 24% of the total. Batteries and lamps comprise another large category at about 4% of total. Discarded household products that are toxic, flammable or corrosive add up to about 11% of all waste and include garden products, cleaners and pool chemicals, lead paint chips, mercury, PCB-containing lamp ballasts, road flares and contaminated soil. Auto service waste, including used oil, comprises 5% of HHW waste collected, reflecting the many other oil disposal options. Paint thinner, gasoline and other waste products that can be turned into fuel add up to about 9% of total. Amounts and relative proportion of waste types for the permanent HHW facilities and temporary collection events are reflected in the graph below.

Waste Received from Service to Businesses, Organizations and Agencies

Businesses, agencies and organizations (Businesses) deliver hazardous waste to HHW facilities through a number of service offerings. Waste collected from a Business is managed together with waste received from residents and comprises about 5% of all waste collected at permanent HHW facilities. Details of these services and participation by community Businesses are in a section below.



Waste Received by the HHW Program							
Waste Type	Quantity, Lbs.	% of Total					
Paint: Latex	1,015,821	28%					
Paint: Oil Base	360,031	10%					
Paint Related Material	185,162	5%					
Electronic Waste	902,871	24%					
Fuels: Solvent & Thinner	302,223	8%					
Toxic & Pesticide Products	328,669	9%					
Corrosive & Reactive Products	83,282	2%					
Batteries: House & Auto	145,005	4%					
Aerosols	86,995	2%					
Auto: Oil, Antifreeze, Filters	186,669	5%					
Mercury-Containing Lamps	72,123	2%					
Propane	36,489	1%					

HHW Program Budget

Program costs include staffing and administration by Alameda County Department of Environmental Health as well as costs for contractors providing transportation, waste recycling and disposal services and supplies and labor to manage wastes and materials.

HHW Program Budget, FY 2022-2023									
Agency	S & E B	S & S + Disposal	Overhead	ISF	Total				
Alameda County PHHWCFs & THHWCFs	\$2,069,977	\$1,992,288	\$370,000	\$644,738	\$5,077,003				
WM Authority			\$294,075		\$294,075				
Fremont PHHWCF	\$575,013.30	\$597,638.00	\$42,000.00		\$1,214,651				
				Total Cost	\$6,585,730				
Revenue - County HHWs					-\$111,842				
Revenue - Fremont HHW					-\$29,127				
				Net Program Cost	\$6,444,761				

S&EB = Salaries and Employee Benefits,

S&S = Services and Supplies including transportation and Disposal of waste.

ISF = County infrastructure, Utilities and maintenance.

Overhead = Departmental overhead for county facilities, Fixed overhead @ Fremont;

WM Authority = Expenses of WMA for outreach, program oversight, direct billing and county tax efforts

Revenue

HHW facilities charge for the cost of waste disposal to organizations and businesses that dispose of waste through HHW Business Hazardous Waste Services. The HHW program also receives payments from battery recyclers. In addition, the HHW program makes use of several Product Stewardship and advanced disposal fee initiatives that credit against costs or offset costs of recycling several waste types. Recycling and stewardship program revenue and cost off-setting efforts are discussed more fully below.

Revenue Sources FY 2022-2023	VSQG	Batteries etc.	Paint Care	Paint Sales	Totals	
County HHWs	-\$101,898	-\$9,944	\$0	\$0	-\$111,842	
Fremont HHW	-\$26,086	-\$633	-\$746	N/A	-\$29,127	
				Total Revenue	-\$140,969	

Services Provided and Costs

HHW Program Services and Cost Trend								
County Permanent Collection Facilities	Households Served	Waste Collected (Lbs.)	County FTE	Cost				
2014-15	36,237	2,393,328	13	\$3,455,841				
2015-16	40,853	2,702,779	15	\$3,324,918				
2016-17	46,137	3,306,316	14.8	\$3,642,050				
2017-18	53,378	3,451,640	16.9	\$3,622,879				
2018-19	54,843	3,453,214	20.6	\$4,052,090				
2019-20	41,371	2,701,134	16.5	\$5,017,493				
2020-21	53,889	3,892,683	18.6	\$3,820,457				
2021-22	45,018	3,210,603	18.5	\$4,447,352				
2022-2023	39,162	2,353,245	20.9	\$4,623,789				
County Temporary								
Collection Events								
2014-15	1,339	125,030	N/A	\$48,787				
2015-16	4,071	353,815	N/A	\$167,954				
2016-17	3,926	327,899	N/A	\$223,246				
2017-18	4,376	394,906	N/A	\$276,306				
2018-19	3,042	292,591	N/A	\$211,525				
2019-20	2,056	150,869	N/A	\$121,525				
2020-21	495	43,297	N/A	\$63,180				
2021-22	4,193	357,302	N/A	\$89,779				
2022-2023	3,755	271,201	N/A	\$341,372				
Fremont Permanent								
Collection Facility								
2014-15	13,365	1,195,343	N/A	\$859,818				
2015-16	14,599	1,084,913	N/A	\$799,314				
2016-17	14,854	1,111,883	N/A	\$944,266				
2017-18	18,763	1,279,095	N/A	\$1,039,271				
2018-19	16,957	1,290,288	N/A	\$986,565				
2019-20	18,025	1,339,479	N/A	\$1,046,216				
2020-21	20,530	1,403,990	N/A	\$1,154,580				
2021-22	18,481	1,283,846	N/A	\$1,196,197				
2022-2023	16,842	1,148,282	N/A	\$1,185,525				

1) Costs includes all program overhead

In 2022-2023 the number of residents served by the program as-a-whole was significantly lower than in recent years – about 15% below the previous five-year average. The amount of waste collected by the program as-a-whole showed an event more significant drop - about 23% below the previous five-year average. These trends follow general patterns for all HHW Programs in the state per data collected by CalRecycle statewide.

Metrics for H	HW Program		
County Permanent Collection Facilities	Cost/HH	Cost/LB	Tons/FTE
2015	\$95.37	\$1.44	92.1
2016	\$81.39	\$1.23	90.1
2017	\$78.94	\$1.10	111.7
2018	\$67.87	\$1.05	102.1
2019	\$73.89	\$1.17	83.8
2020	\$121.28	\$1.86	81.9
2021	\$70.89	\$0.98	104.7
2022	\$98.79	\$1.39	86.6
2022-2023	\$120.04	\$2.00	56.4
County Temporary Collection Events			
2015	\$36.44	\$0.39	N/A
2016	\$41.26	\$0.47	N/A
2017	\$56.86	\$0.68	N/A
2018	\$63.14	\$0.70	N/A
2019	\$69.53	\$0.72	N/A
2020	\$59.11	\$0.81	N/A
2021	\$127.64	\$1.46	N/A
2022	\$21.41	\$0.25	N/A
2022-2023	\$70.33	\$0.97	N/A
Fremont Permanent Collection Facility			
2015	\$62.44	\$0.72	N/A
2016	\$ \$55.00	\$0.74	N/A
2017	\$63.56	\$0.85	N/A
2018	\$58.50	\$0.81	N/A
2019	\$58.18	\$0.76	N/A
2020	\$58.04	\$0.78	N/A
2021	\$56.24	\$0.82	N/A
2022	\$64.73	\$0.93	N/A
2022-2023	\$69.74	\$1.03	N/A

Program Cost and Productivity Metrics

Permanent HHW facilities and temporary events operated on a full schedule in this fiscal year. The pandemic continued to affect participation and productivity in unpredictable ways. County HHW facilities had fewer employees due to delays in the hiring process. More contractor labor was used resulting in more workers being employed overall. Contractor workers turnover was high and inexperienced contractor workers were less efficient. The pandemic also affected waste shipment and disposal which resulted in delays in billing that have pushed some cost for disposal of waste shipped during 2021-22 into the 2022-2023 fiscal year.

HHW Service to Small Businesses, Agencies and Organizations

For a business, organization or agency (Business) to use services offered by the HHW program the Business must meet criteria imposed by California law. A Business delivering hazardous waste must qualify as a Very Small Quantity Generator (VSQG), generating less than the threshold amount of 100 Kg of hazardous waste in any month. Businesses delivering only Universal Waste can use HHW services regardless of quantity of Universal Waste generated. Services specific to types of generator are described below. VSQG qualification and whether waste types are acceptable is determined during the application and inventory review process. Businesses needing to deliver hazardous waste do so by appointment made by a phone call to HHW office staff. Phone contact for a VSQG complies with California regulatory requirements for pre-notification of each delivery to confirm that each waste shipment is acceptable and to communicate safe transportation instructions. Businesses delivering only Universal Wastes may deliver these wastes to HHW facilities in Hayward, Livermore and Oakland on days when business waste is accepted without an appointment. Waste is accepted from Businesses every week on Tuesdays at the Oakland and Fremont facilities and every other week on alternating Wednesdays at the Hayward and Livermore sites.

	Small Business & Organization (VSQGs) Transactions by HHW Facility									
Fiscal Year	Hayward	Livermore	Oakland	Fremont	Total	Landlords Served	Revenue Forgone 1	Revenue AlCo	Revenue Fremont	Total Revenue
2012	156	108	216	192	564	NA	NA	\$71,853	\$23,972	\$95 <i>,</i> 825
2013	155	114	279	188	726	NA	NA	\$73,116	\$24,594	\$97,710
2014	128	107	268	198	691	NA	NA	\$89,606	\$30,483	\$120,089
2015	181	123	311	211	816	5	(\$9,601)	\$115,188	\$24,518	\$139,695
2016	163	148	381	214	906	40	(\$78,851)	\$129,520	\$29,420	\$158,940
2017	77	165	471	208	921	27	(\$28,821)	\$94,527	\$33,349	\$127,876
2018	114	205	479	220	1019	23	(\$24,421)	\$102,292	\$35,190	\$137,480
2019	124	184	366	211	885	11	(\$1,614)	\$106,906	\$35,153	\$142,059
2020	125	270	112	190	697	13	(\$3,147)	\$84,559	\$25,801	\$110,360
2021	161	150	354	166	831	29	(\$5,949)	\$114,771	\$27,856	\$142,626
2022	152	150	320	165	787	14	(\$2,029)	\$110,678	\$25,189	\$135,867
2022-2023	167	190	308	156	821	11	(\$2,260)	\$101,898	\$27,748	\$126,646

Small Business & Organization (VSQG) Transactions by Facility

1) Value of revenue foregone resulting from disposal service provided free of charge to residential landlords disposing of waste from rental properties

In FY 2022-23 the program added 63 new business and organization customers and continued to see robust use of the HHW facilities by local businesses. 665 different businesses, agencies and organizations used HHW facilities for waste disposal making a total of 821 deliveries. This includes 20 separate local public agencies that saved money by using the HHW program for disposal of small volumes of hazardous waste.

Residential Landlord Program

In the spring of 2015, the HHW service to small businesses began to accept waste from residential landlords free-of-charge. This allows the owner of a residential property to easily dispose of hazardous waste left behind by a tenant or waste generated maintaining the residence within the parameters of the HHW Small Business Waste Service. In 2022-23 the program accepted hazardous waste from residential landlords 18 times, serving 11 separate owners representing 1359 units managed, and saving owners an estimated \$2,260 in disposal charges.

Waste Collection and Acceptance Partnerships

Abandoned waste

The HHW program has partnerships with local agencies to dispose of waste abandoned on public rights-of-way. In FY 2022-23 a total of about 4300 lbs. of abandoned waste was accepted

from the cities of Albany, Piedmont, San Leandro, Union City and Hayward Recreation and Parks District. In 2018 Cal. EPA DTSC determined that the definition of "CESQG" (the regulatory term was updated in 2020 to "Very Small Quantity Generator" - VSQG) did not include governmental agencies such that delivery of abandoned waste by an agency was outside the framework of what could be accepted at a HHW program. This interpretation therefore required agencies to use a hazardous waste hauler and hazardous waste manifest to ship waste. The Department of Environmental Health responded to the challenge through legislative means and supported passage of SB 726 (Caballero 2019) which clarified that an agency can be defined as a "CESQG". The law came into effect in January 2020 and agencies returned to delivering abandoned waste at no cost to the Agency.

Abandoned Waste Collection Partnerships FY 2022-2023							
	Visits/ Waste Weight, Agency Year Lbs. Est. Saving						
City of Albany		3	597	\$830			
City of Piedmont		1	38	\$53			
City of San Leandro		4	1300	\$1,807			
City of Union city		6	1678	\$2,332			
Hayward Rec. & Park District		2	563	\$783			
	Totals	16	4176	\$5,805			

Community Collection Partners for Batteries and Fluorescent Lamps

Since 2006 the HHW program has partnered with local city recycling programs which collect batteries and lamps and transport them to the HHW program. The recycling partners are not charged for recycling of these Universal Wastes (UW). The HHW program provides collection kits consisting of pre-labeled plastic and cardboard collection containers, instructional posters, training and identification booklet, collection logs and Bill of Lading for transport. Recycling Coordinators arrange for placement of collection containers in public buildings, monitor the collections and when appropriate, transport the batteries and lamps to the HHW facility. The Cities of Alameda, and Berkeley do not have curbside battery recycling but have particularly active battery and lamp collection programs - collecting over 50,000 lbs. of batteries and lamps at local drop-off sites. Hardware stores and several large multifamily residential buildings have been added to the Community Collection partners and now provide residents easy drop-off options and collect significant quantities of batteries and lamps.

Universal Waste Collected by Local City and Retail Collection Partners	Visits	Batteries, Lbs.	Compact Lamps, Lbs.	Lamp Tubes Lbs.	Smoke Detectors, Ct.	Cost Offset
Alameda County Property and Salvage	3	2,572	0	7,923	0	\$2,626.00
Berkeley Recycling Center	39	15,750	2,981	6,072	0	\$36,837.00
City of Alameda	25	6,841	538	1,851	0	\$12,156.50
Hardware store & apartment partners	29	6,072	1,921	5,452	0	\$22,738.00
Total	96	31,235	5,440	21,298	0	\$74,357.50

Summary of Services to Agencies, Businesses, Landlords and Organizations											
	Entities Served	Deliveries									
Public Agencies Served	20	62									
Agency Abandoned Waste	5	16									
VSQG Businesses	291	585									
Drop In Businesses Served	198	247									
UW Collection Partners	7	96									
Residential Landlords	11	18									
New VSQGs signed up	63	NA									
Total		951									

Cost Reduction, Waste Diversion and Extended Producer Responsibility

Material Reuse – The "Swap Sheds"

HHW facilities have offered usable products collected by the program to residents for free in each facility's "Swap Shed". Each HHW facility has a Reuse Area where usable products are offered to the public for free. This material reuse supports sustainability goals, avoids disposal costs and is popular with the public. In Fiscal Year 2022-2023 the County-run reuse program was closed as sites grappled with ways to assure "Swap Shed" users could safely follow health orders. Emergency Health Restrictions have been lifted. The Fremont resumed Material Reuse in Mid 2022-2023, County-operated HHW facilities will re-start this service in FY 2024.

Paint Sales

Much of the paint collected by the program is in useable condition. Most paint is shipped to PaintCare contractors who make re-blended paint and other related products. At County-run HHW facilities white latex paint is consolidated and shipped to a local paint manufacturer that filters, colors and remixes, then packages paint in 5-gallon pails for return to the county. The program charges \$25 per 5-gallon pail to the public to partially offset handling cost. In FY 22-23 no paint was distributed due to delays in delivery of re-blended paint from the recycling contractor. The HHW program continues to seek local agency partners that can use this type of paint.

Product Stewardship and Advance Disposal Fee Program Participation

The HHW program participates in several product stewardship or extended producer responsibility programs in which cost or responsibility for recycling is borne by the product manufacturers. These programs include: California's electronic waste recycling system, programs for collection of mercury thermostats, rechargeable batteries, auto batteries, mattresses and, most notably, architectural paint. Since 2019 implementation of the Alameda County Safe Medicine and Sharps Disposal ordinance has resulted in increasing numbers of convenient locations for residents to drop off medications and sharps (needles).

Architectural Paint - Product Stewardship Program

PaintCare is the nonprofit entity established by paint manufacturers to operate California's paint product stewardship program. Funded by a manufacturer-imposed fee on paint sales, the program supports free disposal of architectural oil base and latex paint, stains, coatings and other related material authorized by AB1343 in 2012. PaintCare provides packaging material and disposes of eligible collected materials free of charge to collectors which include retail paint stores and HHW facilities. PaintCare eligible products are a subset of the universe of paint and paint related materials typically received at the HHW program. Paint and paint related materials outside the scope of PaintCare eligible products include industrial paints and coatings, thinners and reducers, roof coatings, automotive paints, marine paint, fabric paint and fine arts paints. These materials are all accepted by the HHW program and incur significant costs unreimbursed by PaintCare. For fiscal year 2022-2023 all four facilities and the Temporary event participated in the PaintCare program. This product stewardship program offset costs at HHW program as-a-whole by approximately \$ 628,000.

Electronic Waste (E-Waste) – Advance Disposal Fee Program

E-Waste is discarded electric and electronic devices presumed to contain hazardous constituents - including heavy metals such as mercury, lead, copper or zinc - in concentrations great enough to be classified as hazardous waste. E-Wastes that have a video display screen are defined as "Covered Devices" under California's 2003 E-Waste laws, SB20/50. In California, recycling of E-Waste Covered Devices is an Advance Disposal Fee program that is administered by CalRecycle which receives a fee for each Covered Device sold in the state. Collection of Covered Devices is reimbursed by CalRecycle. Other E-Waste collected by the HHW program that are not Covered Devices include computer peripherals, CPUs, audio equipment, microwave ovens, toasters and hair dryers. This type of E-Waste has a little or no scrap value and results in a cost the program. The fraction of Covered Devices accepted by E-Waste programs is typically much less than 50% of the total E-Waste collected. In FY 2022-2023 the cost-offset value of SB20/50 Covered Devices collected by Alameda County permanent facilities and temporary events was \$32,800.

Lead Acid and Rechargeable Batteries

Since 1989 State law requires dealers of lead acid automotive, transportation and backup power batteries to accept spent batteries for exchange from the consumer in a sale transaction. While not a formal product stewardship program, lead's considerable scrap value, ease of recycling and continuing industrial demand ensures that about 95% of lead-acid batteries are recycled. The HHW program receives payment at the market rate for the value of auto and other rechargeable batteries from recyclers. Alameda County uses Call2Recycle to manage rechargeable household batteries, and increasingly all household battery types. Credits received from recycling of lead-acid, nickel cadmium, nickel metal hydride and lithium-ion batteries amounted to about \$45,580 in FY 2022-2023.

Medication and Home-Use Sharps Stewardship in Alameda County

Implementation of Alameda County's Safe Drugs and Consumer-Generated Sharps Ordinance now offers 97 pharmacies and other locations where residents can safely drop off drugs. 50 of these locations also accept sharps in FDA cleared sharps containers. This stewardship program

benefits the public by reducing the likelihood that un-needed medications will be misused, and benefits the HHW program by covering costs for disposal of sharps collected from the public. County-run HHW facilities no longer collect medications from the public, however, One-Day events provide services for residents to dispose of both medications and sharps with costs covered by the stewardship organization.

Mattress Recycling at One-Day Events

The HHW program works in agreement with the Mattress Recycling Council (MRC) to provide mattress collection at many One-Day HHW events. Mattress collection is at no cost to the HHW program as MRC provides labor, transportation and recycling services, with the HHW program arranging for space and traffic control. Mattresses were collected during the Temporary event in Union City in FY 2022-2023.

Pandemic and Other Extraordinary Circumstances in 2022-2023

The continued public health threat of the COVID pandemic has led to changes in the HHW program that benefits county residents. Protocols implemented at HHW facilities aligned with guidance from OSHA, State and Alameda County Department guidance to protect staff and the public. During late FY 2019-20 HHW facilities made several improvements that remain in place after the Emergency Health Declaration was lifted. Residential transaction information is now recorded using a hand-held driver's license scanner, providing a quick, no-touch means of recording transaction and improve customer service. Implementation of the scanners improves data completeness and accuracy and enhances data security. The scanners increase efficiency of recordkeeping and save over 600 pounds of paper a year.

Starting in 2020 County-run HHW facilities accepted waste from residents by appointment. When the declaration was lifted in March no more appointments are taken for residents delivering waste to a permanent HHW facility. Appointments are used for Temporary one-day events. Waste Management Authority staff continue to be instrumental in dynamically updating websites and other outreach information as well as providing and hosting the easy-touse web-based appointments system. These resources give residents the information they need to safely use the HHW program.

HHW program staff continue to address customer needs by phone. The on-line appointments system has prompted numerous positive in-person and e-mail comments from residents. Rapid adoption of on-line appointments and other improved web services resulted in better informed HHW program customers. The improved online information and instructions frees HHW program staff to dedicate time to customers that call in with needs for in-person service.

The HHW sites continue to respond to logistics, labor and supplies uncertainties. Staff have responded by maximizing available waste storage space, organizing and minimizing equipment to allow increased stocking of PPE, packaging and operations supplies. Sites will continue to comply with State and County guidelines to assure staff and public safety including Site Specific Protection Plans, staff training, re-arrangement of site traffic flow and posting of signs to communicate safety information to the public.

Future Efforts for FY 2023-2024

- Continue to use driver's license scanners to collect and input customer information. Continuing effort to assure reduced data collection time and effort and provide the Authority needed demographic information on participant or household location and survey questions.
- Collaborate with the Authority to focus outreach on under-served areas as identified by transaction data. Resume more wide-spread public outreach as health risks and operational uncertainties decrease.
- Conduct a full schedule of One-Day events. Recent events were held safely and efficiently with attendance higher than in years past. We look forward to collaborating with Recycling Coordinators to schedule and promote these events.
- Seek multiple alternatives for recycling and reuse of collected material. Examples include recycling of printer cartridges and used cooking oil. Explore collaboration with organizations to re-distribute usable material in accordance with SB 726 guidelines.
- Use inter-departmental and inter-jurisdiction resources and other outreach to promote HHW Small Business Waste Services to agencies, landlords and other businesses and organizations.

Cart-side Pick-up of Residential Hazardous & Other Waste by Jurisdiction

	a santan District										a loro lona (2) area oro lona (12)									
Items	Þ	lameda	ibany B	etkeley	astro V2	ublin F.	nerwill'	emont,	ayward	ayward	vermore N	ewark o	akland	edmon [*]	easantic S	an Leand	an Leand	an Lorer	nincorp	noncity
E-Waste	В	В		В	В	В	В	В	В	В	В	В	S, B	В	В	В	В	В	В	1
Batteries - Household - Rechargeable (up to 5 lbs)	S	S		S	S	S		S	S	S	S		S	S	S	S	S	S	S	1
Batteries - Household - Single-Use	S	S		S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	1
Cell Phones - Non-working	В	S		В	В	В	В	S	В	S	В	В	S	S	В	В	В	В	S	1
Cooking Oil/Grease/Fats	S			S																1
Light Bulbs - CFLs		S				S							S							1
Light Bulbs - Fluorescent Tubes						S														i
Motor Oil	S	S		S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	1
Oil Filters	S	S		S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	1
Textiles	В			S, B	S					S										1
Christmas Trees	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	1

Key

B = Bulky Pickup

S = Special Item Action: Item is picked up curbside, but requires a special action (see below)

Items residents place NEXT to carts: motor oil & filters (in a bag), sealed containers of cooking oil, textiles, trees, & boxed e-waste Items residents put in clear bag & place on TOP of cart: batteries, cell phones, CFLs

Data is pulled from RE:Source. To note, cities also use the Special Item Action designation in RE:Source to share collection events and drop-off locations of hazardous items. These are not included in this table.



Bill Text: CA AB2481 | 2021-2022 | Regular Session | Chaptered California Assembly Bill 2481

Bill Title: Household hazardous waste: facilities: transportation and acceptance.

Spectrum: Partisan Bill (Republican 1-0)

Status: (Passed) 2022-09-23 - Chaptered by Secretary of State - Chapter 499, Statutes of 2022. [AB2481 Detail]

Download: California-2021-AB2481-Chaptered.html

Assembly Bill No. 2481

CHAPTER 499

An act to amend Sections 25163, 25217.2, 25217.2, 25218.3, 25218.5, and 25218.8 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 23, 2022. Filed with Secretary of State September 23, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2481, Smith. Household hazardous waste: facilities: transportation and acceptance.

Under existing law, the Department of Toxic Substances Control generally regulates the management and handling of hazardous waste and hazardous materials. Existing law authorizes certain entities to operate household hazardous waste collection facilities, as defined, under permits issued by the department, and specifies conditions for the transportation of household hazardous waste. Existing law requires a person engaged in the transportation of hazardous waste to be registered with the department and to either have a legible copy of the paper manifest, provided by the generator, in their possession while transporting the hazardous waste or have an electronic manifest accessible during transportation. Existing law allows certain of those facilities to accept recyclable latex paint and oil-based paint, and other waste in specified amounts from a very small quantity generator (VSQG) of the waste, as defined, if the facility complies with certain requirements. A violation of the hazardous waste control laws is a crime.

This bill would revise and recast various requirements and conditions related to the transportation of hazardous waste and the operation of household hazardous waste collection facilities. The bill, among other things, would, to the extent consistent with federal law, allow the transporting of waste to a household hazardous waste collection facility from another household hazardous waste collection facility, as specified, with a shipping paper instead of a manifest. The bill would allow household hazardous waste to be transported in a leased vehicle. The bill also would allow, under certain circumstances, household hazardous waste to be transported to a household hazardous waste collection facility authorized to accept hazardous waste from a very small quantity generator to take several actions, including, but not limited to, accepting hazardous waste from a VSQG in the same area and at the same time as residential household hazardous waste collection facility to accept more than 100 kilograms of hazardous waste from a VSQG at a single time as long as it accepts no more 1,200 kilograms from that VSQG in a calendar year. The bill would authorize a household hazardous waste collection facility in accepting hazardous waste from a VSQG do not apply to latex and oil-based paints, as provided, and would impose other volume and weight limitations on wastes transported by public agencies under existing authority to transport, or oversee the transport of, illegally disposed of hazardous waste. The bill would also make nonsubstantive changes, including by deleting obsolete provisions, and would make clarifying and conforming changes.

To the extent this bill changes the conduct that constitutes the crime of violating the hazardous waste control laws, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) By facilitating the proper disposal of hazardous waste by households and small businesses, there could be an increase the amount of waste accepted by local household hazardous waste programs, which could increase costs for the sponsoring agency.

(2) The Legislature intends to recognize the existing authority for local agencies to charge fees for costs incurred in managing these hazardous wastes and balance that authority with the need to keep costs low to ensure proper disposal of hazardous waste.

(b) It is the intent of the Legislature to do all of the following:

(1) Clarify and resolve ambiguities and inconsistencies between conflicting sections of existing law.

(2) Facilitate proper disposal of hazardous waste and household hazardous waste by residential and very small quantity generators.

(3) Reduce administrative burdens and costs on local agencies that manage household hazardous waste collection programs as a public service to protect public health, safety, and the environment.

(4) Preserve existing flexibility with respect to the types and quantities of hazardous wastes accepted by local household hazardous waste collection programs.

SEC. 2. Section 25163 of the Health and Safety Code is amended to read:

25163. (a) (1) Except as otherwise provided in subdivisions (b) to (f), inclusive, it is unlawful for a person to carry on, or engage in, the transportation of hazardous waste unless the person holds a valid registration issued by the department, and it is unlawful for a person to transfer custody of a hazardous waste to a transporter who does not hold a valid registration issued by the department. A person who holds a valid registration issued by the department for purposes of this chapter. A registration issued by the department to a transporter of hazardous waste is not transferable from the person to whom it was issued to any other person.

(2) A person who transports hazardous waste in a vehicle shall have a valid registration issued by the department in the person's possession while transporting the hazardous waste. The registration certificate shall be shown upon demand to any representative of the department, officer of the Department of the California Highway Patrol, any local health officer, or any public officer designated by the department.

(3) The hazardous waste information required and collected for registration pursuant to this subdivision shall be recorded and maintained in the management information system operated by the Department of the California Highway Patrol.

(b) A person transporting only septic tank, cesspool, seepage pit, or chemical toilet waste that does not contain hazardous waste originating from other than the body of a human or animal and who holds an unrevoked registration issued by the health officer or the health officer's authorized representative pursuant to Article 1 (commencing with Section 117400) of Chapter 4 of Part 13 of Division 104 is exempt from the requirements of subdivision (a).

(c) Except as provided in subdivisions (e) and (f), a person transporting hazardous waste to a permitted hazardous waste facility for transfer, treatment, recycling, or disposal, which waste does not exceed a total volume of five gallons or does not exceed a total weight of 50 pounds, is exempt from the requirements of subdivision (a) and from the requirements of paragraph (1) of subdivision (d) of Section 25160 requiring possession of a manifest while transporting hazardous waste, upon meeting all of the following conditions:

(1) The hazardous waste is transported in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(2) Different hazardous waste materials are not mixed within a container during the transporting.

(3) If the hazardous waste is extremely hazardous waste or acutely hazardous waste, the extremely hazardous waste or acutely hazardous waste was not generated in the course of any business, and is not more than 2.2 pounds.

(4) The person transporting the hazardous waste is the producer of that hazardous waste, and the person produces no more than 100 kilograms of hazardous waste in any month.

(5) The person transporting the hazardous waste does not accumulate more than a total of 1,000 kilograms of hazardous waste onsite at any one time.

(d) A person authorized to collect solid waste, as defined in Section 40191 of the Public Resources Code, who unknowingly transports hazardous waste to a solid waste facility, as defined in Section 40194 of the Public Resources Code, incidental to the collection of solid waste is not subject to subdivision (a).

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(e) A person transporting household hazardous waste or a very small quantity generator transporting hazardous waste to an authorized household hazardous waste collection facility pursuant to Section 25218.5 or 25218.5.1 is exempt from subdivision (a) and from paragraph (1) of subdivision (d) of Section 25160 requiring possession of a manifest while transporting hazardous waste.

(f) (1) To the extent consistent with federal law, the transport of household hazardous waste to a household hazardous waste collection facility is exempt from subdivision (a) and from paragraph (1) of subdivision (d) of Section 25160 requiring possession of the manifest if the transport is from another household hazardous waste collection facility, a permanent household hazardous waste collection facility, a temporary household hazardous waste collection facility, a recycle-only household hazardous waste collection facility, or a solid waste load checking program operating under an agreement with a household hazardous waste collection facility.

(2) A shipment of household hazardous waste described in paragraph (1) shall use a shipping paper that contains all the information set forth in Subpart C (commencing with Section 172.200) of Part 172 of Subchapter C of Chapter I of Subtitle B of Title 49 of the Code of Federal Regulations. The shipping paper for the shipment shall be retained for a minimum of three years. For purposes of this subdivision, "shipping paper" may include a bill of lading or a manifest as required by federal law.

SEC. 3. Section 25217.2 of the Health and Safety Code is amended to read:

25217.2. (a) Recyclable latex paint may be accepted at any location, including, but not limited to, a permanent household hazardous waste collection facility in accordance with subdivision (b), if all of the following conditions are met:

(1) The location manages the recyclable latex paint in accordance with all applicable latex paint product management procedures specified by federal, state, or local law or regulation that include, at a minimum, that the recyclable latex paint is stored and handled in a manner that minimizes the chance of exposing the handler and the environment to potentially hazardous constituents that may be in, or have been incidentally added to, the recyclable latex paint.

(2) The recyclable latex paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

(3) Any latex paint that is accepted as recyclable by the location and that is later discovered to be nonrecyclable shall be deemed to be a waste generated at the location where the discovery is made and the latex paint shall be managed as a waste in accordance with this chapter.

(4) If the recyclable latex paint is not excluded or exempted from regulation under Chapter I (commencing with Section 1.1) of Title 40 of the Code of Federal Regulations, the location meets all applicable federal requirements.

(5) The recyclable latex paint is stored for no longer than 180 days.

(b) (1) For purposes of this subdivision the following definitions shall apply:

(A) "Permanent household hazardous waste collection facility" has the same meaning as defined in subdivision (h) of Section 25218.1.

(B) "VSQG" means a very small quantity generator, as specified in subdivision (q) of Section 25218.1.

(2) A permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a VSQG pursuant to Section 25218.3 may accept recyclable latex paint from any generator in accordance with this article if the permanent household hazardous waste collection facility does all of the following:

(A) Complies with subdivision (a).

(B) Sends the recyclable latex paint, for recycling, to a latex paint recycling facility operating pursuant to this article.

(C) Maintains a monthly log of the volume of latex paint collected from each generator and submits that information annually with the report submitted pursuant to Section 25218.9 for household hazardous waste collected from household hazardous waste generators.

(3) A permanent household hazardous waste collection facility that takes the actions specified in paragraph (2) is not subject to the weight and volume limits on the amount of recyclable latex paint that may be accepted, pursuant to subdivision (b) of Section 25218.3.

(4) A permanent household waste collection facility may take the action specified in paragraph (2) notwithstanding a permit condition imposed upon the facility, a regulation adopted by the department to ensure a household hazardous waste collection facility does not accept hazardous waste from a commercial generator other than a VSQG, or the status of the generator.

SEC. 4. Section 25217.2.1 of the Health and Safety Code is amended to read:

25217.2.1. (a) A location that accepts recyclable latex paint pursuant to Section 25217.2 may also accept oil-based paint if all of the additional following conditions are met:

(1) The collection location is established under an architectural paint stewardship plan approved by the Department of Resources Recycling and Recovery pursuant to the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(2) The collection location receives oil-based paint only from either of the following:

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(A) A person who generates oil-based paint incidental to owning or maintaining a place of residence.

(B) A very small quantity generator.

(3) The oil-based paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

(4) The location manages the oil-based paint in accordance with the requirements in Section 25217.2.

(5) The collection location operates pursuant to a contract with a manufacturer or paint stewardship organization that has submitted an architectural paint stewardship plan that has been approved by the Department of Resources Recycling and Recovery and the collected paint is managed in accordance with that approved architectural paint stewardship plan.

(6) The oil-based paint is stored for no longer than 180 days.

(b) Oil-based paint initially collected at a collection location shall be deemed to be generated at the consolidation location for purposes of this chapter, if all of the following apply:

(1) The collection location is established under an architectural paint stewardship plan in accordance with the requirements of paragraph (1) of subdivision (a).

(2) The oil-based paint is subsequently transported to a consolidation location that is operating pursuant to a contract with a manufacturer or paint stewardship organization under an architectural paint stewardship plan that has been approved by the Department of Resources Recycling and Recovery pursuant to the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(3) The oil-based paint is non-RCRA hazardous waste, or is otherwise exempt from, or is not otherwise regulated pursuant to, the federal act.

(c) A permanent household hazardous waste collection facility that accepts recyclable latex paint pursuant to and in compliance with Section 25217.2 and that accepts oil-based paint is not subject to the weight and volume limits on the amount of oil-based paint that may be accepted, pursuant to subdivision (b) of Section 25218.3.

SEC. 5. Section 25218.3 of the Health and Safety Code is amended to read:

25218.3. (a) The department may authorize a household hazardous waste collection facility to accept hazardous waste from a VSQG.

(b) (1) A household hazardous waste collection facility that is authorized to accept hazardous waste from a VSQG pursuant to subdivision (a) shall not accept more than 100 kilograms of hazardous waste, or 1 kilogram of extremely hazardous waste, from any one VSQG in a calendar month. Calculations of quantity under this subdivision shall not include universal wastes managed pursuant to the requirements of Chapter 23 (commencing with Section 66273.1) of Division 4.5 of Title 22 of the California Code of Regulations.

(2) Notwithstanding paragraph (1), a household hazardous waste collection facility may accept more than 100 kilograms of hazardous waste from a VSQG at a single time as long as it accepts a total of no more than 1,200 kilograms of hazardous waste from that VSQG in a calendar year.

(3) The limits specified in this subdivision do not apply to recyclable latex paint or oil-based paint accepted by a household hazardous waste collection facility that accepts recyclable paint pursuant to Section 25217.2 or oil-based paint pursuant to Section 25217.2.1.

(c) A public agency, or its contractor, that accepts hazardous waste from a VSQG pursuant to this section may charge the VSQG a fee for the cost incurred in handling their hazardous waste.

(d) The department may adopt and revise regulations for household hazardous waste collection facilities, including those that are authorized to accept hazardous waste from a VSQG. The regulations shall provide for all of the following:

(1) Promoting the reduction, reclamation, and recycling of hazardous waste over other hazardous waste management alternatives.

(2) Ensuring the safe transport of household hazardous waste and hazardous waste to authorized collection programs.

(3) Ensuring the compliance of participating VSQGs with the monthly quantity limitations specified in Section 262.13 of Title 40 of the Code of Federal Regulations.

(e) Notwithstanding any other law, a household hazardous waste collection facility may authorize a person delivering waste at the acceptance area of the facility to exit their vehicle only if the facility determines that the person is required to exit the vehicle in order to provide access to the household hazardous waste being delivered. After providing the required access, the facility shall ensure that the person immediately returns to their vehicle.

(f) Notwithstanding any other law, a household hazardous waste collection facility may accept hazardous waste from a VSQG in the same area and at the same time that the facility accepts residential household hazardous waste.

SEC. 6. Section 25218.5 of the Health and Safety Code is amended to read:

25218.5. (a) (1) Except as provided in paragraph (2), hazardous waste transported to a household hazardous waste collection facility shall be transported by any of the following:

(A) The individual or VSQG who generated the waste.

(i) Another person may transport the waste to the household hazardous waste collection facility on behalf of an individual who generated the waste, provided the individual who generated the waste is unable or unavailable to transport the waste, for reasons including, but not limited to, death, illness, or disability.

(ii) The person transporting waste on behalf of an individual pursuant to clause (i) shall provide a certification or signed statement to the household hazardous waste collection facility at the time of delivery attesting to the circumstances under which the person is delivering the other person's waste. The person shall also verify that the person is not receiving compensation for their services, and is not employed by an organization, whether for profit or not for profit, that provides a household hazardous waste transportation service.

(iii) A person transporting waste on behalf of an individual pursuant to clause (i) is subject to the same transportation limits that otherwise apply to the household.

(B) A curbside household hazardous waste collection program.

(C) A mobile household hazardous waste collection facility, a temporary or permanent household hazardous waste collection facility, or a recycle-only household hazardous waste collection facility.

(D) A door-to-door household hazardous waste collection program.

(E) A household hazardous waste residential pickup service.

(F) A registered hazardous waste transporter carrying hazardous waste generated by a VSQG.

(G) A public agency, contractor of a public agency, or a registered hazardous waste transporter carrying hazardous waste from a solid waste facility or operation, including, but not limited to, a solid waste landfill loadcheck program or a transfer station loadcheck program, under agreement with the household hazardous waste collection facility.

(H) A public agency, contractor of a public agency, or a registered hazardous waste transporter, under agreement with the household hazardous waste collection facility, operating under a contract with a public agency to transport hazardous wastes that were disposed of in violation of this chapter, and that are being removed by, or are being removed under the oversight of, the public agency, provided no more than 55 gallons or 500 pounds are being transported, and the hazardous wastes were not originally disposed of in violation of this chapter by that public agency.

(2) Spent batteries that are received and transported pursuant to Section 25216.1 may be transported to a household hazardous waste collection facility from a collection location or an intermediate collection location.

(3) Notwithstanding Section 25218.4, a registered hazardous waste transporter or mobile household hazardous waste collection facility transporting hazardous waste to a household hazardous waste collection facility shall comply with subdivision (f) of Section 25163.

(b) An individual transporting household hazardous waste generated by that individual and a VSQG transporting hazardous waste generated by the VSQG to a household hazardous waste collection facility shall meet all of the following conditions:

(1) (A) Except as provided in subparagraphs (B) and (C) and Section 25218.5.1, the total amount of household hazardous waste transported by an individual or hazardous waste transported by a VSQG to a household hazardous waste collection facility shall not exceed a total liquid volume of five gallons or a total dry weight of 50 pounds. If the hazardous waste transported is both liquid and nonliquid, the total amount transported shall not exceed a combined weight of 50 pounds.

(B) Subparagraph (A) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.

(C) A VSQG may transport up to 27 gallons or 220 pounds, but not more than 100 kilograms, per month to a household hazardous waste collection facility, if all of the following conditions are met:

(i) The hazardous waste being transported was generated by that VSQG.

(ii) The VSQG contacts the household hazardous waste collection facility before each delivery to confirm that the facility will accept the hazardous waste.

(iii) The household hazardous waste collection facility provides oral, written, or electronic instructions to the VSQG before each delivery on proper packing for the safe transportation of the specific hazardous waste being transported.

(iv) The VSQG or employees of the VSQG transport the hazardous waste in a vehicle owned or leased and operated by the VSQG.

(D) The limits in this subdivision do not apply to recyclable latex paints or oil-based paints transported to a household hazardous waste collection facility.

(2) The household hazardous waste and VSQG hazardous waste that is transported shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(3) Different household hazardous wastes or different VSQG hazardous wastes shall not be mixed within a container before or during transport.

(4) If the hazardous waste is an extremely hazardous waste or an acutely hazardous waste, the total amount transported by a VSQG shall not exceed 2.2 pounds.

(c) (1) Except as provided in paragraph (2), the total combined volume or weight of used oil filters and antifreeze transported to a recycle-only household hazardous waste collection facility by any one individual shall not exceed a total liquid volume of 10 gallons or a total dry weight of 100 pounds. Up to two spent lead-acid batteries may be transported at the same time and not more than 20 gallons of used oil may be transported in the same vehicle if the volume of each individual container does not exceed five gallons.

(2) Paragraph (1) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.

(d) A curbside household hazardous waste collection program shall meet all of the following conditions:

(1) Not more than a total combined weight of 10 pounds of used oil filters shall be collected from a single residence at one time.

(2) Not more than five gallons of used oil shall be collected from a single residence at one time, and the volume of each individual container collected shall not exceed five gallons.

(3) The volume of each individual container of architectural paint collected shall not exceed five gallons.

(4) Hazardous waste containing mercury shall not be collected by a curbside household hazardous waste collection program unless the waste is contained in secure packaging that prevents breakage and spillage.

(5) Fluorescent light tubes that are four feet or greater in length shall not be collected by a curbside household hazardous waste collection program.

(6) The transported household hazardous waste shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(7) Different household hazardous wastes shall not be mixed within a container before or during transport.

(e) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall meet all of the following conditions:

(1) The transported household hazardous waste shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(2) Different household hazardous wastes shall not be mixed within a container before or during transport.

(3) (A) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service is exempt from the requirements of Section 25160 regarding the use of a manifest when transporting household hazardous waste collected from individual residences to an authorized hazardous waste collection facility. In lieu of a manifest, a receipt shall be issued for the household hazardous waste collected from an individual residence, and a copy of the receipt shall be retained by the public agency for a period of at least three years.

(B) If household hazardous waste is transported to a hazardous waste facility, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, the consolidated manifesting procedures specified in Section 25160.8 shall be used by the public agency or its contractor.

(f) Notwithstanding Section 25218.4, a permanent household hazardous waste collection facility, a mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, a recycle-only household hazardous waste collection facility, or a solid waste load checking program operating under an agreement with a household hazardous waste collection facility that transports household hazardous waste from the collection facility to a household hazardous waste collection facility pursuant to subdivision (a) shall comply with subdivision (f) of Section 25163 and paragraph (1) of subdivision (d) of Section 25160.

(g) (1) Except as provided in paragraph (2), a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall not be deemed to be a household hazardous waste collection facility for purposes of this chapter if it is operated in conjunction with an authorized household hazardous waste collection facility.

(2) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service, under which household hazardous waste is collected from households in one jurisdiction and transported to an authorized household hazardous waste collection facility in another jurisdiction, shall be deemed a household hazardous waste collection facility for purposes of this chapter and shall submit the notification required in Section 25218.2 to each Certified Unified Program Agency in whose jurisdiction the household hazardous waste is collected.

SEC. 7. Section 25218.8 of the Health and Safety Code is amended to read:

25218.8. (a) Except as provided in subdivision (b), a hazardous waste facilities permit shall be obtained for the operation of a household hazardous waste collection facility.

(b) A hazardous waste facilities permit is not required for the operation of a recycle-only household hazardous waste collection facility if all of the following conditions are met:

(1) The facility accepts only the following recyclable household hazardous waste materials for subsequent transport to an authorized recycling facility:

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(A) Latex paint.

(B) Used oil.

(C) Used oil filters.

(D) Antifreeze.

(E) Spent lead-acid batteries.

(F) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department.

(G) Oil-based paint accepted pursuant to the requirements in Section 25217.2.1.

(2) No hazardous wastes or other materials are handled at the facility other than the materials specified in paragraph (1).

(3) The materials are transported to the collection facility by either of the following:

(A) The person who generated the material.

(i) Another person may transport the waste to the household hazardous waste collection facility on behalf of an individual who generated the waste, provided the individual who generated the waste is unable or unavailable to transport the waste, for reasons including, but not limited to, death, illness, or disability.

(ii) The person transporting waste on behalf of an individual pursuant to clause (i) shall provide a certification or signed statement to the household hazardous waste collection facility at the time of delivery attesting to the circumstances under which the person is delivering the other person's waste. The person shall also verify that the person is not receiving compensation for their services, and is not employed by an organization, whether for profit or not for profit, that provides a household hazardous waste transportation service.

(iii) A person transporting waste on behalf of an individual pursuant to clause (i) is subject to the same transportation limits that otherwise apply to the household.

(B) The authorized curbside household hazardous waste collection program or other household hazardous waste programs and sources, including load checking sources.

(4) The materials transported to the facility are transported in accordance with Section 25218.5.

(5) The materials collected are not stored at the facility for more than 180 days, except that less than one ton of spent lead-acid batteries may be stored at the facility for up to one year. More than one ton of spent lead-acid batteries shall not be stored at the facility for more than 180 days.

(6) The materials collected are managed in accordance with the hazardous waste labeling, containerization, emergency response, and personnel training requirements of this chapter.

(7) The facility is in compliance with Section 25218.2.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
November 2023

Meetings Schedule

Alameda County Waste Management Authority, the Energy Council, Source Reduction & Recycling Board, and Programs and Administration Committee

(Hybrid meetings are held at StopWaste Offices unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
			1	2	3	4
5	6	7	8	9 Programs & Administration Committee CANCELLED Planning Committee & Recycling Board Key Items: (NO MEETING DUE TO JOINT MEETING ON 11/15/23)	10 AGENCY HOLIDAY	11
12	13	14	 15 3:00 P.M. JOINT Waste Management Authority, Energy Council & Recycling Board Key Items: 1. ORRO Update 2. Compostable Plastics 	16	17	18
19	20	21	22	23 AGENCY HOLIDAY	24 AGENCY HOLIDAY	25
26	27	28	29	30		

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Energy Council TECHNICAL ADVISORY GROUP (TAG)

Tuesday, October 17, 2023 – 1:00 pm to 3:00 pm

Attendance:

County of Alameda: Courtney Leader (Fellow)

City of Alameda: Danielle Mieler, Cam Foley (Fellow)

City of Albany: Michelle Plouse, Sutton Payne (Fellow)

City of Berkeley: Billi Romain, Annika Lackner (Fellow)

City of Dublin: Kate Battaglia (Fellow)

City of Emeryville: Nancy Humphrey (phone), Matt Anderson (phone), Talia Paulson (Fellow)

City of Fremont: Rachel DiFranco, Kranti Kapur

City of Hayward: Erik Pearson, Nicole Grucky, Makenna Colucci (Fellow, phone), Elise Pierce (Fellow, phone) City of Oakland: Jeffrey Wong, Nick Kordesch, Shayna Hirshfield-Gold

• City of Oakland Fellows: Nina Tafapolsky, Tessa Arens, Iz Tilley, Sarika Paralkar, Sophia Chupein (phone) City of Piedmont: Alyssa Romeo (Fellow, phone)

City of San Leandro: Hoi-Fei Mok

EBCE: Cait Cady

StopWaste: Jennifer West, Chris Hunter, Emily Alvarez, Ben Cooper, Maria Hart, Heather Larson (phone), Robin Plutchok (phone), Miya Kitahara (phone)

Welcome and Intros

Announcements

- City of Albany was awarded a US DOE Energy Efficiency and Conservation Block Grant (EECBG) to further their targeted decarbonization pilot project
- BAAQMD will be hosting workshops for the US EPA Climate Pollution Reduction Grant (CPRG) program
- Emily Alvarez presented on the BayREN Business Plan and 2024-2027 contract to the Energy Council Board on September 27. Approval of the contract will be on the October 25 EC agenda.
- <u>Topic Brief</u> linked on food date labels

BayREN Business Plan Overview - Emily Alvarez, StopWaste

- TAG members received a version of the September EC Board meeting presentation on BayREN's Business Plan and 2024-2027 budget
 - The presentation highlighted the existing BayREN programs and newly proposed programs, as well as StopWaste's role for each program ranging from acting as the nine-county regional lead for Green Labeling and Multifamily to the local outreach roles for other programs
 - TAG receives a quarterly dashboard with detailed metrics for Alameda County. The next dashboard will be distributed soon and previous dashboards are available on SharePoint
 - Afterwards, TAG members split into breakout groups to discuss how they interact with BayREN's program, which partners internally and externally work with BayREN, and their suggestions for program outreach, implementation, and coordination.