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**DATE:** August 10, 2023

**TO:** 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

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**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.<sup>1</sup> 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

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<sup>1</sup> “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.<sup>2</sup> 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 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. 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 process 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.

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<sup>2</sup> 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 Compliance<sup>3</sup>

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 EIR<sup>4</sup> 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

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<sup>3</sup> Alameda County's CEQA documents can be found at:

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

<sup>4</sup> The FEIR can be found at: <http://www.acgov.org/cda/planning/landuseprojects/documents/JessCompost-FinalEIR2022.pdf>

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.

#### CoIWMP 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 CoIWMP (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 CoIWMP as amended, and (3) make the findings required by CEQA.

**Attachments:**

Attachment A: Jess Ranch Composting Facility Maps and Drawings

Attachment B: Draft Resolution WMA 2023-07

Exhibits:

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

Exhibit 2: Siting Criteria Findings

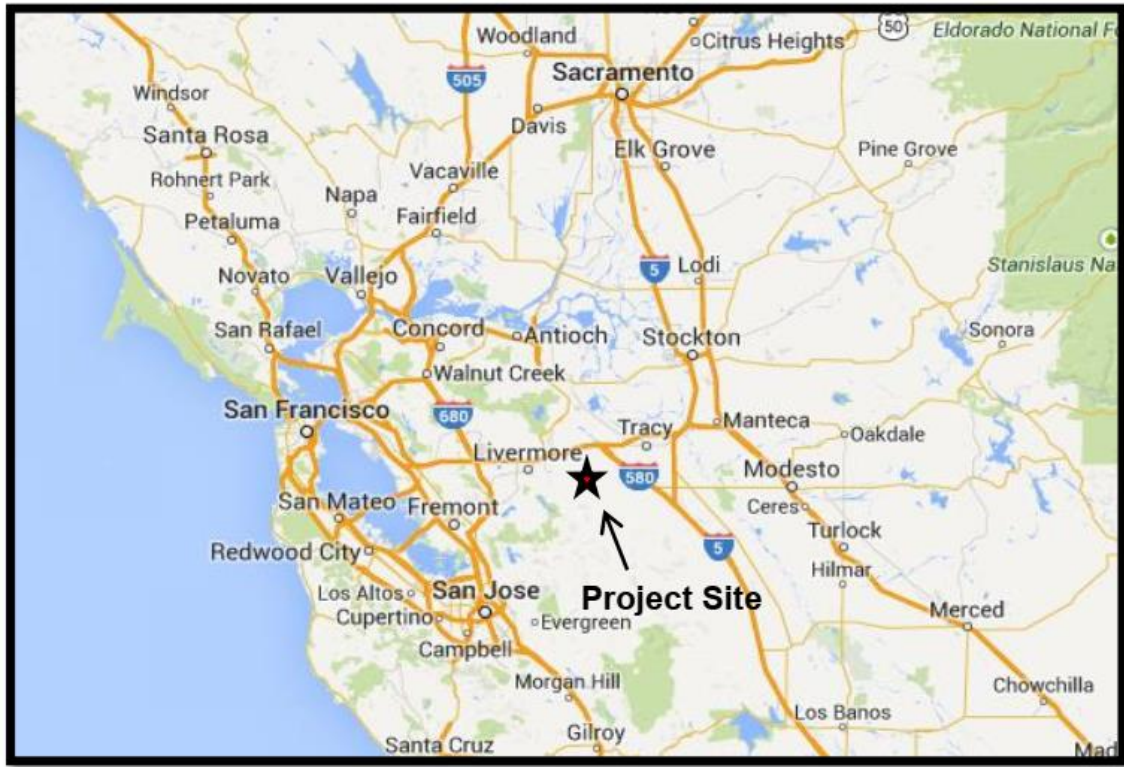
Exhibit 3: Conditions of Approval

Exhibit 4: Alameda County Resolution R-2022-301



**Attachment A**

*Figure 1. Jess Ranch Composting Facility Regional Location*

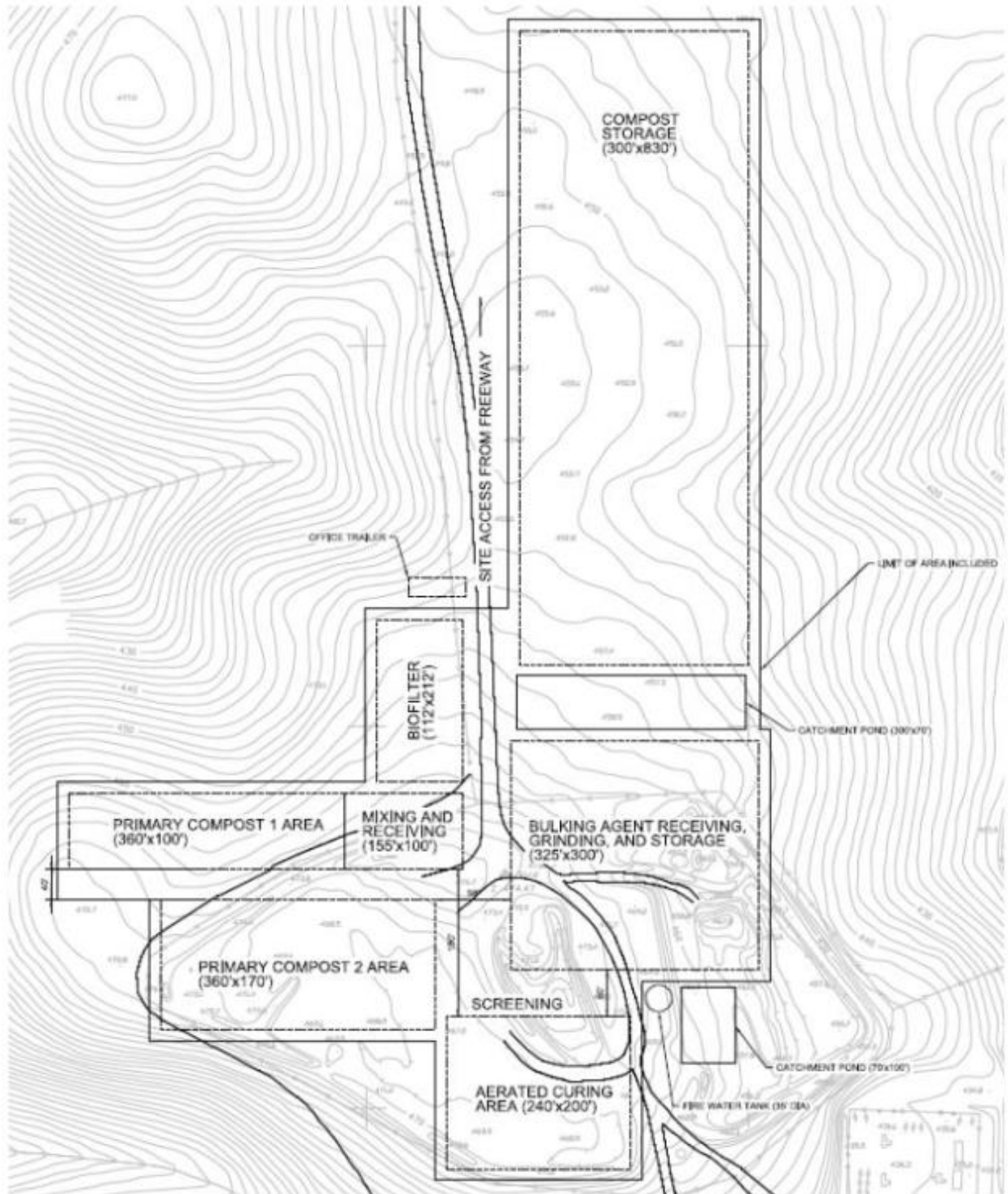


*Figure 2. Facility Project Site Location*



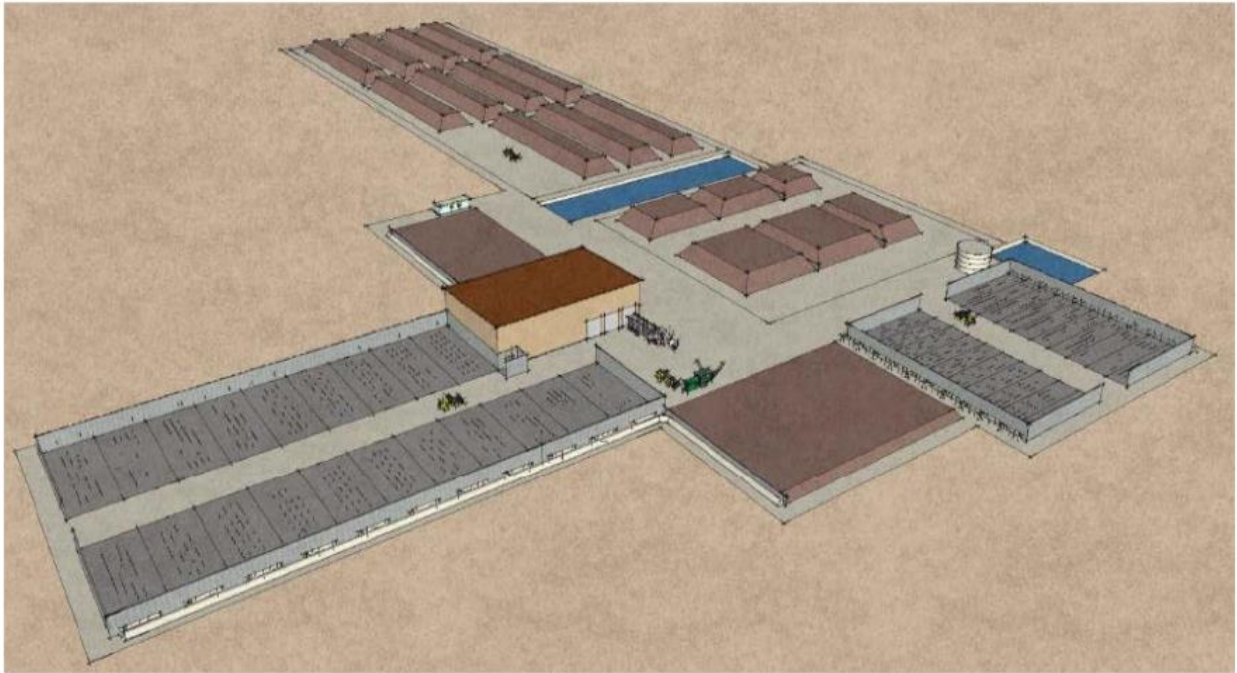


Figure 3. Facility Site Plan



**Attachment A**

*Figure 4. Facility Conceptual Rendering*



**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY  
RESOLUTION #WMA 2023-07**

**MOVED:**

**SECONDED:**

**AT THE MEETING HELD September 27, 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/not 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 September 27, 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 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 CoIWMP 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 CoIWMP as amended.

**Attachment B**

**Passed and adopted this 27th day of September 2023 by the following vote:**

**AYES:**

**NOES:**

**ABSTAINING:**

**ABSENT:**

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**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

**Attachment B**

Exhibit 1: ColWMP 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 **underline bold** and text to be deleted is shown in ~~strikethrough~~.

1. 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.
2. 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	Type	Owner/Operator
<b><u>Jess Ranch Composting Facility</u></b>	<b><u>15850 Jess Ranch Rd, Livermore, CA 94550</u></b>	<b><u>Compost Facility</u></b>	<b><u>Joseph John Jess, Sr. and Connie Lee Jess Family Trust/Denali Water Solutions, LLC</u></b>

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. Non-hazardous liquid wastes may also be accepted as a substitute for the water that is added for efficient composting.**

## **Attachment B**

### **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 CoIWMP. 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-swallow 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.



## Attachment B

### **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 low-permeability, 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.

## **Attachment B**

### **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 were 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.

## **Attachment B**

### **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 man-made 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.

## Attachment B

### Exhibit 3: Conditions of Approval

#### **Conditions of Approval for the ColWMP 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 ColWMP amendment and conformity determination enacted by the resolution to which this exhibit is attached is subject to the conditions below:

1. 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.
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. 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 required 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 21<sup>st</sup> 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.

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. Public Agency Approval. 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. Grading. 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. Mitigation Monitoring and Reporting. 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. Inspection Fees and Costs. 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. Hold Harmless. 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. Optional Review/Revocation/Revision. 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. Transfer of Operations. 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. Site Restoration. 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. Signage. 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. Maintenance. 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

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PRESIDENT, BOARD OF SUPERVISORS

ATTEST:  
Anika Campbell-Belton, Clerk  
Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By:   
44966E86AA3D4D9...  
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 identified 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.”

Section 21081.6 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. Re-contouring 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 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.

**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 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, 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-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 reburial 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.

Table 1. Summary of Significant and Potentially Significant Impacts and Mitigation Measures

Impact	Level of Significance	Mitigation Measure
<b>3.3 Aesthetics</b>		
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.
<b>3.4 Air Quality and Greenhouse Gases</b>		
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
<b>3.5 Biological Resources</b>		
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.



Table 1. Summary of Significant and Potentially Significant Impacts and Mitigation Measures

Impact	Level of Significance	Mitigation Measure
		<p>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.</p> <p>Mitigation Measure BIO-11: Remove all vegetation which obscures the observation of wildlife movement prior to the initiation of grading.</p> <p>Mitigation Measure BIO-12: Place all trash and debris from work area in containers with secure lids.</p> <p>Mitigation Measure BIO-13: Stockpile material in order to avoid effects to covered species.</p> <p>Mitigation Measure BIO-14: Cover excavated holes and trenches deeper than 6 inches at the end of each workday with plywood or similar materials.</p> <p>Mitigation Measure BIO-15: Prevent trash dumping, firearms, open fires, hunting and pets at or near work sites.</p> <p>Mitigation Measure BIO-16: Park vehicles on pavement, existing roads, and previously disturbed areas.</p> <p>Mitigation Measure BIO-17: Minimize off-road vehicle travel.</p> <p>Mitigation Measure BIO-18: Set speed limit on unpaved roads, within natural land-cover types, or during off-road travel.</p> <p>Mitigation Measure BIO-19: Prohibit refueling of vehicles within 100 feet of a wetland, stream, or other waterway.</p> <p>Mitigation Measure BIO-20: Wash vehicles only at approved areas, outside of job sites.</p> <p>Mitigation Measure BIO-21: Discourage the introduction and establishment of invasive plant species.</p> <p>Mitigation Measure BIO-22: Revegetate project site with an appropriate assemblage of native riparian wetland and upland vegetation.</p> <p>Mitigation Measure BIO-23: Translocation of special-status species.</p> <p>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.</p> <p>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.</p> <p>Mitigation Measure BIO-26: Hire a qualified biologist to survey the work site immediately prior to construction activities.</p> <p>Mitigation Measure BIO-27: Use bare hands to capture California red-legged frog, California tiger salamander, California glossy snake, and/or San Joaquin coachwhip.</p>

Table 1. Summary of Significant and Potentially Significant Impacts and Mitigation Measures

Impact	Level of Significance	Mitigation Measure
		<p>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.</p> <p>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.</p> <p>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.</p> <p>Mitigation Measure BIO-31: Conduct work outside of nesting season if an active nest is identified near a proposed work area.</p> <p>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.</p> <p>Mitigation Measure BIO-33: Avoid disturbance and destruction to dens.</p> <p>Mitigation Measure BIO-34: Implement exclusion zones following current USFWS procedures or the latest USFES procedures available at the time.</p> <p>Mitigation Measure BIO-35: Provide mitigation for permanent impacts on San Joaquin kit fox habitat at a minimum 3:1 ratio.</p>
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).
<b>3.6 Cultural Resources</b>		
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 Unique Paleontological Resource	Less than Significant with Mitigation Incorporated	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.

Table 1. Summary of Significant and Potentially Significant Impacts and Mitigation Measures

Impact	Level of Significance	Mitigation Measure
<b>3.8 Geology and Seismicity</b>		
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
<b>3.9 Hazards and Human Health</b>		
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
<b>3.10 Hydrology and Water Quality</b>		
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
<b>3.12 Noise</b>		
Impact NO-1: Substantial Temporary or Periodic Increase in Ambient Noise Levels in the Project Vicinity during Construction	Less than Significant	None required

Table 1. Summary of Significant and Potentially Significant Impacts and Mitigation Measures

Impact	Level of Significance	Mitigation Measure
<b>3.15 Tribal Cultural Resources</b>		
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.



## Mitigation Monitoring and Reporting Program

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

CEQA Mitigation Designation	Mitigation and/or Monitoring Description	Impact Level Prior to Mitigation	Impact Level with Mitigation	Responsibilities/Enforcement	Timeframe
<b>Aesthetics</b>					
<p><b><u>Discussion:</u></b>            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. Significant impacts on aesthetics and visual resources would be reduced to a less than significant level with mitigation.</p>					
<p><b>Impact AES-1:</b>            Permanent Alteration of the Visual Character and Quality of the Proposed Project Area</p>	<p><b>Mitigation Measure AES-1: Provide visual screening of Project facilities:</b> 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.</p>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>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.</p>	<p>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.</p>



## Mitigation Monitoring and Reporting Program

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

<p><b>Impact AES-2:</b> Introduction of New Sources of Light and Glare at the Site</p>	<p><b>Mitigation Measure AES-2: Reduce light and glare effects:</b> 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.</p>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>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.</p>	<p>Light and glare reduction measures would be implemented during both construction and operation of the Project.</p> <p>The Project lighting design shall be subject to review by the County Planning Department prior to construction.</p>
<p><b>Air Quality and Greenhouse Gases</b></p> <p><b><u>Discussion:</u></b>          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.</p>					
<p><b>Impact AQ-1:</b> Conflict with or obstruct implementation of the applicable air quality plan</p>	<p>None</p>	<p>Potentially Significant</p>	<p>Significant and Unavoidable</p>	<p>Not applicable.</p>	<p>Not applicable.</p>



## Mitigation Monitoring and Reporting Program

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

<p><b>Impact AQ-2:</b> Violate any air quality standard or contribute significantly to an existing or projected air quality violation</p>	<p><b>Mitigation Measure AQ-1: Implement BAAQMD's Basic Construction Mitigation Measures:</b> 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:</p> <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material offsite shall be covered.</li> <li>• 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.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>• 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.</li> </ul>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>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.</p>	<p>Measures would be implemented during construction of the Project.</p>
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## Mitigation Monitoring and Reporting Program

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

	<ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li><li>• 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.</li></ul>				
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## Mitigation Monitoring and Reporting Program

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	<p><b>Mitigation Measure AQ-2: Use of Tier 2 or Better Equipment:</b> The construction contractor would be required to use Tier 2 or better engines in all off-road equipment.</p>			<p>The construction contractor would be required to use Tier 2 or better engines in all off-road equipment.</p>	<p>Measures would be implemented during construction of the Project.</p>
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	<p><b>Mitigation Measure AQ-3: Composting Control</b> <b>Measures:</b> 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:</p> <ul style="list-style-type: none"><li>• Windrow composting (represents the worst-case, unmitigated emissions)</li><li>• Windrows with micro-porous fabric cover (mitigated)</li><li>• Positive ASP with micro-porous cover (mitigated)</li><li>• Positive ASP with biocover (mitigated)</li><li>• Negative ASP vented to biofilter (mitigated)</li><li>• Rotating drum vented to biofilter (mitigated)</li></ul> <p>In each of the mitigated cases, only the emissions from the active phase of composting are controlled by the listed option.</p> <p>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</p>			<p>The applicant would be responsible for implementing composting control measures.</p>	<p>Measures would be implemented during operation of the Project.</p>
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	application on rangeland, to increase the ability of the soil to capture and sequester carbon from the atmosphere.				
<b>Impact AQ-3:</b> Result in a cumulative net increase of any nonattainment pollutant (including releasing emissions that exceed quantitative	None	Potentially Significant	Significant and Unavoidable	Not applicable.	Not applicable.



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thresholds for ozone precursors)					
<p><b>Biological Resources</b></p> <p><b><u>Discussion:</u></b> 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.</p>					



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<p><b>Impact BIO-1:</b> Impacts on Candidate, Sensitive, or Special-Status Species</p>	<p><b>Mitigation Measure BIO-1: Conduct pre-construction surveys and implement avoidance and minimization measures for special-status plant species:</b> 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</p>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>The construction contractor would be responsible for implementing measures and obtaining a person knowledgeable in endangered species biology and legislative protection for trainings.</p>	<p>Measures would be implemented prior to construction.</p>
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	<p>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.</p>				
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	<p><b>Mitigation Measure BIO-2: Conduct environmental tailboard trainings:</b> 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.</p>			<p>Directors, Managers, Superintendents, and the crew foremen and forewomen would be responsible for ensuring that crewmembers comply with the guidelines.</p>	<p>Measures would be implemented during construction of the Project.</p>
	<p><b>Mitigation Measure BIO-3: Obligate all contractors to comply with EACCS AMMs:</b> Contracts with contractors, construction management firms, and subcontractors would obligate all contractors to comply with these requirements, AMMs.</p>			<p>Construction contractors.</p>	<p>Measures would be implemented during construction of the Project.</p>





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	<p><b>Mitigation Measure BIO-4: Hire a qualified biological monitor to remain onsite:</b> 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.</p>			<p>The construction contractor would be responsible for obtaining a qualified biological monitor.</p>	<p>A qualified biological monitor would remain onsite during all construction activities in or adjacent to habitat for special-status species.</p>
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	<p><b>Mitigation Measure BIO-5: Delineate construction area to prevent encroachment of construction personnel and equipment outside of the construction area:</b> 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.</p>			<p>The construction contractor would be responsible for implementing measures and obtaining a qualified biological monitor.</p>	<p>Measures would be implemented prior to initiation of ground clearing activities.</p>
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	<p>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.</p>				
	<p><b>Mitigation Measure BIO-6: Prevent nighttime construction:</b> All construction activities must cease one half hour before sunset and should not begin prior to one half hour</p>			<p>The construction contractor would be responsible for implementing measures.</p>	<p>Measures would be implemented during construction of the Project.</p>



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	<p>after sunrise. There would be no nighttime construction.</p>				
	<p><b>Mitigation Measure BIO-7: Restrict grading to the minimum area necessary and limit grading to the dry season:</b> Grading would be restricted to the minimum area necessary and be limited to the dry season, typically April-October.</p>			<p>The construction contractor would be responsible for implementing measures.</p>	<p>Measures would be implemented during construction of the Project.</p>
	<p><b>Mitigation Measure BIO-8: Prevent earth-moving-activities in riparian areas within 24 hours of predicted storms or after major storms:</b> 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).</p>			<p>The construction contractor would be responsible for implementing measures.</p>	<p>Measures would be implemented during construction of the Project.</p>
	<p><b>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:</b> Pipes, culverts and similar materials greater than four inches in diameter, would be stored so as to prevent covered wildlife species from using these</p>			<p>The construction contractor would be responsible for implementing measures.</p>	<p>Pipes, culverts and similar materials would be inspected each morning.</p>



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	<p>as temporary refuges, and these materials would be inspected each morning for the presence of animals prior to being moved.</p>				
	<p><b>Mitigation Measure BIO-10: Erosion control measures:</b> 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.</p>			<p>The construction contractor would be responsible for implementation of measures.</p>	<p>Measures would be implemented prior to grading and during construction.</p>



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	<p><b>Mitigation Measure BIO-11: Remove all vegetation which obscures the observation of wildlife movement prior to the initiation of grading:</b> 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.</p>			<p>The construction contractor would be responsible for implementing measures and obtaining a biological monitor.</p>	<p>Measures would be implemented prior to the initiation of grading.</p>
	<p><b>Mitigation Measure BIO-12: Place all trash and debris from work area in containers with secure lids:</b> 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</p>			<p>The construction contractor would be responsible for implementing measures.</p>	<p>Measures would be implemented during construction of the Project.</p>



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	<p>disposed of at an appropriate off-site location.</p>				
	<p><b>Mitigation Measure BIO-13: Stockpile material in order to avoid effects to covered species.</b> 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.</p>			<p>The construction contractor would be responsible for implementing measures.</p>	<p>Measures would be implemented during construction of the Project.</p>
	<p><b>Mitigation Measure BIO-14: Cover excavated holes and trenches deeper than 6 inches at the end of each workday with plywood or similar materials.</b> 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</p>			<p>The construction contractor would be responsible for implementing measures and obtaining Service approved biologists.</p>	<p>Measures would be implemented during construction of the Project.</p>



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	<p>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.</p>				
	<p><b>Mitigation Measure BIO-15: Prevent trash dumping, firearms, open fires, hunting and pets at or near work sites.</b> 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).</p>			<p>The construction contractor would be responsible for implementing measures.</p>	<p>Measures would be implemented during construction of the Project.</p>
	<p><b>Mitigation Measure BIO-16: Park vehicles on pavement, existing roads, and previously disturbed areas.</b> Vehicles and equipment would be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.</p>			<p>The construction contractor would be responsible for implementing measures.</p>	<p>Measures would be implemented during construction of the Project.</p>





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



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	<p><b>Mitigation Measure BIO-20:</b> <b>Wash vehicles only at approved areas, outside of job sites.</b> 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.</p>			<p>Measures would be implemented by the construction contractor and a qualified biologist.</p>	<p>Measures would be implemented prior to vehicles and equipment entering the site during construction.</p>
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	<p><b>Mitigation Measure BIO-21: Discourage the introduction and establishment of invasive plant species.</b> 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.</p>			<p>Measures would be implemented by the construction contractor and a qualified biologist.</p>	<p>Measures would be implemented during construction of the Project.</p>
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	<p><b>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.</b> 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,</p>			<p>Measures would be implemented by the construction contractor. 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.</p>	<p>Measures would be implemented during and after construction of the Project.</p>
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	<p>duration and frequency of work, identifiable success criteria for completion, monitoring protocols, and remedial actions if the success criteria are not achieved.</p>				
	<p><b>Mitigation Measure BIO-23: Translocation of special-status species.</b> 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</p>			<p>The applicant would prepare a translocation plan for the Project to be reviewed and approved by the appropriate resource agencies prior to Project implementation.</p>	<p>Measures would be implemented prior to construction.</p>



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	<p>plan would include trapping and translocation methods, translocation site, and post translocation monitoring.</p>				
	<p><b>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.</b> 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</p>			<p>A qualified botanist would be retained to perform focused surveys. 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).</p>	<p>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.</p>



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	<p>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.</p>				
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	<p><b>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.</b> 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:</p> <p>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,</p>			<p>CDFW and USFWS would be responsible for reviewing a mitigation plan. The final mitigation strategy for directly impacted plant species would be determined by CDFW and USFWS (if appropriate) through the mitigation plan approval process.</p>	<p>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.</p>
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	<p>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.</p> <p>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.</p>				
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	<p><b>Mitigation Measure BIO-26: Hire a qualified biologist to survey the work site immediately prior to construction activities.</b> 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.</p>			<p>A qualified biologist would be hired to survey the work site. 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.</p>	<p>Measures would be implemented immediately prior to construction activities.</p>
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	<p><b>Mitigation Measure BIO-27:</b> <b>Use bare hands to capture California red-legged frog, California tiger salamander, California glossy snake, and/or San Joaquin coachwhip.</b> 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.</p>			<p>Measures would be implemented by a qualified biologist.</p>	<p>Measures would be implemented prior to and during construction of the Project.</p>
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## Mitigation Monitoring and Reporting Program

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	<p><b>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.</b> 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.</p>			<p>A qualified biologist would be responsible for implementing measures.</p>	<p>Measures would be implemented prior to ground disturbing activities.</p>
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	<p><b>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.</b> 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.</p>			<p>Mitigation as required in regulatory permits issued through the USFWS and/or USACE may be applied to satisfy this measure.</p>	<p>Measures would be implemented during and after construction of the Project.</p>
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	<p><b>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.</b> 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.</p>			<p>A qualified biologist would be hired to conduct preconstruction surveys.</p>	<p>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.</p>
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	<p><b>Mitigation Measure BIO-31: Conduct work outside of nesting season if an active nest is identified near a proposed work area.</b> 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.</p> <p>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</p>			<p>A qualified biologist would be responsible for implementing measures.</p>	<p>Measures would be implemented prior to and during construction of the Project.</p>
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	<p>potential to affect the reproductive success of the nesting birds.</p>				
	<p><b>Mitigation Measure BIO-32:</b> <b>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.</b> 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</p>			<p>A qualified biologist would be responsible for implementing measures.</p>	<p>Measures would be implemented prior to implementation of Project related activities.</p>





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	<p>within 500 feet of the proposed work areas, including construction access routes. Surveys would be conducted in accordance with current resource agency protocols.</p>				
	<p><b>Mitigation Measure BIO-33: Avoid disturbance and destruction to dens.</b> 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.</p>			<p>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.</p>	<p>Measures would be implemented prior to implementation of Project related activities.</p>



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	<p><b>Mitigation Measure BIO-34: Implement exclusion zones following current USFWS procedures or the latest USFES procedures available at the time.</b> 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 Popping Den – to be determined on a case by-case basis in coordination with USFWS and CDFW.</p>			<p>Exclusion zones would be implemented following current USFWS procedures or the latest USFWS procedures available at the time.</p>	<p>Measures would be implemented prior to implementation of Project related activities.</p>
	<p><b>Mitigation Measure BIO-35: Provide mitigation for permanent impacts on San Joaquin kit fox habitat at a minimum 3:1 ratio.</b> 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.</p>			<p>Mitigation as required in regulatory permits issued through the USFWS and/or USACE may be applied to satisfy this measure.</p>	<p>Measures would be implemented during and after construction of the Project.</p>



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<b>Impact BIO-2:</b> Impacts on Riparian, Aquatic or Wetland Habitat, or other Sensitive Natural Community	<b>Mitigation Measure BIO-1</b> through <b>Mitigation Measure BIO-35</b> (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.
	<b>Mitigation Measure BIO-36:</b> <b>Provide mitigation for permanent impacts on sensitive communities at a minimum 1:1 ratio.</b> 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.
<b>Impact BIO-3:</b> Impacts on State and/or Federally Protected Wetlands	<b>Mitigation Measure BIO-1</b> through <b>Mitigation Measure BIO-36</b> (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.
<b>Cultural Resources</b>  <u><b>Discussion:</b></u>					



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<p>No cultural resources or human remains were identified in the proposed project area. However, in the event that buried cultural or historical resources are inadvertently discovered during construction, mitigation measures would be implemented to reduce impacts to a less than significant level.</p>					
<p><b>Impact CR-1:</b> Cause a Substantial Adverse Change in the Significance of a Historical or Archaeological Resource</p>	<p><b>Mitigation Measure CR-1: Halt Construction Activities if Any Cultural Materials Are Discovered:</b> 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.</p>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>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.</p>	<p>Measures would be implemented prior to construction of the Project.</p>



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<p><b>Impact CR-2:</b> Disturb Human Remains</p>	<p><b>Mitigation Measure CR-2: Halt Construction Activities if Any Human Remains Are Discovered:</b> 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 reburial or preserve the remains as appropriate. Ground disturbance in the zone of suspended activity shall not recommence without authorization from the archaeologist.</p>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>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.</p>	<p>Measures would be implemented prior to and during construction of the Project.</p>
<p><b>Geology and Seismicity</b></p>					



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**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.



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<p><b>Impact GEO-3:</b> Structures and facilities could be subject to damage related to shrink-swell potential and/or settlements of site soils</p>	<p><b>Mitigation Measure GEO-1: Perform geotechnical investigation and reporting:</b> 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.</p>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>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.</p>	<p>Measures would be implemented prior to initiation of grading.</p>
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	<p>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.</p>				
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<p><b>Impact GEO-4:</b> Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature</p>	<p><b>Mitigation Measure GEO-2:</b> <b>Follow the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts on Paleontological Resources:</b> 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</p>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>A qualified paleontological resource monitor would be hired for implementation of measures.</p>	<p>Measures would be implemented prior to earth moving.</p>
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	prepared fossil specimens; and 7. Prepare a final report of the finds and their significance.				
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<p><b>Impact GEO-5:</b> Damage to structures, pavements, and/or utilities could occur at the compost facility site if cut and fill slopes failed, resulting in landsliding.</p>	<p><b>Mitigation Measure GEO-3:</b> <b>Perform geotechnical investigation for slope stability:</b> 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.</p>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>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.</p>	<p>Measures would be implemented prior to initiation of grading.</p>
<p><b>Hazards and Human Health</b></p> <p><b><u>Discussion:</u></b> 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 <i>A. fumigatus</i> 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</p>					



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<p>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. With implementation of mitigation measures, impacts would be less than significant.</p>					
<p><b>Impact HAZ-3:</b> Composting facility workers and end users of compost could be exposed to chemical contaminants and/or pathogens potentially present in compost feedstocks</p>	<p><b>Mitigation Measure HAZ-1:</b> <b>Prepare and implement screening, monitoring, testing, and training procedures:</b> 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:</p> <ul style="list-style-type: none"> <li>• procedures for screening feedstocks for contaminants;</li> <li>• monitoring temperature and moisture content during the composting process;</li> <li>• sampling composts for pathogens and heavy metals; and</li> <li>• 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</li> </ul>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>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).</p>	<p>Measures would be implemented prior to operation of the Project.</p>



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	<p>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.</p>				
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<p><b>Impact HAZ-4:</b> Composting facility workers could suffer health effects as a result of exposure to bioaerosols</p>	<p><b>Mitigation Measure HAZ-2:</b> <b>Provide worker training and protective equipment:</b> 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</p>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>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.  The facility operator shall install protective equipment in accordance with OSHA requirements to minimize risks to onsite workers.</p>	<p>Potential employees would be trained prior to employment. Installation of protective equipment would also be installed prior to employment of potential employees.</p>
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	masks, respirators, and other personal protective equipment.				
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<p><b>Impact HAZ-5:</b> Composting operations may attract vectors, which may pose a health risk to facility workers and the general public</p>	<p><b>Mitigation Measure HAZ-3: Prepare a Vector Control Plan:</b> 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:</p> <ul style="list-style-type: none"> <li>• housekeeping procedures to prevent processing areas and recycled water basins from attracting potential vectors;</li> <li>• measures to minimize standing water and prevent mosquito breeding at the site, including frequent drawdown of the recycled water basins;</li> <li>• 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;</li> <li>• the use of fly traps to attract and capture adult flies;</li> <li>• 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;</li> </ul>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>Vector Control Plan for the facility shall be prepared by the facility operator and approved by the Alameda County Department of Environmental Health.</p>	<p>Measures would be implemented prior to operation of the Project.</p>
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	<ul style="list-style-type: none"><li>• a contingency program for mitigating off-site vector migration when action levels are exceeded, including use of insecticides and rodent traps, if warranted; and</li><li>• a program to train workers to properly implement and document the procedures of the Vector Control Plan.</li></ul>				
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### 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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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.



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<p><b>Impact HWQ-1:</b> Degradation of water quality during Construction and Operation</p>	<p><b>Mitigation Measure HWQ-1:</b> <b>Prepare and implement a SWPPP:</b> 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.</p>	<p>Potentially Significant</p>	<p>Less than Significant</p>	<p>As required by the County, a grading permit application shall be prepared and submitted to the County for review and approval.</p>	
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	<p>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.</p>				
<p><b>Tribal Cultural Resources</b></p> <p><u>Discussion:</u></p>					



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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.					
<b>Impact TCR-1:</b> Cause a substantial adverse change in the significance of a tribal cultural resource	<b>Mitigation Measure TCR-1:</b> <b>Implement Mitigation Measures CR-1 and CR-2.</b> MM CR-1 and MM-CR-2 are described above.	Potentially Significant	Less than Significant	MM CR-1 and MM-CR-2 are described above.	MM CR-1 and MM-CR-2 are described above.