

November 2024 | Initial Study

LANDFILL GAS TO ENERGY PLANT PROJECT

City of Newport Beach

Prepared for:

City of Newport Beach

Contact: Joselyn Perez
Community Development Department
Senior Planner
100 Civic Center Drive, Newport Beach
Newport Beach, California 92660
949.644.3312
jperez@newportbeachca.gov

Prepared by:

PlaceWorks

Contact: Dina El Chammas Gass, Senior Associate
3 MacArthur Place, Suite 1100
Santa Ana, California 92707
714.966.9220
info@placeworks.com
www.placeworks.com



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Abbreviations and Acronyms

AAQS	ambient air quality standards
AB	Assembly Bill
ACM	asbestos-containing materials
ADT	average daily traffic
AER	Annual Emissions Reporting
AM&M	Alternative Materials & Methods
amsl	above mean sea level
AQMP	air quality management plan
AST	aboveground storage tank
BAU	business as usual
BMP	best management practice
bgs	below ground surface
BMP	best management practices
CAA	Clean Air Act
CAFE	corporate average fuel economy
CalARP	California Accidental Release Prevention Program
CalEMA	California Emergency Management Agency
Cal/EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Cal/OSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources, Recycling, and Recovery
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFC	California Fire Code
CFMP	Conceptual Fuel Modification Plan

Abbreviations and Acronyms

cfs	cubic feet per second
CGS	California Geologic Survey
CMP	congestion management program
CNDDDB	California Natural Diversity Database
CNEL	community noise equivalent level
CO	carbon monoxide
CO ₂ e	carbon dioxide equivalent
Corps	US Army Corps of Engineers
CSO	combined sewer overflows
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
EPA	United States Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GHG	greenhouse gases
GWP	global warming potential
HCM	Highway Capacity Manual
HQTA	high quality transit area
HVAC	heating, ventilating, and air conditioning system
IPCC	Intergovernmental Panel on Climate Change
L _{dn}	day-night noise level
L _{eq}	equivalent continuous noise level
LBP	lead-based paint
LCFS	low-carbon fuel standard
LOS	level of service
LST	localized significance thresholds

Abbreviations and Acronyms

M _w	moment magnitude
MCL	maximum contaminant level
MEP	maximum extent practicable
mgd	million gallons per day
MMT	million metric tons
MPO	metropolitan planning organization
MT	metric ton
MWD	Metropolitan Water District of Southern California
NAHC	Native American Heritage Commission
NBPD	Newport Beach Police Department
NO _x	nitrogen oxides
NPDES	National Pollution Discharge Elimination System
O&M	operations and maintenance
O ₃	ozone
OCWR	Orange County Waste & Recycling
OES	California Office of Emergency Services
NBFD	Newport Beach Fire Department
PFMP	Precise Fuel Modification Plan
PM	particulate matter
POTW	publicly owned treatment works
ppm	parts per million
PPV	peak particle velocity
PRC	California Public Resources Code
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental condition
RMP	risk management plan
RMS	root mean square
RPS	renewable portfolio standard
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCH	State Clearinghouse

Abbreviations and Acronyms

SIP	state implementation plan
SLM	sound level meter
SoCAB	South Coast Air Basin
SO _x	sulfur oxides
SQMP	stormwater quality management plan
SRA	source receptor area [or state responsibility area]
SUSMP	standard urban stormwater mitigation plan
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TCA	Transportation Corridor Agencies
TNM	transportation noise model
tpd	tons per day
TRI	toxic release inventory
TTCP	traditional tribal cultural places
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	urban water management plan
V/C	volume-to-capacity ratio
VdB	velocity decibels
VHFHSZ	very high fire hazard severity zone
VMT	vehicle miles traveled
VOC	volatile organic compound
WEAP	Worker Environmental Awareness Program
WQMP	water quality management plan
WSA	water supply assessment

1. Introduction

1.1 PROJECT OVERVIEW

The Landfill Gas to Energy Plant project (proposed project) involves the installation and operation of a new renewable natural gas (RNG) processing plant and a pipeline interconnection facility (collectively referred to as the RNG facility). The proposed RNG facility would be constructed under a lease agreement with OC Waste & Recycling (OCWR), within the boundary of the closed Coyote Canyon Landfill (CCL), which is owned by the County of Orange and operated by OCWR. The project site is 4.14 acres and surrounded by a 12-foot perimeter wall. The proposed RNG facility would have a total footprint of 38,500 square feet (0.88 acres) and would convert existing landfill gas (LFG) into a pipeline-quality natural gas equivalent. The pipeline interconnection facility would be approximately 6,000 square feet, and the RNG processing plant would be approximately 32,500 square feet. The interconnection facility would include a point of receipt (POR) skid to monitor the quality of the RNG and an 8-inch pipeline extension dedicated to transfer of the RNG from the POR to the existing fossil natural gas pipeline tie-in point, owned by SoCalGas, in the western part of the site. Other project components include new internal access routes and utility and infrastructure improvements. These improvements would include installation of a fire hydrant, an on-site water tank, a septic tank system for the proposed control room, a storm drain for off-site disposal of stormwater, and new underground power and telecommunication lines. Project implementation requires a conditional use permit (CUP) from the City of Newport Beach (City).

1.2 PURPOSE OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE INITIAL STUDY

The California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.) requires that before a lead agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about and consider the project's potential environmental impacts, inform the public about the project's potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment.¹

The City of Newport Beach—in its capacity as lead agency pursuant to CEQA Guidelines Section 15050—is responsible for preparing environmental documentation in accordance with CEQA to determine if approval of the discretionary actions and subsequent development associated with the proposed project would have a significant impact on the environment. As part of the project's environmental review and in its capacity as lead

¹ Pursuant to Public Resources Code Section 21067, lead agency refers to the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.

1. Introduction

agency, the City authorized the preparation of this Initial Study (IS) in accordance with the provisions of CEQA Guidelines Section 15063. Pursuant to Section 15063, purposes of an IS are to:

- Provide the lead agency information to use as the basis for deciding whether to prepare an environmental impact report (EIR) or negative declaration.
- Enable an applicant or lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a negative declaration.
- Assist in the preparation of an EIR, if one is required.
- Facilitate environmental assessment early in the design of a project.
- Provide documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment.
- Eliminate unnecessary EIRs.
- Determine whether a previously prepared EIR could be used with the project.

As further defined by Section 15063, an Initial Study is prepared to provide the City with information for determining whether an EIR, negative declaration, or mitigated negative declaration (MND) would be appropriate for providing the necessary environmental documentation and clearance for the proposed project.

In of this IS, the City determined that an MND is the most appropriate CEQA document for the proposed project. This IS has been prepared to support the adoption of an MND, which is a written statement by the lead agency that briefly describes the reasons why a project that is not exempt from the requirements of CEQA will not have a significant effect on the environment and, therefore, does not require preparation of an EIR (CEQA Guidelines Section 15371). The CEQA Guidelines require preparation of an MND if the IS prepared for a project identifies potentially significant effects, but 1) revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed MND and IS are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and 2) there is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment. (CEQA Guidelines Section 15070[b]).

The City has considered the information contained in this IS in its decision-making processes. The IS was prepared with consultant support, but the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and analysis of the City.

1.3 PROJECT LOCATION

The 4.14-acre project site is within the City of Newport Beach, Orange County, California. The City of Newport Beach is bordered by the Pacific Ocean to the south, the neighboring cities of Costa Mesa to the northwest and Irvine to the northeast, and Crystal Cove State Park to the east (see Figure 1, *Regional Location*). The project site is within the northeastern portion of the city.

1. Introduction

Regional access to the project site is from State Route (SR) 73, approximately 0.2 mile to the east via Newport Coast Drive, and from SR-1, approximately 2.7 miles to the south via Newport Coast Drive. Local access to the project site is via Newport Coast Drive.

The project site is at the top of a hill at 20662 Newport Coast Drive and within the boundary of the closed CCL. The project site is on an established level building pad. The pad was previously developed with a landfill gas-to-energy plant which has since been demolished. The entire project site is enclosed by a 12-foot perimeter wall with surrounding trees on all sides (Figure 2, *Coyote Canyon Landfill Map*, and Figure 3, *Local Vicinity*). The area immediately outside the perimeter wall that could be affected by the implementation of the proposed project includes understory species and viewshed trees. The trees are a mix of native and non-native species consisting of eucalyptus, Peruvian peppers, myporiums, white alders, western sycamores, and coast live oak.

1.4 ENVIRONMENTAL SETTING

1.4.1 Existing Land Use

The proposed RNG facility would be built on an approximately 0.88-acre portion of a 4.14-acre property with Assessor's Parcel Number 478-03-071 owned by the County of Orange. The site is within the boundary of the CCL, but in an area that was not used for active landfilling. As shown in Figure 4, *Site Aerial*, the site is completely disturbed (i.e., paved with concrete and asphalt) from the previous landfill gas-to-energy facility, which operated from 1988 to 2015. The facility was demolished and after its closure the site was cleared. Demolition of the previous gas-to-energy facility was evaluated in the Coyote Canyon Landfill Gas Recovery Facility Demolition and Telecom Update project approved in October 2016 (State Clearinghouse (SCH) number 2016081012). On the site currently are generators and tanks, 65-foot cell towers, a power panel and switchgear, a blower pad, and the county flare yard². There is a small, operational support building in the center of the site, three existing parking spots west of the building, and a cell tower in the southeast corner of the site.

The CCL was a Class III municipal solid waste landfill from 1963 to 1990 in the City of Newport Beach. The CCL began disposal operations in 1963 and ceased operations in 1990. The waste footprint of CCL occupied approximately 325 acres, and CCL accepted approximately 60 million cubic yards of household waste, commercial waste, industrial waste, and agricultural waste. On March 23, 1995, the Landfill's Final Closure Plan received certification from the California Department of Resources Recycling and Recovery (CalRecycle), the Regional Water Quality Control Board (RWQCB), and the Orange County Solid Waste Local Enforcement Agency (LEA). Closure for the landfill was officially recorded on May 7, 2003. The closed landfill is now operated and maintained by OCWR under that approved Final Closure Plan. The CCL operated under the Title V permit, which includes an LFG collection and control system with up to 428 vertical gas collection wells³ and an LFG flaring system consisting of four 20-foot flares and two blowers. In 2013, South Coast Air Quality

² Flare yard refers to an area or facility where LFG is collected and directed to a flare system.

³ Landfill gas can be collected by either a passive or an active collection system. A typical collection system, passive or active, is composed of a series of gas collection wells placed throughout the landfill. As gas is generated in the landfill, the collection wells offer preferred pathways for gas migration. Most collection systems are designed with a degree of redundancy to ensure continued operation and protect against system failure. Redundancy in a system may include extra gas collection wells in case one well fails.

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Management District (South Coast AQMD) issued a Title V permit to OCWR to allow a landfill gas-to-energy plant to begin operation to use the LFG generated from CCL to generate electricity. In December 2015, the original gas-to-energy plant closed because the landfill was no longer producing adequate LFG for the facility to remain economically viable. The equipment was removed during the construction of two monopole telecom facilities associated with the Coyote Canyon Landfill Gas Recovery Facility Demolition and Telecom Update project (SCH number 2016081012). The LFG is currently being flared by OCWR.

Beginning in 1994, the Transportation Corridor Agencies (TCA) established 122 acres of coastal sage scrub at the closed CCL, on the main, east, and south canyon landfill areas. This coastal sage scrub restoration was done by TCA as mitigation for the construction of SR-73. The coastal sage scrub restoration area provides an important linkage for the California gnatcatcher (*Poliophtila californica*) and other sensitive species between the San Joaquin Hills and Upper Newport Bay. There are several native and non-native trees surrounding the perimeter of the project site to screen the landfill gas-to-energy facility structures from nearby residential areas (Figure 4). Surface water runoff from the project site currently flows toward two different discharge locations. Approximately 75 percent of the surface runoff flows to a concrete ditch at the north of the project site, which discharges off site to a 24-inch concrete pipe owned by the City. The remaining 25 percent drains north toward a v-gutter at the entrance road that is intercepted by catch basins that deposit the flow to the same 24-inch concrete pipe (see Figure 5, *Utility Plan [Existing]*).

1.4.2 Surrounding Land Use

As shown in Figure 2 and Figure 3, the project site is immediately surrounded by open space on all sides. The main canyon landfill is immediately west of Newport Coast Drive (Figure 2). SR-73 is northeast of the project site and approximately 0.2 mile to the east via Newport Coast Drive. Sage Hill School is south of SR-73, and residential neighborhoods are north of SR-73. There are no sensitive receptors located near the project area. The closest sensitive receptors are the single-family residences approximately 1,300 feet south along Renata Street and the Sage Hill School approximately 1,500 feet to the north.

1.5 PROJECT DESCRIPTION

1.5.1 Proposed Land Use

The City is reviewing an application for the construction of an RNG facility within the boundary of the CCL. RNG is a term used to describe biogas (e.g., LFG) that has been upgraded to pipeline quality natural gas to be used in place of traditional, fossil, natural gas. The RNG facility would treat the current LFG and future quantities of LFG from the closed landfill to be injected into existing Southern California Gas Company (SoCalGas) infrastructure. The LFG is currently being flared off by OCWR. The RNG processing plant would not eliminate or displace OCWR's existing LFG collection and control systems at the CCL. While the current and future quantities of LFG would be diverted to the RNG facility and no longer be flared, the existing flares would remain. The flares would only be used as backup if the RNG facility goes offline, or to combust any excess LFG that is not sent to the RNG facility.

Figure 1 - Regional Location

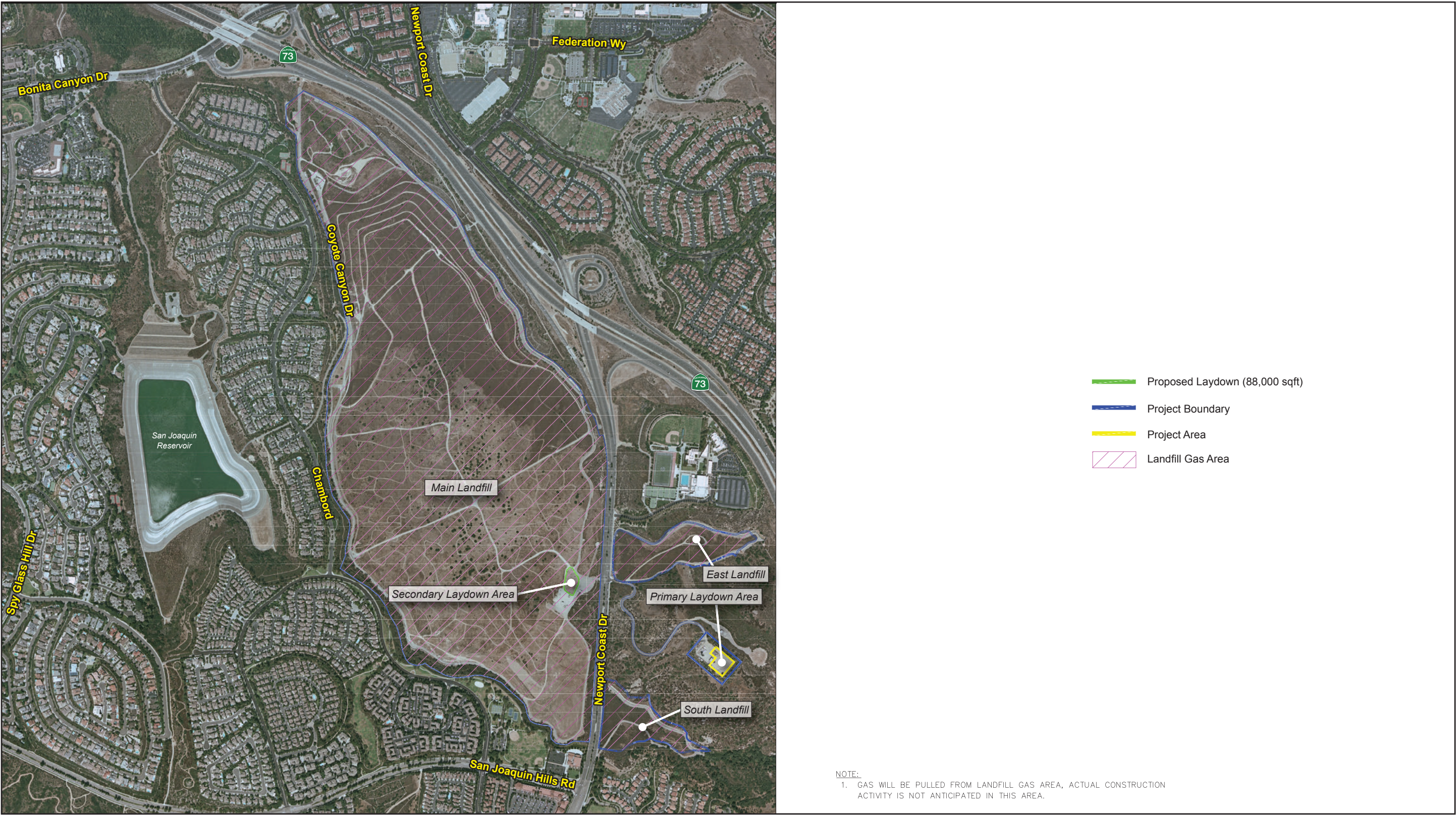


Source: Generated using ArcMap 2023; LSA 2023.

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Figure 2 - Coyote Canyon Landfill Map



1. Introduction

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Figure 3 - Local Vicinity



Project Boundary

0 600
Scale (Feet)



Source: Nearmap 2023.

1. Introduction

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Figure 4 - Site Aerial



Project Boundary

0 100
Scale (Feet)

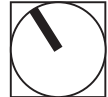
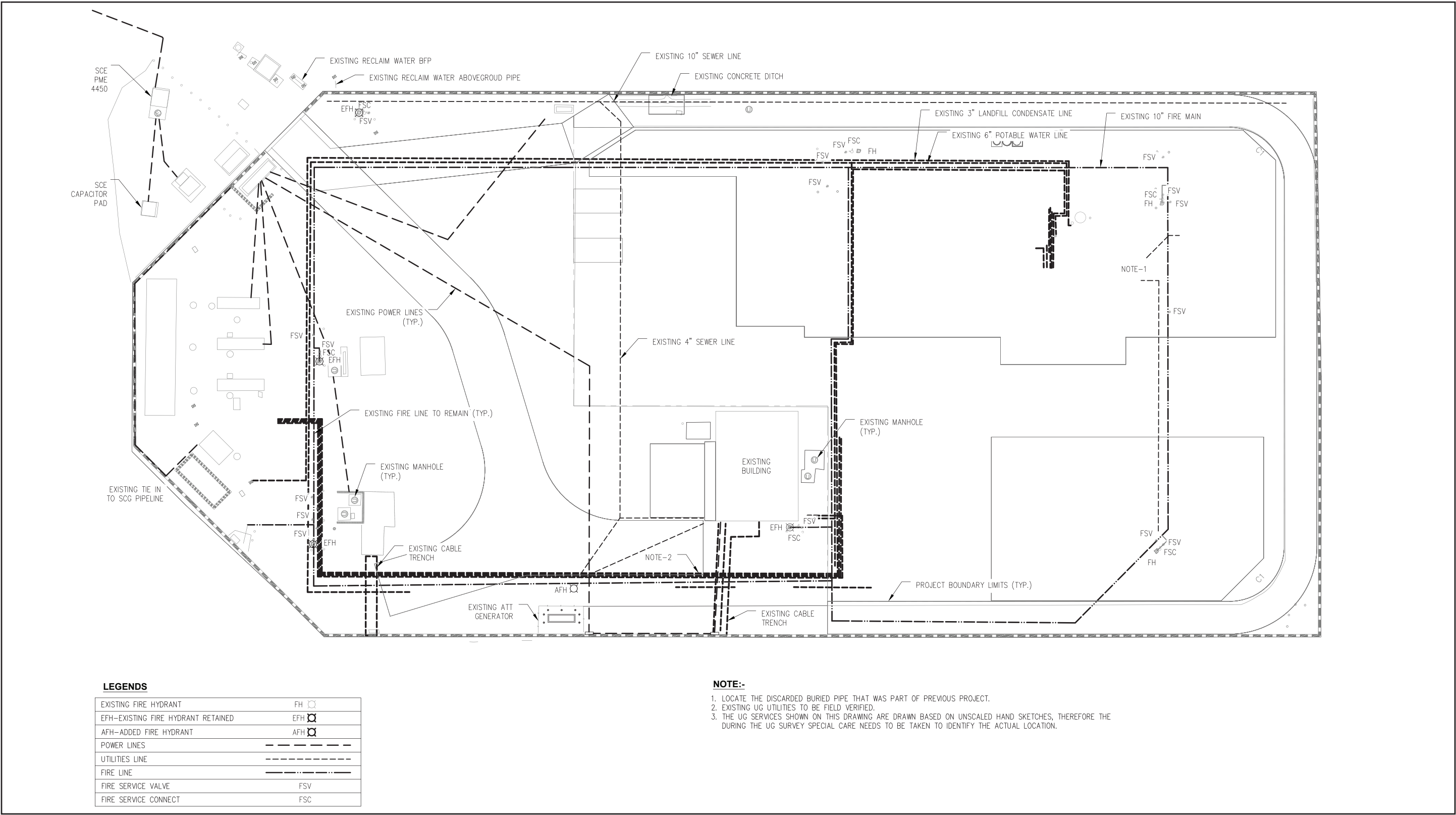


Source: Nearmap 2023.

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Figure 5 - Utilities Plan (Existing)



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1. Introduction

Figure 2 shows the landfill area from which the LFG is collected. No construction is proposed in this area. Construction will occur to the southeast of the landfill, within the 4.14-acre site that currently includes a county flare yard and blower station as well as 65-foot cell towers and associated generators (see Figure 4 and Figure 6, *Conceptual Site Plan*). Two locations for material laydown areas would be utilized; one area is on the project site (primary laydown area), and another 88,000 square-foot graded area (secondary laydown area) is in the landfill area across Newport Coast Drive (see Figure 2).

1.5.2 Site Plan and Character

Biofuels Coyote Canyon Biogas (project applicant) proposes to construct an RNG processing plant and SoCalGas (a local utility provider) would construct a supplemental pipeline interconnection facility. Both would be under a lease agreement with OCWR. The RNG facility would occupy 0.88 acres of the site (see Figure 6) and would not impact the existing LFG collection and control system. The RNG processing plant would have a total footprint of approximately 32,500 square feet composed of pipe racks, various vessels, condensate tank, flare, thermal oxidizer (TOX), and other processing equipment (see Figure 6 for the full list of processing equipment). The pipeline interconnection facilities would include a POR⁴ and 8-inch pipeline extension dedicated to transferring the RNG from the POR to the existing fossil natural gas pipeline tie-in point in the western part of the site. This tie-in point would be reused by SoCalGas to convey the RNG into their system.

Project features and improvements are discussed in more detail below—such as the RNG processing facilities; pipeline injection facilities; mobilization and staging areas; architectural design; landscaping, walls, and lighting; parking, vehicular access, and circulation; plant operations; and infrastructure.

1.5.2.1 RENEWABLE NATURAL GAS PROCESSING FACILITY

Raw biogas from the CCL typically has a methane (CH₄) content between 40 and 45 percent. The gas must go through a series of steps to be converted into RNG. Treatment includes removing moisture, carbon dioxide (CO₂), and trace-level contaminants (e.g., siloxanes, volatile organic compounds [VOCs], hydrogen sulfide [H₂S]) and reducing the nitrogen (N₂) and oxygen (O₂) content. Once purified, the RNG has a CH₄ content of between 96 to 98 percent.

Figure 7, *Renewable Natural Gas Process Flow Diagram*, depicts the general stages of biogas processing and end uses. The first stage of primary treatment (i.e., moisture and particulate removal) is covered by the existing landfill flaring facility operated by OCWR, the treated LFG would then be conveyed through a proposed underground LFG supply line underneath the proposed drive aisle to the RNG processing plant to complete the secondary (i.e., contaminant removal and compression) and advanced treatment (i.e., removal of additional impurities and compressions into a high-Btu gas). The flares operated by OCWR would only be used as backup if the RNG facility goes offline, or to combust any excess LFG that is not used by the RNG processing plant.

The bulk of the H₂S in the LFG is converted into elemental sulfur by the H₂S scrubbing system. Nearly all the VOCs and the CO₂, N₂, and O₂ are removed from the LFG and routed to a 60-foot TOX for destruction. The

⁴ The point of receipt monitors the quality of the RNG to ensure that it meets specifications and includes equipment to prevent non-compliant gas from entering the pipeline.

1. Introduction

gas stream routed to the TOX for destruction is commonly known as waste gas and contains only about 8 percent CH₄. To ensure stable combustion of the waste gas, it is necessary to provide supplemental fuel (i.e., conventional natural gas) to the TOX. The TOX is equipped with recuperative heat exchangers to minimize the amount of supplemental fuel required. The TOX is a continuous source of air emissions. An enclosed 40-foot RNG flare would also be installed to burn off-specification gas from various points in the RNG refining process. The flare has been designed to handle the full design flow of the off-specification RNG and allow the complete combustion process to occur within the flare prior to exiting the flare. As the proposed flare is an enclosed flare, no flames would be visible from the top of the flare tower. The pipeline receiving the RNG has a strict minimum requirement for CH₄ and strict upper limits on CO₂, N₂, and O₂. If these limits are exceeded, it will be necessary to divert the RNG to the proposed flare until the RNG quality returns to acceptable limits. The only other source associated with this facility is a natural gas emergency generator, which would only be operated if there was a loss of power at the facility. The emergency generator would allow the facility to continue to operate in the event the main power source is not available.

1.5.2.2 PIPELINE INJECTION

The RNG produced by the facility is intended to be injected into SoCalGas's existing distribution network. The RNG produced would need to meet the specification requirements of the California Public Utilities Commission (CPUC) and SoCalGas. It is anticipated that the RNG produced would primarily be used as a vehicle fuel.

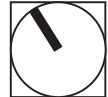
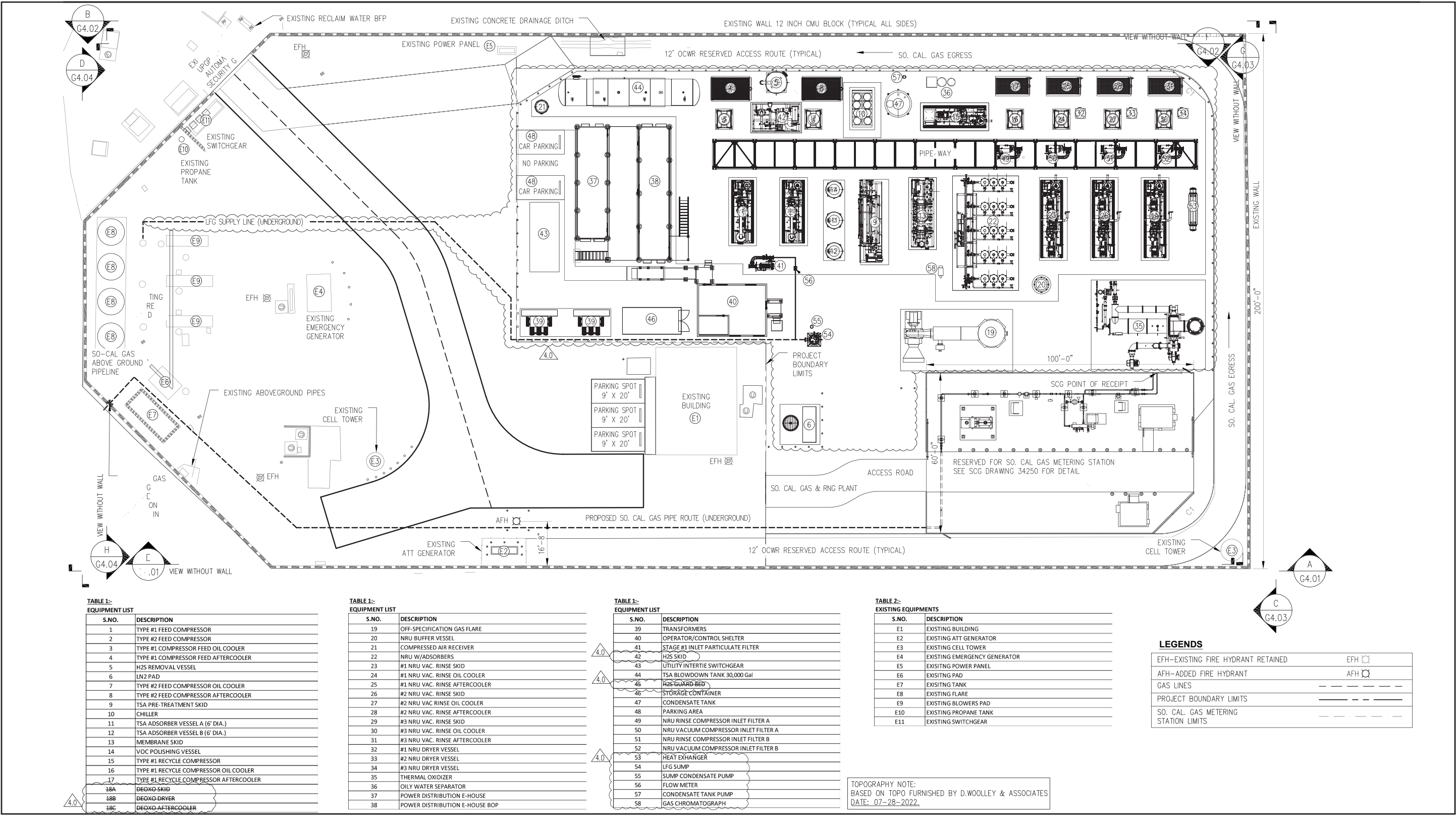
RNG would be delivered to SoCalGas' distribution network through a combination of new construction and existing infrastructure. A new interconnection facility would be required to deliver the RNG into SoCalGas's existing pipeline in the western part of the site. The interconnection facility would include a POR skid to monitor the quality of the RNG and a proposed 8-inch pipeline extension dedicated to transfer the RNG from the POR to the existing fossil natural gas pipeline tie-in point. The POR facility and pipeline extension would be constructed entirely within the existing OCWR pad, surrounded by perimeter walls. The construction area would include 6,000 square feet (60 feet x 100 feet) of permanent space for the POR facility, a temporary staging area, and a temporary workspace.

The POR skid monitors the quality of the RNG to ensure that it meets specifications and includes equipment to prevent noncompliant gas from entering the pipeline. The POR skid also meters and odorizes⁵ the RNG prior to injection. The POR skid would include an odorant tank, pipeline laterals, and approximately 320 feet of 6-inch polyethylene gas pipeline extension within the project compound (see Figure 6).

The proposed pipeline extension would include an 8-inch pipeline on OCWR property that would run across the southern border of the project site to the existing metering station. The metering station has no compressor and produces no noise (see Figure 6). No pipeline excavation or construction would be necessary outside of the OCWR walled compound. The proposed pipeline extension is dedicated to transferring RNG from the POR to the existing natural gas pipeline tie-in point in the western portion of the site on Newport Coast Drive.

⁵ Natural gas is odorless and explosive. The federal U.S. government mandates that any combustible gas in a distribution pipeline must contain an odorant so that if the gas is present at 1/5 of the lower explosive limit, a person can detect it, assuming they have a normal sense of smell. Odorizers inject odorant into natural gas to deliver a rotten egg odor.

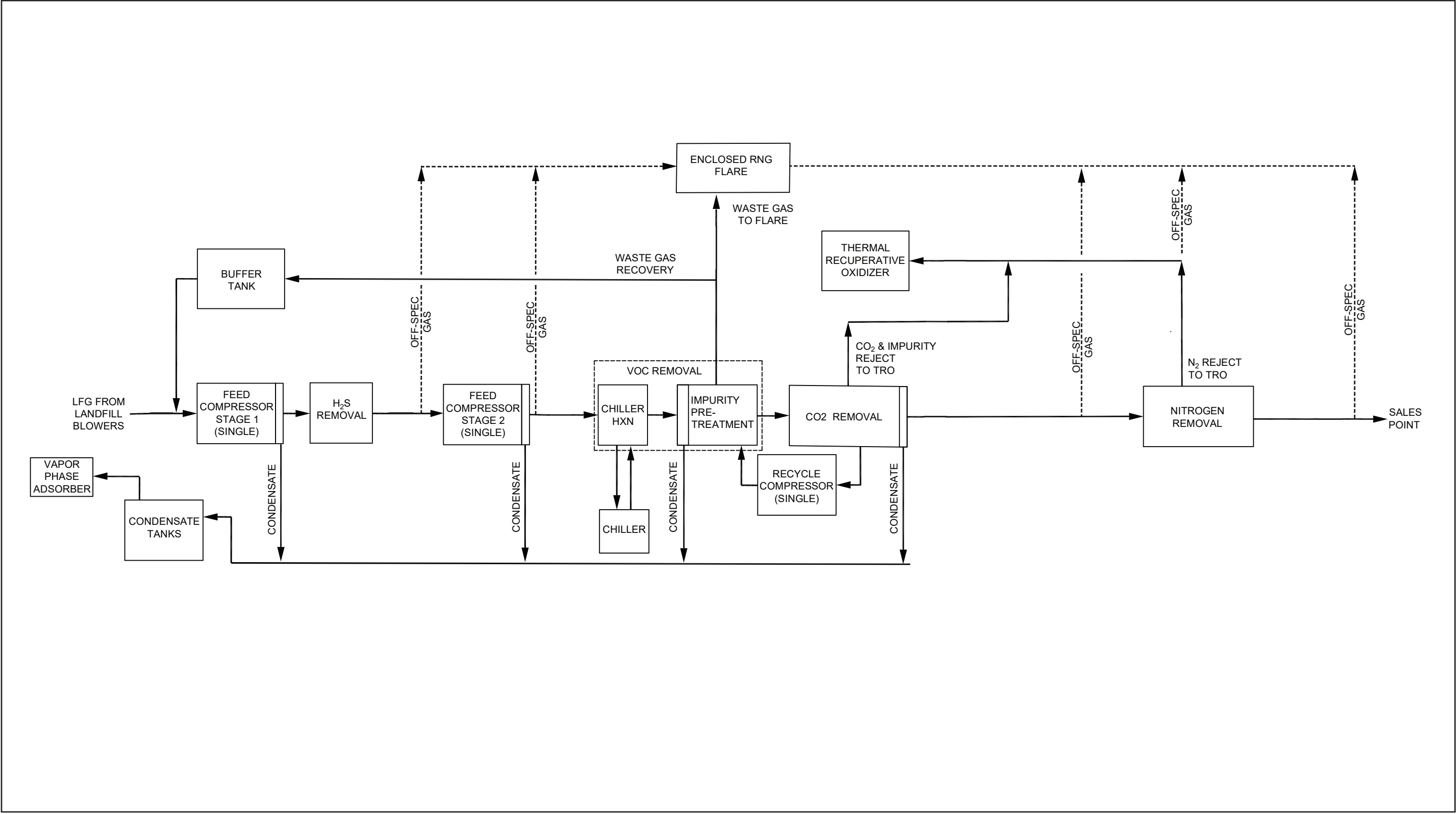
Figure 6 - Conceptual Site Plan



1. Introduction

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Figure 7 - Renewable Natural Gas Process Flow Diagram



Source: Archaea Energy 2022.

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1. Introduction

The proposed delivery method also includes a regulated interconnection agreement between the project applicant and SoCalGas. Permitting, interconnection equipment, and construction (performed by SoCalGas) is included within the interconnection scope.

1.5.2.3 MOBILIZATION AND STAGING AREAS

Mobilization activities include the delivery of materials and equipment to the job site. Material and equipment staging during construction would be organized as follows:

- **Material Laydown.** Two locations for material laydown areas would be utilized—one area on the project site (primary laydown area) and another 88,000-square-foot graded area (secondary laydown area) within the landfill area across Newport Coast Drive (see Figure 2). The primary laydown area would serve to support ongoing work activities and would be limited to that end. The secondary laydown area would contain primary stockpiles of bulk materials for the proposed project and staged equipment loaded on tractor-trailer flat beds. The secondary laydown area within the landfill area would be set back and visibly obscured from Newport Coast Drive. This graded area is routinely used for equipment staging by OCWR and has no chaparral and coastal sage scrub species. Coordination with OCWR would be required to share the space accordingly. As materials and equipment are required for the proposed project, they would be transported to the project site via trucks one at a time.
- **Equipment and Material Deliveries.** Deliveries of equipment and material would be staged at the secondary laydown area and hauled one at a time across Newport Drive to proceed up to the project site for offloading. Material deliveries such as piping, fill, gravel, and cement would be staged similarly and hauled one at a time to proceed up to the project site. The existing traffic light at Newport Coast Drive and the roadway leading to the project site would meter construction traffic across Newport Coast Drive, avoiding any bottlenecks at the intersection.
- **Workforce Parking.** Vehicle parking will be provided in the secondary laydown area and a shuttle would transport crews daily to and from the project site.

1.5.2.4 ARCHITECTURAL DESIGN AND CHARACTER

The RNG processing plant and pipeline interconnection facility would install pipe racks, various vessels, a condensate tank, a flare, a TOX, a POR, and other processing equipment with a maximum height of 60 feet, as shown on Figures 8a through 8d, *Structural Elevations*. The 65-foot cell towers would be unaffected and would remain. The proposed structures would be designed to use a nonreflective painting with a camouflage motif to match the surrounding natural elements to lessen the aesthetic impacts of the RNG facility (Figure 9, *Adapted Pattern Palette*).

OCWR implemented a Tree Replacement and Revegetation Plan for aesthetics and visual purposes as part of the Coyote Canyon Landfill Gas Recovery Facility Demolition and Telecom Update project (SCH number 2016081012). The plan included removal of dead or unhealthy non-native viewshed trees and the installation and maintenance of understory species and native viewshed trees (e.g., white alders, western sycamores, and coast live oak) immediately outside the perimeter of the project site. The retained and newly installed trees were

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expected to break up views of the perimeter walls and structures, providing effective long-term visual screening. The existing telecommunication facilities have been designed to look like trees to blend in with the new native trees as they grow and mature.

In compliance with the City of Newport Beach Fire Department (NBFD) requirements, the proposed project would necessitate the removal of 28 trees that are immediately outside the perimeter wall of the project site within an approximately 20-foot-wide non-native grass sloped area (see Figure 10, *Trees to be Removed*). The trees would be removed to protect the surrounding area from fire risk associated with the proposed RNG facility.

1.5.2.5 LANDSCAPING, WALLS, AND LIGHTING

The proposed project would not include any landscaping. The proposed project would retain the existing 12-foot perimeter wall along the site perimeter. Site lighting would consist of security lighting and signage at daytime within the project site boundary. Lighting design would limit uplight and glare.

1.5.2.6 ACCESS, CIRCULATION, AND PARKING

The project would be accessed via Newport Coast Drive and an existing landfill access roadway (see Figure 3). As shown in Figure 6, a new 12-foot OCWR-reserved access route would run along the north, east, and south perimeters of the project site to accommodate the RNG facility's equipment spacing necessary for safe operation and maintenance. This access route would also serve as an egress for SoCalGas. Three existing parking spots west of the existing central building would be retained, and two additional parking spots would be provided adjacent to the proposed intertie switchgear (see Figure 6).

1.5.2.7 OPERATIONAL CHARACTERISTICS

Based on the proposed construction timeline outlined in Section 1.5.4, *Project Construction*, it is anticipated that the proposed project would be operational by December 2025. The proposed operating hours of the RNG facility would be 24 hours per day, seven days a week, with an annual scheduled shutdown for plant maintenance. Unplanned shutdowns are anticipated to be less than 10 times per year. The RNG facility will employ three operators on site for the continuous operation of the facility.

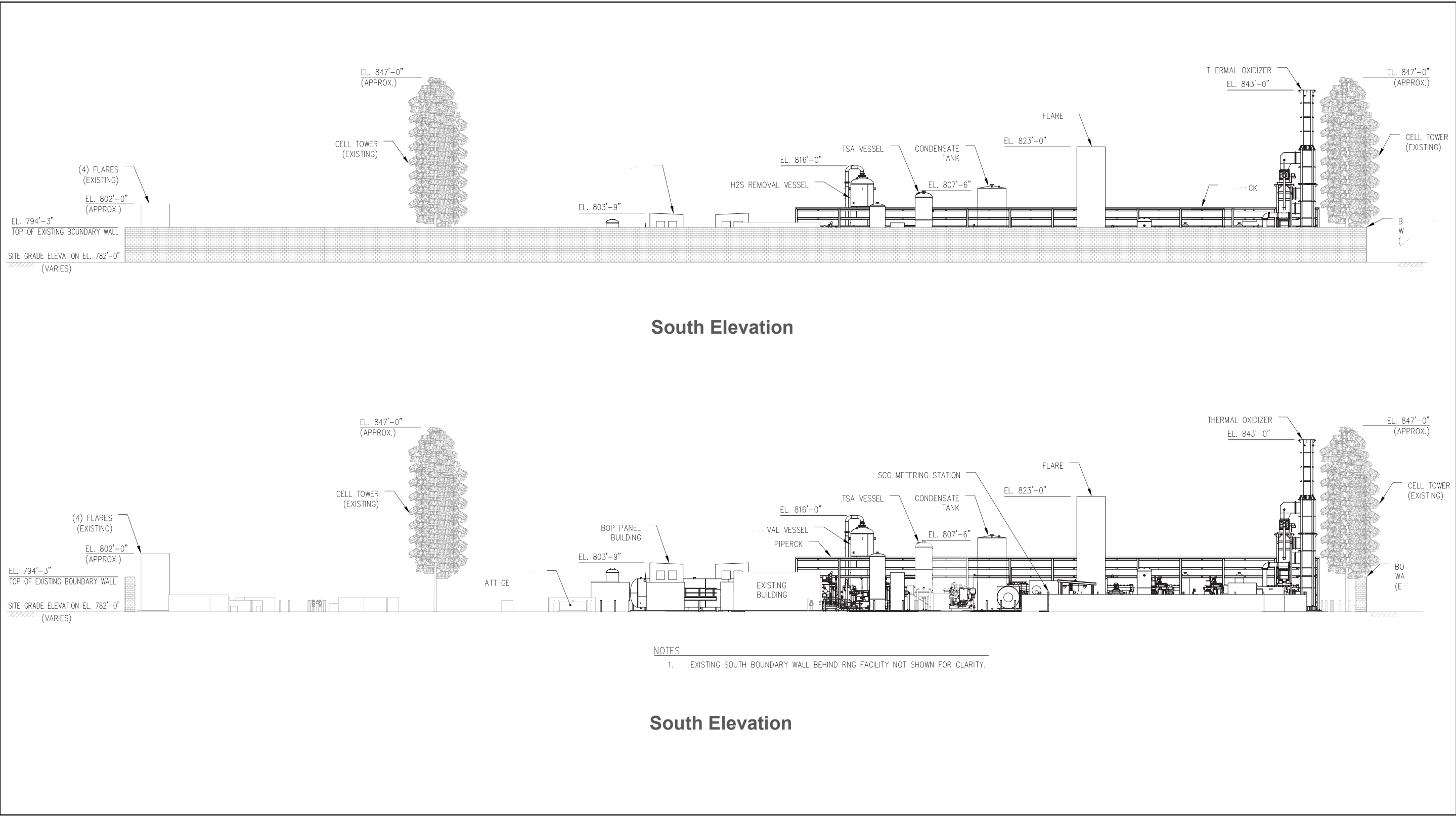
1.5.2.8 INFRASTRUCTURE AND UTILITY AND SERVICE SYSTEMS

Following is a discussion of the infrastructure and utility and service systems needed to accommodate the proposed project. All proposed infrastructure would require approval from the City and, where necessary, from the utility/service provider.

Water System

Irvine Ranch Water District (IRWD) would provide water delivery service to the project site. Within the project site, there are three fire hydrants on the western perimeter and one fire hydrant in the south-central area next to the existing building. An additional fire hydrant would be installed next to the existing generator. To the northwest of the project site, beyond the perimeter wall, there is an off-site reclaimed-water aboveground pipe and backflow prevention device (see Figure 11, *Utilities Plan [Proposed]*).

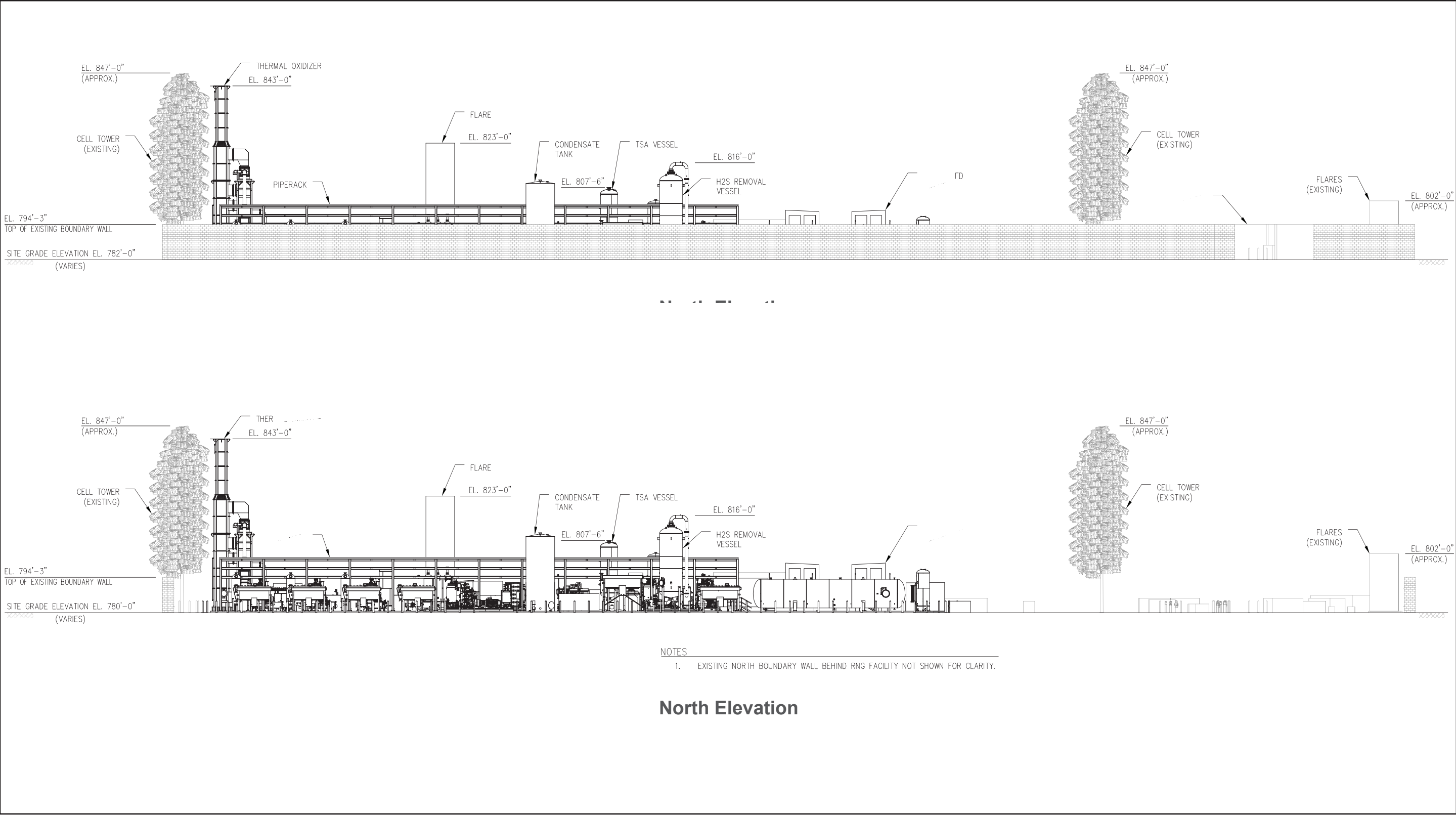
Figure 8a - Structural Elevations - South Elevation



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Figure 8b - Structural Elevations - North Elevation

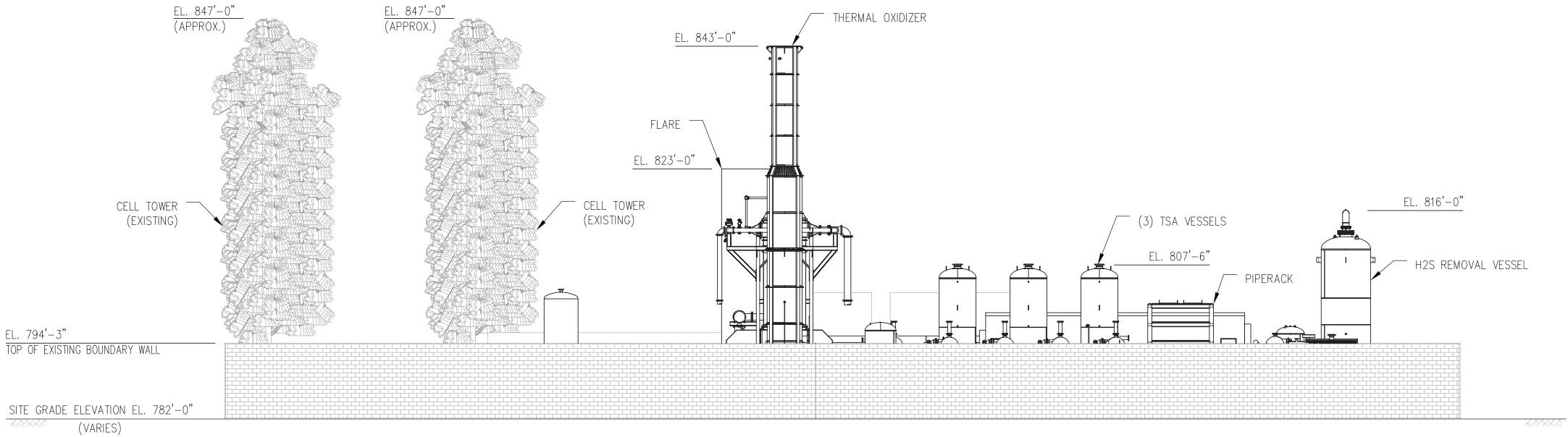


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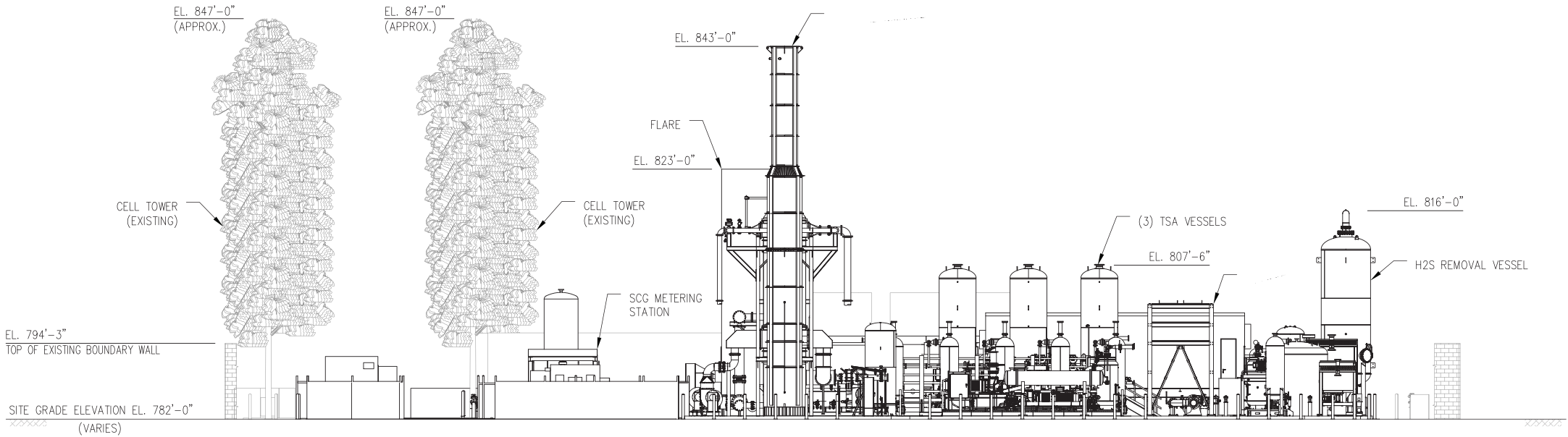
1. Introduction

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Figure 8c - Structural Elevations - East Elevation



East Elevation



- NOTES
- EXISTING EAST BOUNDARY WALL BEHIND RNG FACILITY NOT SHOWN FOR CLARITY.

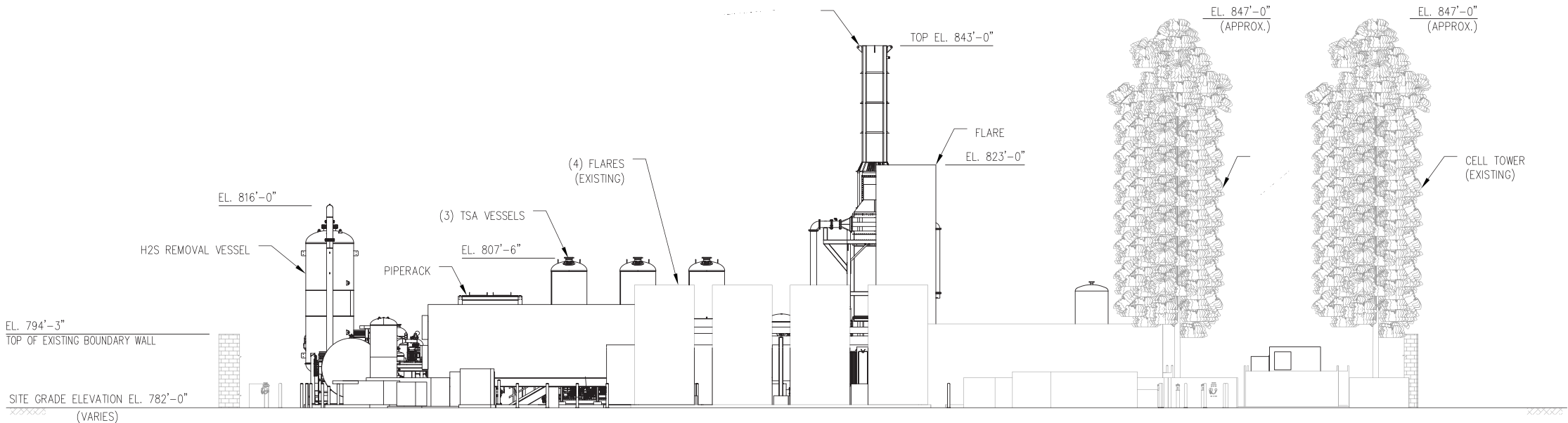
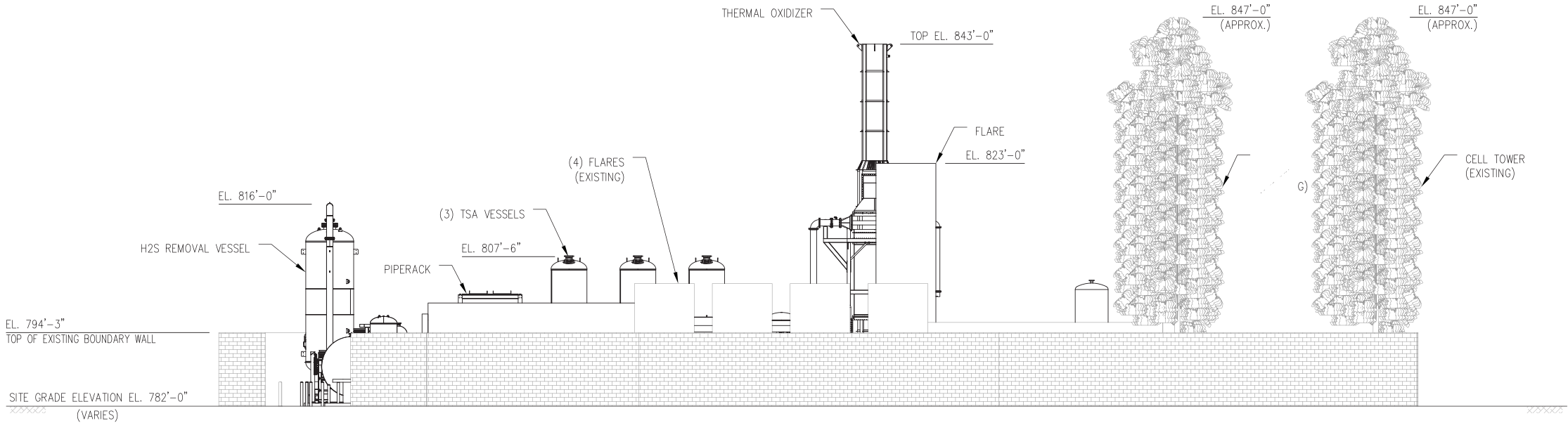
East Elevation



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Figure 8d - Structural Elevations - West Elevation



NOTES
1. EXISTING WEST BOUNDARY WALL BEHIND RNG FACILITY NOT SHOWN FOR CLARITY.

West Elevation



Source: Biogas Engineering 2023.

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Figure 9 - Adapted Pattern Palettes



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Figure 10 - Trees to be Removed



Source: Dudek 2021.

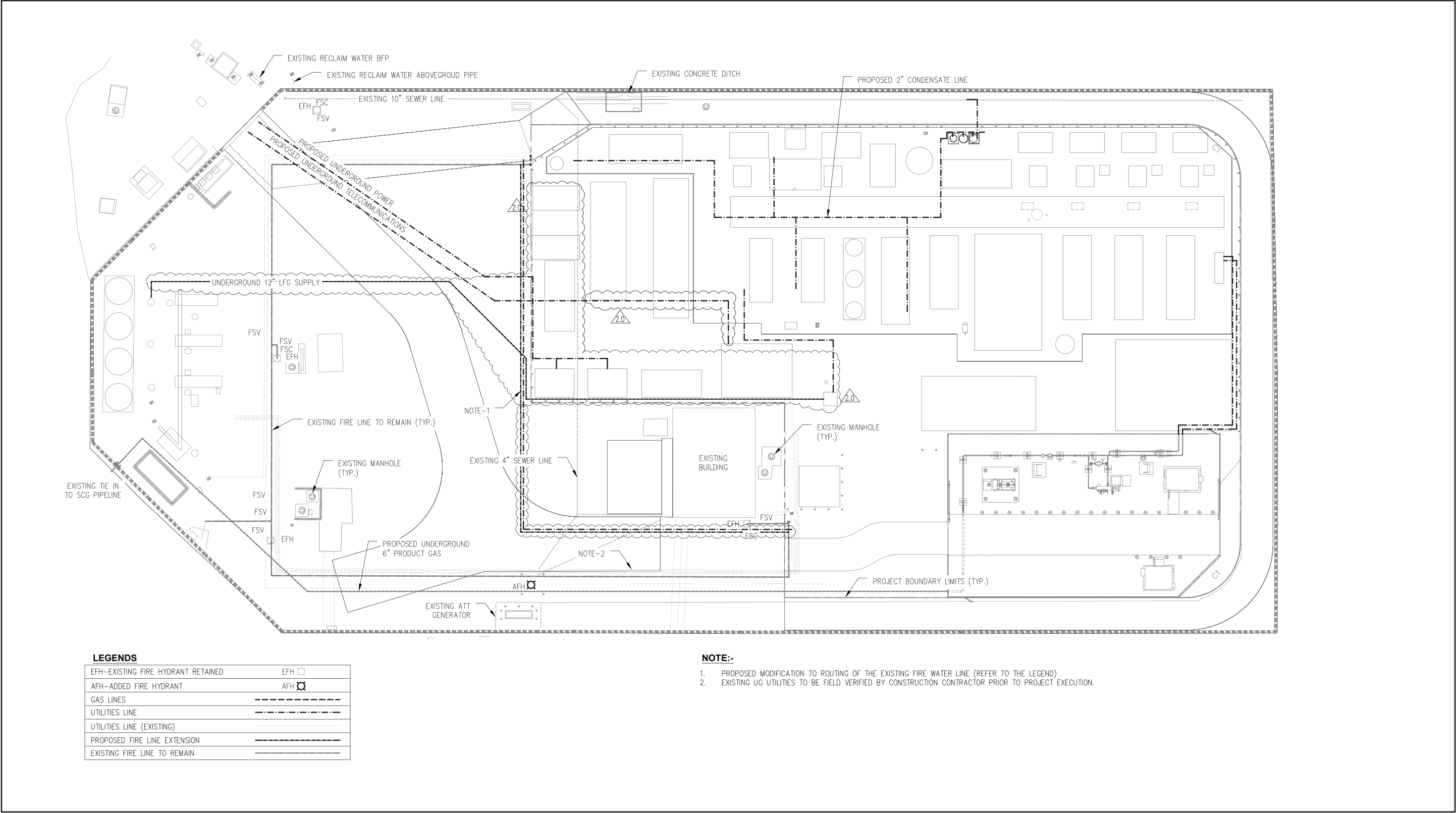
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Figure 11 - Utilities Plan (Proposed)



Source: Biogas Engineering 2023.

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The project site is developed with a 10-inch fire main and 6-inch potable water line (see Figure 5). The 6-inch potable water line serves the existing building on site. The proposed project would demolish the sections of the 10-inch fire line and 6-inch potable water line located in the eastern portion of the site within the proposed RNG processing plant footprint. Water would be routed to the proposed control building from OCWR's existing building and regulated through sub-metering. A 15,000-gallon on-site water tank would be installed to provide back-up water service. The back-up tank would be filled by water trucks. No off-site water line construction or upsizing would be required to accommodate the proposed project.

Wastewater System

IRWD would provide wastewater collection and conveyance service to the project site. An existing 10-inch sewer line runs along the northern perimeter of the project site, and an existing 4-inch sewer line runs down the center of the site. The 4-inch sewer line serves the existing building on the site. The proposed project would not include any modifications to these sewer lines. The proposed control room on site would have a septic system to collect the wastewater that would be trucked from the project site.

Condensate Lines

A 3-inch condensate line connects to an Orange County Sanitation District (OCSD) sewer line, which is capped and not in use. The 3-inch condensate line would be demolished as part of the proposed project and new 2-inch condensate lines would be connected to two condensate storage tanks. Condensate would be trucked off site (see Figure 11).

Drainage System

Surface water runoff from the project site currently flows toward two different discharge points located at the north and northwest end of the project site (see Figure 12, *Pre-Project Drainage Map*). Runoff from the eastern 75 percent of the site discharges to a concrete ditch at the north end of the project site and joins an off-site City-owned 24-inch concrete pipe. Runoff from the remaining 25 percent of the site drains to a v-gutter along the entrance of the road to the project site. This flow is intercepted by catch basins that discharge to the same off-site 24-inch concrete pipe.

Solid Waste System

Solid waste generated by the proposed project would be collected and hauled away by CR&R Environmental Services and transported to/disposed of at the Frank R. Bowerman Sanitary Landfill.

Telecommunication Systems

Southern California Edison (SCE) would provide electricity to the project site; SoCalGas would provide natural gas; and Sprint, AT&T, Verizon Wireless, and/or T-Mobile would provide telecommunications services. All new utility infrastructure would be installed underground or placed in enclosed spaces (e.g., utility closets). The proposed project would include new underground power and telecommunication lines (Figure 11).

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1.5.3 Wildland and Defensible Space

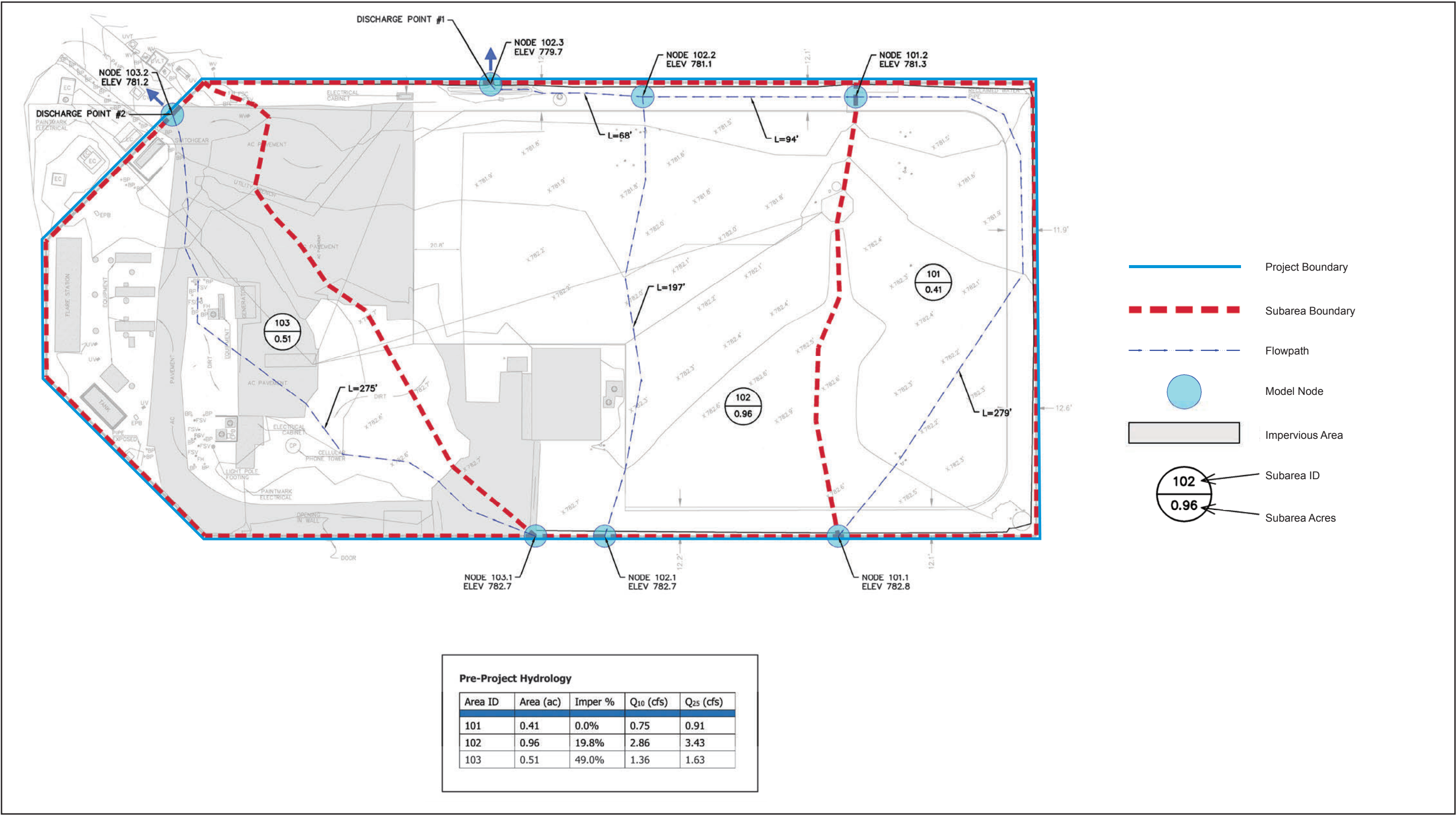
OCWR currently maintains the area outside the perimeter of the walled project site per the Tree Replacement and Revegetation Plan adopted by the City in July 2016 as part of the Coyote Canyon Landfill Gas Recovery Facility Demolition and Telecom Update project (SCH number 2016081012). The Tree Replacement and Revegetation Plan provided guidelines for the removal of dead or unhealthy non-native viewshed trees and installation of native viewshed trees and understory species within OCWR's property limits surrounding the project site. The Tree Replacement and Revegetation Plan proposed the removal of existing non-native trees and replacing them with native trees that provide long-term visual screening of the project site while still maintaining fire safety requirements by maintaining sufficient spacing between tree canopies.

In compliance with NBFD requirements, the proposed project would require the removal of 28 trees that are immediately outside the perimeter wall of the project site within an approximately 20-foot-wide non-native grass sloped area (see Figure 10). The trees would be removed to protect the surrounding area from fire risk associated with the proposed RNG facility. The City adopted Tree Replacement and Revegetation Plan would be supplemented with a project-specific Fuel Modification Plan that would be in compliance with the City's Fuel Modification Plans and Maintenance Standards for Developments and the requirements of NBFD.

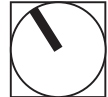
1.5.4 Project Construction

Project development is anticipated to take approximately 12 months, from February 2025 to January 2026. Project development would include demolition and rerouting of water and condensate lines, site preparation and soil haul, rough/fine grading and soil haul, pipeline trenching and installation, building construction, paving, architectural coating, and finishing/landscaping. Installation of the POR and pipeline interconnection facilities would take three to four months, concurrent with installation of the RNG facility. Construction would occur from 7:00 a.m. to 6:30 p.m., Monday through Friday, except on federal holidays, in compliance with Section 10.28.040, Construction Activity: Noise Regulations, of the Newport Beach Municipal Code (NBMC). Neighboring residential community members would be notified by the applicant at least one week prior to the start of construction activities. Broader notifications will be made through various means, including placing signs at road crossings in advance of construction.

Figure 12 - Pre-Project Drainage Map



Source: BKF Engineers 2023.



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Table 1, *Construction Equipment*, includes typical equipment necessary for the proposed construction activities. The equipment numbers may vary depending on actual construction requirements.

Table 1 Construction Equipment

Equipment	Approximate Number	Use
Backhoe	2	Excavate and backfill
Boom Truck	1	Deliver and load/unload materials and equipment
Boom Man Lift – all terrain 60 feet	1	Access to elevated work areas
Bulldozer	1	Strip topsoil and move spoils and other materials
Cement Trucks	100	Pour foundations
Coating Rig	1	Apply coating to pipe welds
Ditching Machine	1	Dig trench
Dump Truck	1	Haul spoils and import backfill
Flatbed Trucks – 1.5 ton	2	Haul construction equipment and materials
Forklift Telescoping – all terrain	2	Load and unload and move materials
Mobile Crane – 120 ton	1	Hoist plant equipment and structures
Motor Grader	1	Remove topsoil and grade
Pickup Truck	3	Transport project personnel and light materials
Pipe Truck	1	Transport pipe sections
Radiograph Truck	1	X-ray welds
Scissor Lift – all terrain 26 feet	4	Access to elevated work areas
Side Boom Tractor	1	Lower pipe into open trenches
Tractor Trailer	8	Haul materials and equipment
Utility Tool Truck	6	Store tools
Vacuum Truck	1	Remove water, mud, and other materials from excavations
Water Truck	1	Control dust
Welding Trucks	2	Weld pipe

Source: SCS Engineers 2023.

Temporary power will be supplied to the staging areas during permitted construction hours, as needed, by the construction contractor via portable generators or through connections to nearby electrical infrastructure, if available.

1.5.5 General Plan and Zoning Designation

The Newport Beach General Plan and Newport Beach Zoning Code (Title 20 of the Newport Beach Municipal Code) are the prevailing planning and regulatory plans that govern development and use of the project site. The project site land use and zoning designation is Open Space (OS). The OS designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources. Major utilities in the OS designation are allowed with a CUP.

1. Introduction

1.5.6 Required Actions and Approvals

This document is intended to serve as the primary environmental document for all future actions and approvals associated with the proposed project, including all discretionary and nondiscretionary/ministerial actions and approvals requested or required to implement the proposed project.

A discretionary action is an action taken by a government agency that calls for an exercise of judgment in deciding whether to approve a project. Following is a discussion of the discretionary actions and approvals required by government agencies with oversight of the proposed project.

1.5.6.1 LEAD AGENCY

The City is the lead agency under CEQA and has the principal approval authority over the proposed project. Following is a list and discussion of the various discretionary actions and approvals required for project implementation.

- Adoption of an MND and mitigation monitoring and reporting program
- CUP

Further, City review of the proposed project would result in the production of a comprehensive set of draft conditions of approval that will be available for public review prior to consideration of the proposed project for approval by the City. If approved, the proposed project would be required to comply with all imposed conditions of approval.

Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

This IS has been prepared to support the adoption of an MND. The MND and accompanying IS are appropriate for providing the necessary environmental documentation and clearance for the proposed project and related subsequent activities.

A Mitigation Monitoring and Reporting Program has been prepared that details the required mitigation measures to ensure that project-related environmental effects are reduced to less-than-significant levels. As required by CEQA, the program specifies the required timing for implementing each mitigation measure as well as the responsible parties for implementing and monitoring each mitigation measure.

Conditional Use Permit

The project site is designated and zoned OS, which allows for major utilities with approval of a CUP. As such, the proposed RNG facility would require the approval of a CUP. A CUP provides the process for reviewing uses and associated operational characteristics that may be appropriate in the applicable zoning district, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site. A CUP would ensure compliance with all applicable requirements of Title 20 (Planning and Zoning) of the NBMC.

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1.5.6.2 RESPONSIBLE AND TRUSTEE AGENCIES

A responsible agency is a public agency that proposes to carry out or approve a project for which a lead agency is preparing or has prepared an environmental document. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency that have discretionary approval power over the project. The term “trustee agency” means a state agency with jurisdiction by law over natural resources that are held in trust for the people of California and could be affected by a project.

The South Coast AQMD, IRWD, and OCWR are the only agencies identified as responsible agencies for this project. The project applicant would be required to obtain a lease from OCWR for use of the property and an application for the Authority to Construct/Permit to Operate with the South Coast AQMD. For facilities requiring the pretreatment of wastewater, the project applicant would need to submit detailed plans, specifications, and other pertinent data showing the pretreatment facilities and operating procedures for IRWD’s review. IRWD may also require monitoring and metering of the facility’s discharges and the periodic filing of discharge reports to IRWD.

1.5.7 Incorporation by Reference

The information in this IS/MND is based, in part, on the following documents that include the project site or provide information addressing the general project area or use:

- **City of Newport Beach General Plan.** The Newport Beach General Plan gives long-range guidance and direction for decisions affecting the future character of Newport Beach. It is the blueprint and official statement of the community’s physical development as well as its economic, social, and environmental goals. The Newport Beach General Plan was used throughout this IS as the fundamental planning document governing development on the project site.
- **City of Newport Beach Zoning Code.** Title 20 (Planning and Zoning) of the Newport Beach Municipal Code is the regulating tool that the City uses to implement the Newport Beach General Plan, establishing the basic regulations under which land in the City is developed and used. This includes regulations and controls for the design and improvement of development sites, allowable uses, building setback and height requirements, and other development standards. Title 20 of the municipal code’s basic intent is to promote and protect the public health, safety, convenience, and welfare of present and future citizens of Newport Beach. Title 20 was used throughout this IS as a fundamental regulatory document governing development on the project site.

1.5.8 Baseline Conditions

The most recent operating conditions of the CCL have been used throughout this IS/MND as the “baseline conditions” to compare the impacts of the proposed project.

When evaluating the potential impacts of a proposed project, CEQA requires the analysis of impacts against the physical environmental conditions existing at the time the environmental analysis commences, or what is referred to as the environmental baseline. “This environmental setting will normally constitute the baseline

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physical conditions by which a lead agency determines whether an impact is significant” (CEQA Guidelines Section 15125[a]).

2. Environmental Checklist

2.1 PROJECT INFORMATION

1. **Project Title:** Landfill Gas to Energy Plant Project

2. **Lead Agency Name and Address:**

City of Newport Beach
Community Development Department
100 Civic Center Drive, Newport Beach
Newport Beach, California 92660

3. **Contact Person and Phone Number:**

Joselyn Perez, Senior Planner
949.644.3312

4. **Project Location:**

The project site is in the northeastern portion of Newport Beach in Orange County, California. The 4.14-acre project site is at the top of a hill at 20662 Newport Coast Drive within the boundary of the closed Coyote Canyon Landfill (CCL), which is owned by the County of Orange and operated by OC Waste & Recycling (OCWR). The project site is on a previously established level building pad, enclosed by a 12-foot perimeter wall with surrounding trees on all sides. The project site can be accessed from State Route (SR-) 73, approximately 0.2 mile to the east via Newport Coast Drive, and from SR-1, approximately 2.7 miles to the south via Newport Coast Drive.

5. **Project Sponsor's Name and Address:**

Biofuels Coyote Canyon Biogas
201 Helios Way, Floor 6
Houston, TX 77079

6. **General Plan Designation:** Open Space (OS)

7. **Zoning:** Open Space (OS)

8. **Description of Project:**

The proposed project would develop 0.88 acres within the project site with a new renewable natural gas (RNG) processing plant and a pipeline interconnection facility (collectively referred to as the RNG facility) under a lease agreement with OCWR. The RNG facility would have a total building footprint of 38,500 square feet (0.88 acres) composed of pipe racks, various vessels, condensate tank, flare, TOX, and other processing equipment.

2. Environmental Checklist

The first stage of primary treatment is covered by the existing landfill flaring facility at the project site operated by OCWR. LFG from the existing flare yard would be conveyed to the proposed RNG facility through a proposed underground LFG supply line for secondary and advanced treatment. The RNG (treated LFG) would then be injected into SoCalGas infrastructure via the proposed 6,000-square-foot pipeline interconnection facility. The interconnection facility would include a POR skid to monitor the quality of the RNG and a proposed 8-inch pipeline extension dedicated to transfer the RNG from the POR to the existing fossil natural gas pipeline tie-in point in the western part of the site. Other project components include vehicular access, installation of a fire hydrant, a water tank on site, a septic tank for the proposed control room, and new underground power and telecommunication lines.

9. Surrounding Land Uses and Setting:

The project site is entirely enclosed inside a 12-foot perimeter wall and is surrounded by open space on all sides. The main portion of the closed CCL area is west of the project site, across Newport Coast Drive. There are no sensitive receptors immediately adjacent to project site. The closest sensitive receptors are the single-family residences approximately 1,300 feet south, along Renata Street and the Sage Hill School approximately 1,500 feet to the north.

10. Other Public Agencies Whose Approval Is Required (e.g., permits, financing approval, or participating agreement):

- South Coast AQMD
- OCWR

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process (PRC Section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code Section 5097.94 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code Section 21082.3(c) contains provisions specific to confidentiality.

The following California Native American tribes are on the City's notification list pursuant to Assembly Bill (AB) 52:

- Juaneño Band of Mission Indians - Acjachemen Nation
- Gabrielino-Tongva Tribe
- Gabrieleño Band of Mission Indians - Kizh Nation

The City notified these tribes on December 5, 2023, and received no responses.

2. Environmental Checklist

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| ☐ Aesthetics | ☐ Agriculture / Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Energy |
| ☐ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards and Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use / Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population / Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☐ Tribal Cultural Resources |
| ☐ Utilities / Service Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

2.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature



Date: November 22, 2024

2. Environmental Checklist

2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) **Earlier Analyses Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

2. Environmental Checklist

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
- a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X		
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X	

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
VIII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?		X		
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?		X		
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:		X		
i) result in a substantial erosion or siltation on- or off-site;		X		
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
XIV. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X
XV. PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?		X		
Police protection?			X	
Schools?				X
Parks?				X
Other public facilities?				X
XVI. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?		X		
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?				X
XVIII. TRIBAL CULTURAL RESOURCES.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	
XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?		X		
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?		X		
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

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Section 2.4 includes a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions contained in the checklist and identifies mitigation measures, if applicable.

3.1 AESTHETICS

The analysis in this section is based partly on the following technical study, which is included in Appendix A to this IS:

- *Aesthetics Simulations*, VisionScape Imagery, September 2023.

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

Less-Than-Significant Impact. Newport Beach is in a unique physical setting that provides a variety of coastal views, including those of the open waters of the ocean and bay, sandy beaches, rocky shores, wetlands, canyons, and coastal bluffs. The City has historically been sensitive to the need to protect and provide access to these scenic and visual resources and has developed a system of public parks, piers, trails, and viewing areas. Coastal views are also provided from several streets and highways and, due to the grid street pattern in West Newport, Balboa Peninsula, Balboa Island, and Corona del Mar, many north- to south-trending streets provide view corridors to the ocean and bay.

Significant vistas, as identified in the City's Local Coastal Program, include public coastal views from the following roadway segments:

- Back Bay Drive
- Balboa Island Bridge
- Bayside Drive from Coast Highway to Linda Island Drive
- Bayside Drive at Promontory Bay
- Coast Highway/Santa Ana River Bridge
- Coast Highway/Newport Boulevard Bridge and Interchange
- Coast Highway from Newport Boulevard to Marino Drive
- Coast Highway/Newport Bay Bridge

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- Coast Highway from Jamboree Road to Bayside Drive
- Eastbluff Drive from Jamboree Road to Back Bay Drive
- Irvine Avenue from Santiago Drive to University Drive
- Jamboree Road from Eastbluff Drive/University Drive to State Route 73
- Jamboree Road in the vicinity of the Big Canyon Park
- Jamboree Road from Coast Highway to Bayside Drive
- Lido Island Bridge
- Via Lido Drive
- Newport Center Drive from Newport Center Drive E/W to Farallon Drive/Granville Drive
- Ocean Boulevard
- State Route 73 from Bayview Way to University Drive
- Superior Avenue from Hospital Road to Coast Highway
- University Drive from Irvine Avenue to the Santa Ana—Delhi Channel (Newport Beach 2018)

The closest roadway segment to the project site is Ocean Boulevard, which is approximately 3.4 miles southwest of the project site. Additionally, the proposed RNG facility would be built on an approximately 0.88-acre portion of a 4.14-acre property and enclosed behind a 12-foot wall with public view opportunities limited primarily to motorists along Newport Coast Drive and residences at the northerly end of Arbella, Marisol, Renata, and Portica Streets. The proposed components of the RNG facility that would be visible from these areas are shown in Appendix A. As shown in the visual simulations, the proposed 40-foot enclosed RNG flare and 60-foot thermal oxidizer would have limited view impacts in comparison to existing conditions and would not obstruct any scenic vistas. Therefore, the proposed project would have a less-than-significant impact.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. A scenic highway is generally considered a stretch of public roadway that is designated as a scenic corridor by a federal, state, or local agency. The California Department of Transportation (Caltrans) defines a scenic highway as any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality.

Based on Caltrans's California Scenic Highway Mapping System, the project site is not on or near a state-designated scenic highway. The closest officially designated State Scenic Highway in Orange County is a 4.2-mile segment on the SR-55 along the Santa Ana River located approximately 2.6 miles to the southwest of the

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project site (Caltrans 2024). Furthermore, the project site does not contain unique or locally important scenic resources. There are no rock outcroppings, significant vegetation, or historic buildings on site, as shown in Figure 4. Therefore, no impact to scenic resources is expected to occur due to project development.

- c) **In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

Less-Than-Significant Impact. The project site is zoned OS (Open Space) and is designated OS (Open Space) in the General Plan Land Use Element. Major Utilities in the OS designation are allowed with a CUP. The General Plan protects open spaces through land use and natural resources policies, and thus, the existing aesthetic qualities of the open space areas of Newport Beach are maintained. General Plan Policy LU 1.3 would protect the natural setting that contributes to the character and identity of Newport Beach and the sense of place it provides for its residents and visitors. This policy aims to preserve open space resources, beaches, harbors, parks, bluffs, preserves, and estuaries as visual, recreational, and habitat resources. Policy LU 1.6 requires public views, including scenic and visual resources such as open space, mountains, canyons, ridges, the ocean, and the harbor, be preserved and where possible, enhanced from public vantage points. There are several policies within the Natural Resources Element that encourage the preservation of natural landforms such as coastal bluffs and, thus, maintain and enhance the open space areas within the city. For example, Policy NR 23.1 would preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource. In addition, Natural Resources Goal NR 21 aims to minimize visual impacts of signs and utilities, and Policy NR 21.1 states that signs, utilities, and antennas shall be sited and designed to minimize visual impacts.

The project site is situated on a ridge at an elevation of approximately 780 feet above mean sea level. The site is relatively flat, but there is a drop in elevation around the site on three sides. On the eastern side of the site, elevations rise to the next hill. The general topographic gradient for the area appears to be falling to the northwest, although there are numerous local variations due to the hill and canyon topography in the area. At the project site, the topographical gradient is slightly falling to the north (OCWR 2016). The project site is approximately 3 miles northeast of the Pacific Ocean and approximately 3.8 miles east of Upper and Lower Newport Bay. The site is completely paved and is surrounded by a 12-foot-high perimeter wall. The RNG facility would be within the walled site. The flare would be properly sized to handle the full design flow of the LFG and allow the complete combustion process to occur within the flare prior to exiting the flare. No flames would be visible from the top of the flare tower.

The closed Coyote Canyon Landfill consists of the main canyon landfill (west of Newport Coast Drive and north of San Joaquin Hills Road), and the east and south canyon landfill areas (east of Newport Coast Drive). Land uses that are immediately adjacent to the project site include the landfill areas, an Irvine Ranch Water District water pumping station, and designated open space. In addition, Sage Hill High School is immediately north of the east canyon landfill area, approximately 1,500 feet north of the project site (see Figures 2 and 3). The closest homes to the project site that have direct views of the project site looking to the north are along the northerly end of Arbell, Marisol, Renata, and Portica Streets, approximately 1,280 feet south of the project

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site, as shown on Figure 3. The San Joaquin Hills Transportation Corridor (SR-73) is immediately north of Sage Hills High School and Newport Coast Drive is approximately 0.15 miles west of the site.

Viewshed simulations of the proposed facility were performed and are included as Appendix A. The visual simulations depict a worst-case scenario with all trees within the 20-foot buffer of the project site removed. It should be noted that not all these trees would be removed (see Figure 10).

The viewshed simulations were taken from three locations based on the closest motorists and residences to the project site:

- **View 1:** Looking southeast from Newport Coast Drive (just south of Sage Hill High School).
- **View 2:** Looking northeast from Newport Coast Drive (just northeast of San Joaquin Hills Road).
- **View 3:** Looking north from the residences at Renata Street.

As shown by these viewshed simulations, the Tan and Camo Pattern Palettes blend the proposed facility to the extent that the view of the site from Newport Coast Drive looking southeast (View 1) is very minimally affected. View 2, which constitutes views from motorists on Newport Coast Drive looking northeast, is slightly affected by the proposed facility. Newport Coast Drive is not a scenic highway and motorists on this road would be driving at an average speed of 60 miles per hour. The view of the proposed facility is not directly within the line of sight of motorists but rather to the northeast and the changes due to the proposed facility would not be noticeable, especially with the Camo Pattern Palette. For View 3, the changes visible from the residences due to the proposed facility are also slightly noticeable, especially with the Camo Pattern Palette. The proposed facility would also not block any views of the San Joaquin Hills and the Santa Ana River; hillsides, ridgelines and canyons; the ocean, harbor, or bays; or coastal views.

Therefore, the proposed project would be consistent with General Plan Policies LU 1.6 and LU 1.3 and would preserve scenic and visual resources. The proposed project would also be consistent with Policies NR 21.1 and NR 23.1 by preserving cliffs, canyons, bluffs, and significant rock outcroppings, and by siting utilities to minimize alteration of the site's natural topography.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less-Than-Significant Impact. Lighting effects are associated with the use of artificial light during the evening hours. There are two primary sources of light emanating from building interiors and passing through windows and openings, and light from exterior sources (i.e., street lighting, building illumination, security lighting, parking lot lighting, landscape lighting, and signage). Excessive light and/or glare can impair vision, cause a nuisance, affect sleep patterns, and generate safety hazards for drivers. Uses such as residences, elderly care facilities, schools, and hotels are considered light sensitive because occupants have expectations of privacy during evening hours and may be disturbed by bright light. Light spill or trespass is considered a nuisance and is typically defined as the presence of unwanted light on properties adjacent to the property being illuminated. With respect to lighting, the degree of illumination may vary widely depending on the amount of light

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generated, height of the light source, presence of barriers or obstructions, type of light source, and weather conditions.

Glare is primarily a daytime occurrence caused by the reflection of sunlight or artificial light on surfaces of buildings or objects, including highly polished surfaces (such as glass windows or reflective materials) and from broad expanses of light-colored surfaces. Daytime glare is common in urban areas and is typically associated with buildings with exterior façades largely or entirely composed of highly reflective glass. Glare can also be produced during evening and nighttime hours by the reflection of artificial light sources such as automobile headlights. Excessive glare not only impedes visibility, but also increases the ambient heat reflectivity in a given area. Glare-sensitive uses include residences, hotels, transportation corridors, and aircraft landing corridors.

As shown in Figure 3, the project site is surrounded by open space, which is not considered a light-sensitive receptor. Daytime lighting would include proposed security lighting and signage. The closest light-sensitive receptors to the project site include the single-family residences approximately 1,300 feet south along Renata Street and a Sage Hill School approximately 1,500 feet to the north. No impact would occur, and no mitigation measures are necessary.

Nighttime Lighting and Glare

Project development would introduce sources of artificial light from proposed security lighting to the project site and surrounding area similar to the existing gas-to-energy facility. Since project development would take place within the boundaries of the project site, sources of artificial lighting would remain similar to existing nighttime light and glare in the project area. Considering the existing sources of lighting on site, the amount and intensity of nighttime lighting proposed would not be substantially greater or different than existing lighting. It is unlikely that conventional lighting and illuminated operations realized under the proposed project would discernibly, much less adversely, affect ambient light conditions. Additionally, the 12-foot perimeter wall and existing trees surrounding the project site would help shield lighting that would emanate from the project site onto Newport Coast Drive, San Joaquin Hills Road, and SR-73. The enclosed 40-foot RNG flare has also been designed to handle the full design flow of the LFG and allow the complete combustion process to occur within the flare prior to exiting the flare. As the proposed flare is an enclosed flare, no flames would be visible from the top of the flare tower.

Furthermore, project development would be required to comply with California's Building Energy Efficiency Standards for Nonresidential Buildings (CCR, Title 24, Part 6), which outlines mandatory provisions for lighting control devices and luminaires. The City has also adopted specific lighting standards for streetlights and fence, and drainage (Newport Beach 2024a). Compliance with the lighting provisions of the Building Energy Efficiency Standards and the City's lighting standards ensure the proposed project would not result in significant nighttime light and glare impacts.

Daytime Glare

The proposed structures would be designed to use a nonreflective painting with a camouflage motif to match the surrounding natural elements to lessen the aesthetic and daytime glare impacts of the RNG facility (see Figure 9). Additionally, the revegetation effort as part of OCWR's Tree Replacement and Revegetation Plan

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would help shield glare that may reflect from the project site onto Newport Coast Drive, San Joaquin Hills Road, and SR-73. Therefore, daytime glare impacts from project-related architectural design and building materials would be less than significant, and no mitigation measures are necessary.

3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (CARB). Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact. There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the project site. The project site is listed as “Other Land”, which includes vacant and nonagricultural land surrounded by urban development (DLRP 2022a). As shown on Figure 3, the project site is surrounded by open space and is not adjacent to farmland or agricultural uses. Therefore, project development would not convert mapped farmland to nonagricultural use. No impact would occur, and no mitigation measures are necessary.

- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

No Impact. The zoning designation on the project site is designated OS and not for agricultural use. Under Williamson Act contracts, private landowners voluntarily restrict their land to agricultural land and compatible open space uses; in return, their land is taxed based on actual use, rather than potential market value. There are no Williamson Act contracts in effect on the project site (DLRP 2022b). No impact would occur and no mitigation measures are necessary.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

No Impact. Public Resources Code Section 12220 defines forest land as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.”

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Timberland is defined in Public Resources Code Section 4526 as “land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.”

A Timberland Production Zone is defined in Government Section Code CCC as “...an area which has been zoned pursuant to [Government Code] Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h). With respect to the general plans of cities and counties, ‘timberland preserve zone’ means ‘timberland production zone.’”

The project site is zoned OS and is not used for forest land as defined by these criteria. No impacts to forest land or timberland would occur, and no mitigation is necessary.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project site is completely paved with an existing county flare and blower station along with a cell tower and associated generator. Forest land is not present on or in the vicinity of the project site. Therefore, no impacts would occur, and no mitigation is necessary.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. See Sections 3.2(a) through 3.2(d). The project site and its immediate vicinity do not have any agricultural or forestry land uses. Therefore, the project would not involve any changes to land uses or any changes to the environment that would result in the conversion of farmland or forest land to other land uses. No impact would occur, and no mitigation is necessary.

3.3 AIR QUALITY

This section addresses the impacts of the proposed project on ambient air quality and the exposure of people, especially sensitive individuals, to unhealthy pollutant concentrations. Appendix B1 provides a background discussion on the air quality regulatory setting, meteorological conditions, existing ambient air quality in the vicinity of the project site, and air quality modeling. Additionally, the analysis in this section is based partly on the following technical studies, which are included as Appendices B2 and B3, respectively, to this Initial Study:

- **Air Quality Impact Analysis** for a Renewable Natural Gas Plant for Biofuels Coyote Canyon, Biogas LLC Newport Beach, California, SCS Engineers, December 2023.
- **Permit to Construct/Permit to Operate Application** for a Renewable Natural Gas Plant for Biofuels Coyote Canyon, Biogas LLC Newport Beach, California, SCS Engineers, December 11, 2023, and revised on July 22, 2024.

3. Environmental Analysis

The primary air pollutants of concern for which ambient air quality standards (AAQS) have been established are ozone (O₃), carbon monoxide (CO), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and lead (Pb). Areas are classified under the federal and California Clean Air Act as either in attainment or nonattainment for each criteria pollutant based on whether the AAQS have been achieved. The South Coast Air Basin (SoCAB), which is managed by the South Coast AQMD, is designated nonattainment for ozone (O₃), and PM_{2.5} under the state and federal AAQS, nonattainment for PM₁₀ under the state AAQS, and nonattainment for lead (Los Angeles County only) under the federal AAQS (CARB 2024).

Furthermore, the South Coast AQMD has identified regional thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including VOC, CO, nitrogen oxides (NO_x), SO₂, PM₁₀, and PM_{2.5}. Development projects below the regional significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Where available, the significance criteria established by the South Coast AQMD may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The South Coast AQMD adopted the 2022 Air Quality Management Plan (AQMP) on December 2, 2022. Regional growth projections are used by South Coast AQMD to forecast future emission levels in the SoCAB (South Coast AQMD 2022). For Southern California, these regional growth projections are provided by the Southern California Association of Governments (SCAG) and are partially based on land use designations included in city/county general plans. Typically, only large, regionally significant projects have the potential to affect regional growth projections. In addition, the consistency analysis is generally only required in connection with the adoption of general plans, specific plans, and significant projects.

Changes in population, housing, or employment growth projections have the potential to affect SCAG's demographic projections and, therefore, the assumptions in South Coast AQMD's AQMP. These demographic trends are incorporated into SCAG's 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) to determine priority transportation projects and vehicle miles traveled (VMT) in the SCAG region. As discussed further in Section 3.14, Population and Housing, because the proposed project would employ only three employees, it would not result in substantial growth compared to the residents and workers in the City. Additionally, as demonstrated in Section 3.3(b), the regional emissions that would be generated by the operational phase of the proposed project would be less than the South Coast AQMD emissions thresholds and, therefore, would not be considered by South Coast AQMD to be a substantial source of air pollutant emissions that would have the potential to affect the attainment designations in the SoCAB. Therefore, the proposed project would not affect the regional emissions inventory or conflict with strategies in the AQMP. Impacts would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

Less-Than-Significant Impact. The following describes project-related impacts from regional short-term construction activities and regional long-term operation of the proposed project.

3. Environmental Analysis

Regional Short-Term Construction Impacts

Construction activities would generate air pollutants. These emissions would primarily be 1) exhaust from off-road diesel-powered construction equipment, 2) dust generated by construction activities, 3) exhaust from on-road vehicles, and 4) off-gassing of VOCs from paints and asphalt.

Construction activities associated with the proposed project are expected to disturb approximately 0.88 acre on the project site. The proposed project would involve site preparation, grading, pipeline trenching, pipeline installation, building/facility construction, paving, architectural coating, and finishing/landscaping. Construction would occur for 12 months, specifically from February 2025 to January 2026. Construction emissions were estimated using the California Emissions Estimator Model (CalEEMod), Version 2022.1, and are based on the preliminary construction information provided by the project applicant and CalEEMod default inputs (see Appendix B1) Project-related construction emissions from the modeling have been extracted and are shown in Table 2, *Maximum Daily Regional Construction Emissions*. As shown, the maximum daily emissions for VOC, NO_x, CO, SO₂, PM₁₀, and PM_{2.5} from project-related construction activities would be less than their respective South Coast AQMD regional significance threshold values. Therefore, regional air quality impacts from project-related construction activities would be less than significant, and no mitigation measures are necessary.

Table 2 Maximum Daily Regional Construction Emissions

Construction Phase	Pollutants (lbs/day) ^{1, 2}					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Site Preparation, Rough Grading, and Fine Grading Overlap	3	24	24	<1	8	4
Site Preparation	1	8	9	<1	4	2
Pipeline Trenching	<1	4	6	<1	<1	<1
Pipeline Installation	1	7	11	<1	<1	<1
Pipeline Installation, Building/Facility Construction, Paving, Architectural Coating, and Finishing/Landscaping Overlap	5	48	57	<1	2	1
Building/Facility Construction, Paving, Architectural Coating, and Finishing/Landscaping Overlap	5	40	45	<1	2	1
Finishing/Landscaping	<1	2	3	<1	<1	<1
Maximum Daily Emissions	5	48	57	<1	8	4
South Coast AQMD Regional Construction Threshold	75	100	550	150	150	55
Significant?	No	No	No	No	No	No

Source: CalEEMod Version 2022.1.

Notes: lbs = pounds; VOC = volatile organic compound; NO_x = nitrogen oxides; CO = carbon monoxide; SO₂ = sulfur dioxide; PM₁₀ = coarse inhalable particulate matter; PM_{2.5} = fine inhalable particulate matter; South Coast AQMD = South Coast Air Quality Management District; CalEEMod = California Emissions Estimator Model.

¹ Based on the preliminary information provided by the project applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast AQMD of construction equipment.

² Includes implementation of fugitive dust control measures required by South Coast AQMD under Rule 403 such as watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour (25 miles per hour as modeled) on unpaved surfaces, and street sweeping with Rule 1186-compliant sweepers.

3. Environmental Analysis

Long-Term Operation-Related Air Quality Impact

Long-term operation-related impacts would be from emissions generated from non-permitted (i.e., land uses) and permitted sources (i.e., thermal oxidizer) associated with the proposed project. Typical long-term air pollutant emissions that would be generated by the land use components (non-South Coast AQMD permitted) of the proposed project would be from area sources (e.g., landscaping equipment, aerosols, and architectural coatings), energy use (i.e., natural gas), and mobile sources (i.e., on-road vehicles). Based on the anticipated three employees, and the nature of the proposed operations, the proposed project is projected to generate up to six average daily passenger vehicle trips and two average daily heavy-heavy duty truck trips.

Permitted sources would be subject to South Coast AQMD permitting requirements which would ensure compliance with applicable emissions standards. Specifically, the TOX, enclosed RNG flare, and natural gas-powered emergency generator would be sources subject to South Coast AQMD Regulation XIII and would require South Coast AQMD permits to be installed and to operate. These permits are separate from the general construction and occupancy permits issued by the City. Emissions from the permitted equipment would be generated by combustion of the waste gas by the TOX, supplemental natural gas fuel used for the TOX, and off-specification gas by the RNG flare in addition to combustion of natural gas by the natural gas-powered emergency generator.

California Environmental Quality Act Regional Daily Thresholds

Table 3, *Comparison of Project Emissions to Regional Daily Thresholds*, is provided to evaluate potential CEQA-related impacts associated with the proposed project consistent with CEQA Guidelines Section 15125(a) (Section 1.5.8, Baseline Conditions). The maximum daily emissions generated by both the land uses and permitted equipment proposed under the project are provided in Table 3. Additionally, the table accounts for existing emissions currently generated by the four existing LFG flares at CCL. The daily emissions shown for the existing flares are based on the actual emissions generated by the four existing flares based on the latest available emissions data from calendar years 2021 and 2022, as reported to the South Coast AQMD Annual Emissions Reporting (AER) program. Daily existing emissions shown in Table 3 are derived from the annual average between the annual emissions reported in the AER report for calendar years 2021 and 2022, divided by 365 days per year. Emissions for the proposed permitted equipment represent emissions generated under the potential-to-emit scenario, which represents the amount of emissions that could be generated from operation of the proposed permitted equipment operating at maximum capacity under its operational design. As shown in Table 3, the net change in emissions resulting from implementation of the proposed project would not exceed the South Coast AQMD regional significance thresholds. Therefore, impacts to regional air quality from operation of the proposed project would be less than significant, and no mitigation measures are necessary.

3. Environmental Analysis

Table 3 Comparison of Project Emissions to Regional Daily Thresholds

Source	Criteria Air Pollutants (lbs/day)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Project Land Use Emissions¹						
Mobile ²	0.013	0.086	0.145	0.001	0.042	0.011
Area ³	0.051	0.001	0.069	0.000	0.000	0.000
Energy ⁴	0.001	0.018	0.015	0.000	0.001	0.001
Total	0.065	0.105	0.229	0.001	0.043	0.013
Project Permitted Equipment Emissions⁵						
Thermal Oxidizer – Main Fuel	12	17	58	11	5	5
Thermal Oxidizer – Supplemental Fuel	<1	12	40	<1	<1	<1
Enclosed RNG Flare	12	47	112	18	33	33
Natural Gas-Powered Emergency Generator	1	1	1	<1	<1	<1
Total	25	77	211	29	39	39
Total Daily Emissions						
Project Land Uses	0.065	0.105	0.229	0.001	0.043	0.013
Project Permitted Equipment ⁶	25	77	211	29	39	39
Project Total	25	77	211	29	39	39
Existing Flare Emissions ⁷	11	88	58	41	24	24
Net Change	14	(12)	153	(12)	15	15
South Coast AQMD Regional Threshold	55	55	550	150	150	55
Exceeds Limits?	No	No	No	No	No	NA

Source: CalEEMod Version 2022.1.

Notes: VOC = volatile organic compound; NO_x = nitrogen oxides; CO = carbon monoxide; SO₂ = sulfur dioxide; PM₁₀ = coarse inhalable particulate matter; PM_{2.5} = fine inhalable particulate; RNG = renewable natural gas; South Coast AQMD = South Coast Air Quality Management District; NA = not applicable.

"<1" = a value less than 1; () = negative value

¹ Emissions from non-permitted components of the proposed project.

² Emissions generated from employee vehicle trips. The quantified emissions are based on six average daily passenger vehicle trip ends generated by three employees and on two average daily truck trip ends generated by one heavy-duty truck.

³ Emissions from architectural coatings, general household cleaning products, and landscaping equipment.

⁴ Emissions from California Emissions Estimator Model (CalEEMod) default natural gas demand used for building heating.

⁵ Based on emissions data provided by SCS Engineers (see Appendix B1).

⁶ Represent the potential-to-emit scenario.

⁷ Represent the average daily based on actual annual emissions data as reported in the South Coast AQMD Annual Emissions Report (AER) for years 2021 and 2022 for the four existing Orange County Waste and Recycling flares (Appendix B1). Because the AER provides only annual emissions data, the annual emissions data are divided by 365 days per year to derive the average daily emissions.

Permitting Thresholds

The proposed project would be subject to South Coast AQMD Regulation XIII. In accordance with South Coast AQMD Rule 1303 (b)(2), Emission Offsets, the project source estimated potential to emit emissions are compared to the offset trigger levels specified in South Coast AQMD Rule 1304(d)(2)(B), Table A. As shown in Table 4, *Comparison of Project Emissions to South Coast Air Quality Management District Offset Trigger Levels*, the permitted equipment under the proposed project would not exceed the offset trigger levels. Thus, the proposed project would not be required to offset emissions.

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Table 4 Comparison of Project Emissions to South Coast Air Quality Management District Offset Trigger Levels

Source	Criteria Air Pollutants (tons/year)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Thermal Oxidizer – Main Fuel	2.12	2.60	8.65	2.01	0.92	0.92
Thermal Oxidizer – Supplemental Fuel	0.004	0.54	1.81	0.01	0.06	0.06
Enclosed RNG Flare	0.21	0.85	2.04	0.33	0.25	0.25
Natural Gas-Powered Emergency Generator	0.02	0.01	0.01	0.0001	0.002	0.002
Total Annual Emissions	2.352	3.996	12.515	2.347	1.236	1.236
Rule 1304 Offset Trigger Limits ¹	4	4	29	4	4	NA
Exceeds Limits?	No	No	No	No	No	NA

Source: SCS Engineers (see Appendix B1).

Notes: VOC = volatile organic compound; NO_x = nitrogen oxides; CO = carbon monoxide; SO₂ = sulfur dioxide; PM₁₀ = coarse inhalable particulate matter; PM_{2.5} = fine inhalable particulate; RNG = renewable natural gas; NA = not applicable.

¹ South Coast AQMD Rule 1304(d)(2)(B).

c) Expose sensitive receptors to substantial pollutant concentrations?

Less-Than-Significant Impact. The proposed project could expose sensitive receptors to elevated pollutant concentrations if it causes or significantly contributes to elevated pollutant concentration levels. Unlike regional emissions, localized emissions are typically evaluated in terms of air concentration rather than mass so they can be more readily correlated to potential health effects.

Construction Phase

Criteria Air Pollutants (LSTs)

Localized significance thresholds (LSTs) are based on the state AAQS, which are the most stringent AAQS to provide a margin of safety in the protection of public health and welfare. They are designated to protect sensitive receptors most susceptible to further respiratory distress, including asthmatics, the elderly, very young children, people already weakened by other disease or illness, and people engaged in strenuous work or exercise. The screening-level construction LSTs are based on the size of the project site, distance to the nearest sensitive receptor, and source receptor area (SRA). The nearest off-site sensitive receptors to the project site are the single-family residences approximately 1,200 to 1,300 feet to the south and southwest and the students at Sage Hill School High School approximately 1,500 feet to the north.

Air pollutant emissions generated by construction activities would cause temporary increases in air pollutant concentrations. Table 5, *Localized Construction Emissions*, shows that the maximum daily construction emissions (pounds per day) generated during on-site construction activities compared with the South Coast AQMD screening-level LSTs, for sensitive receptors within 1,250 feet (381 meters) of the project site. Additionally, Table 5 also compares on-site emissions associated with grading of the laydown and parking area to the screening-level LSTs for sensitive within 1,325 feet (404 meters) for NO_x and CO and within 1,890 feet (576

3. Environmental Analysis

meters) for PM₁₀ and PM_{2.5}.⁶ As shown in Table 5, the construction-related on-site emissions would not exceed the screening-level LSTs. Therefore, air quality impacts from project-related construction activities would be less than significant, and no mitigation measures are necessary.

Table 5 Localized Construction Emissions

Construction Activity	Pollutants (lbs/day) ¹			
	NO _x	CO	PM ₁₀ ²	PM _{2.5} ²
Site Preparation, Rough Grading, and Fine Grading Overlap	23	23	8	4
Site Preparation	7	9	4	2
Pipeline Trenching	3	5	<1	<1
Pipeline Installation	7	11	<1	<1
Pipeline Installation, Building Construction, Paving, Architectural Coating, and Finishing/Landscaping Overlap	47	55	2	1
Building Construction, Paving, Architectural Coating, and Finishing Overlap	40	44	1	1
Finishing/Landscaping	2	3	<1	<1
South Coast AQMD 1 Acre or Less Screening-Level LST ³	188	4,959	103	55
Exceeds LST?	No	No	No	No
Rough Grading (Laydown and Parking Area) ⁴	7	9	4	2
South Coast AQMD 1 Acre or Less Screening-Level LST ⁵	194	5,320	156	90
Exceeds Screening-Level LST?	No	No	No	No

Source: CalEEMod Version 2022.1; South Coast AQMD 2008 and 2011.

Notes: lbs = pounds; NO_x = nitrogen oxides; CO = carbon monoxide; PM₁₀ = coarse inhalable particulate matter; PM_{2.5} = fine inhalable particulate matter; South Coast AQMD = South Coast Air Quality Management District; LST = localized significance threshold; SRA = source receptor area.

In accordance with South Coast AQMD methodology, only on-site stationary sources and mobile equipment are included in the analysis.

¹ Where specific information for project-related construction activities or processes was not available modeling was based on California Emissions Estimator Model (CalEEMod) defaults. These defaults are based on construction surveys conducted by the South Coast AQMD.

² Includes implementation of fugitive dust control measures required by South Coast AQMD under Rule 403 such as watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour (25 miles per hour as modeled) on unpaved surfaces, and street sweeping with Rule 1186-compliant sweepers.

³ Screening level LSTs are based on receptors within 1,250 feet (381meters) in SRA 20 and an acreage disturbed of less than 1 acre per day.

⁴ On-site rough grading emissions associated with the main project site are used as a proxy for grading emissions associated with this area.

⁵ Screening level LSTs are based on nearest Sage High School receptors within 1,325 feet (404 meters) for NO_x and CO who would not be exposed 24 hours/day and residences located 1,890 feet (576 meters) for PM₁₀ and PM_{2.5}, who are assumed to be exposed 24 hours/day, in SRA 20.

Toxic Air Contaminants (Health Risks)

Emissions from construction equipment primarily consist of diesel particulate matter. In 2015, the Office of Environmental Health Hazards Assessment adopted guidance for preparation of health risk assessments, which included the development of a cancer risk factor and non-cancer chronic reference exposure level for diesel particulate matter over a 30-year time frame (OEHHA 2015). Currently, South Coast AQMD does not require the evaluation of long-term excess cancer risk or chronic health impacts for a short-term project. The proposed project is anticipated to be completed in approximately nine months, which would limit the exposure to on-site

⁶ Reference distance of 1,325 feet is to Sage High School, where students would be the nearest sensitive receptor not exposed to daily emissions 24 hours a day. Reference distance of 1,890 feet is to a multi-family residence south of the laydown and parking area where tenants are assumed to be exposed to daily emissions 24 hours a day.

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and off-site receptors. Furthermore, construction activities would not generate on-site exhaust emissions exceeding the screening-level construction LSTs as previously discussed. Thus, construction emissions would not pose a health risk to on-site and off-site receptors, and project-related construction health impacts would be less than significant.

Operation Phase

Criteria Pollutants (LSTs)

Operation of the proposed facility could expose receptors to a substantial source of criteria air pollutants. According to South Coast AQMD's Localized Significance Threshold Methodology (2008), South Coast AQMD considers a sensitive receptor to be a receptor such as residence, hospital, convalescent facility where it is possible that an individual could remain for 24 hours. Criteria air pollutant concentrations at off-site receptors are shown in Table 6, *Off-Site Criteria Air Pollutant Concentrations*. As shown in the table, the long-term (24-hour and annual) particulate matter concentrations at off-site receptors would not exceed the South Coast AQMD significance thresholds for PM₁₀ and PM_{2.5}. Additionally, the 1-hour and annual average NO_x concentrations in addition to the 1-hour and 8-hour CO concentrations, when added to existing background levels, would not exceed the respective CAAQS. Therefore, localized criteria air pollutant impacts to off-site residential receptors would be less than significant, and no mitigation measures are necessary.

Table 6 Off-Site Criteria Air Pollutant Concentrations

	PM ₁₀ (24-Hour)	PM ₁₀ (Annual)	PM _{2.5} (24-Hour)	NA
PM₁₀ and PM_{2.5} Concentrations				
MER Concentration (µg/m ³)	1.77	0.13	0.56	NA
South Coast AQMD Threshold	2.50	1.00	2.50	NA
Exceeds Threshold?	No	No	No	NA
	CO (1-Hour)	CO (8-Hour)	NO _x (1-Hour)	NO _x (Annual)
CO and NO_x Concentrations				
MER Concentration (ppm)	0.08	0.02	0.02	0.0002
Background Level (ppm)	2.10	1.50	0.05	0.01
Total (ppm)	2.18	1.52	0.07	0.01
South Coast AQMD Threshold – State/Federal	20.0/35.0	9.0/9.0	0.18/NA	0.03/0.0534
Exceeds Threshold?	No	No	No	No

Sources: SCS Engineers (see Appendix B1).

Notes: PM₁₀ = coarse inhalable particulate matter; PM_{2.5} = fine inhalable particulate matter; NA = not applicable; MER = maximum exposed receptor; µg/m³ = micrograms per cubic meter; South Coast AQMD = South Coast Air Quality Management District; CO = carbon monoxide; NO_x = nitrogen oxides; ppm = parts per million.

3. Environmental Analysis

Carbon Monoxide Hotspots

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the state one-hour standard of 20 parts per million or the eight-hour standard of 9.0 parts per million. Because CO is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to AAQS is typically demonstrated through an analysis of localized CO concentrations. Hotspots are typically produced at intersections, where traffic congestion is highest, because vehicles queue for longer periods and are subject to reduced speeds.

In 2007, the SoCAB was designated in attainment for CO under both the state and federal AAQS. The CO hotspot analysis conducted for the attainment by South Coast AQMD did not predict a violation of CO standards at the busiest intersections in Los Angeles during the peak morning and afternoon periods.⁷ As identified in South Coast AQMD's 2003 AQMP and the 1992 Federal Attainment Plan for Carbon Monoxide, peak CO concentrations in the SoCAB in previous years, prior to redesignation, were a result of unusual meteorological and topographical conditions and not of congestion at a particular intersection. Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection to more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to generate a significant CO impact (BAAQMD 2023). The proposed project would result in up to eight average daily trips. Due to the nominal number of new vehicle trips the proposed project could generate, the proposed project would not have the potential to substantially increase CO hotspots at intersections in the vicinity of the project site. Localized air quality impacts related to mobile-source emissions would be less than significant, and no mitigation measures are required.

Toxic Air Contaminants (Health Risks)

A Health Risk Assessment was prepared by SCS Engineers in accordance with South Coast Rule 1401 to determine if toxic air contaminant emissions associated with the proposed stationary sources (i.e., TOX and enclosed RNG flare) at the facility could pose a risk to nearby sensitive receptors such as residents and students (Appendix B3).

The nearest residential sensitive receptors are the single-family residences to the south at reference distances of 1,394 feet and 1,493 feet from the proposed RNG flare and TOX, respectively. If operational emissions from the proposed stationary equipment do not pose a risk to the nearest single-family residence to the south, then there also would be no risk to sensitive receptors that are located at greater distances. The nearest off-site worker receptor location is at Sage High School about 1,722 feet north of the project site. Health risk was evaluated using the South Coast AQMD Rule 1401 health risk calculation tool version 1.03 (RiskTool), except where the RiskTool could not demonstrate that health risk was less than the limits in Rule 1401. The RiskTool was generated for each of the two sources individually with both under two operating scenarios, one with main waste gas and one with the supplemental fuel for the TOX, and one with the off-specification RNG and one

⁷ The four intersections were: Long Beach Boulevard and Imperial Highway; Wilshire Boulevard and Veteran Avenue; Sunset Boulevard and Highland Avenue; and La Cienega Boulevard and Century Boulevard. The busiest intersection evaluated (Wilshire and Veteran) had a daily traffic volume of approximately 100,000 vehicles per day with LOS E in the morning peak hour and LOS F in the evening peak hour.

3. Environmental Analysis

with waste gases for the enclosed RNG flare; and risk results for all were combined for analysis. The Tier 3 AERSCREEN model was used for all sources, as the risk did not pass Tier 1 and 2 (SCS Engineers 2024).

Carcinogenic Health Risks

Health risks associated with exposure to carcinogenic compounds at the proposed project site can be defined in terms of the probability of developing cancer as a result of exposure to a chemical at a given concentration. The South Coast AQMD has established a maximum incremental cancer risk of 10 in a million for CEQA projects. Results of the health risk assessment are shown in Table 7, *Off-Site Health Risk Assessment Results – Air Toxics*. As shown in the table, the incremental cancer risk for the residential and commercial maximum exposed receptors would be below the significance threshold of 10 in a million. Therefore, cancer risk impacts to off-site sensitive receptors would be less than significant, and no additional mitigation measures are necessary.

Table 7 Off-Site Health Risk Assessment Results – Air Toxics

Source	Residential Cancer Risk (per million)	Commercial Cancer Risk (per million)	Acute Hazard Index	Chronic Hazard Index
Thermal Oxidizer	2.41E-07	1.74E-08	3.23E-03	9.13E-03
Thermal Oxidizer – Supplemental Fuel	8.33E-09	4.28E-10	4.05E-06	4.04E-04
Enclosed RNG Flare	4.74E-08	1.63E-09	1.18E-03	1.18E-03
Enclosed RNG Flare (Part 2)	1.69E-07	9.75E-09	2.47E-03	9.95E-03
Natural Gas-Powered Emergency Generator	4.01E-07	2.51E-08	5.56E-02	7.24E-03
Total	8.66E-07	5.43E-08	6.13E-02	2.79E-02
South Coast AQMD Threshold	10	10	1.0	1.0
Exceeds Threshold?	No	No	No	No

Sources: SCS Engineers 2024 (Appendix B3).

Notes: RNG = renewable natural gas; South Coast AQMD = South Coast Air Quality Management District.

Noncarcinogenic Health Risks

To quantify noncarcinogenic impacts, the hazard index (HI) approach was used. The individual HI is the ratio of the estimated maximum one-hour concentration of a toxic air contaminant for a potential maximally exposed individual to its acute reference exposure level. The individual chronic HI is the ratio of the estimated long-term level of exposure to a toxic air contaminant for a potential maximally exposed individual to its chronic reference exposure level. A health hazard is presumed to exist where the HI value equals or exceeds 1.0. As shown in Table 7, the health risk assessment performed for the proposed project indicates that the chronic and acute HI is less than 1.0 for both the residential and worker maximum exposed receptors (Appendix B3). Therefore, chronic and acute noncarcinogenic impacts to off-site sensitive receptors would be less than significant, and no mitigation measures are necessary.

- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

3. Environmental Analysis

Less-Than-Significant Impact. The following discusses potential odor impacts associated with development and operation of the proposed project. The threshold for odor is if a project creates an odor nuisance pursuant to South Coast AQMD Rule 402, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. As proposed, the project would not involve installing a new waste transfer station, or waste receiving area. Instead, the proposed project would involve conveyance of the LFG currently produced from the closed CCL to the proposed RNG facility via the new proposed underground supply line. Thus, it would not result in the intake of additional waste or installation of new areas where waste decomposition could occur compared to existing conditions. Furthermore, no construction is proposed in the landfill area of the CCL, and the proposed project would also not impact the existing LFG collection and control systems at the CCL. These systems are currently monitored and continuously maintained by OCWR as part of the CCL post-closure maintenance and monitoring to regulate surface emissions and subsurface migration of LFG in accordance with South Coast AQMD Rule 1150.1.

Once the LFG is conveyed to the proposed RNG facility, the bulk of the hydrogen sulfide (H_2S), which is the primary odor-causing compound in LFG, would be converted into elemental sulfur, which is odorless. The remaining hydrogen sulfide (H_2S) in addition to VOCs, CO_2 , nitrogen (N_2), and oxygen (O_2) would be removed from the LFG. These removed compounds, also known as waste gas, would be routed to the proposed TOX for destruction via combustion. These processes would purify the LFG resulting in RNG with a CH_4 content between 96 to 98 percent. Any off-specification RNG would be diverted to the proposed enclosed RNG flare for burn-off, which would not generate any odors. Overall, other than the combustion devices, the LFG treatment process would be a closed-loop, pass-through system, which would control and minimize the release of odors or other emissions. Within-specification RNG would be delivered to the POR skid via the proposed piping built for this purpose. Once delivered to the POR, the RNG would be odorized before injection. The odorization process would also be a sealed-loop system, which would control and minimize the release of odors or gas. Thus, due to the design and process of the proposed RNG facility, the proposed project would not generate odors that would affect a substantial number of people.

During project-related construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. However, any construction-related odor emissions would be temporary, low in concentration, and intermittent. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor,

3. Environmental Analysis

they would be diluted to below any level of air quality concern. Construction-related odors would not affect a substantial number of people. Therefore, overall, potential odor impacts from operation- and construction-related activities of the proposed project would be less than significant, and no mitigation measures are required.

3.4 BIOLOGICAL RESOURCES

Surrounding the 4.14-acre site, and beyond the 12-foot wall, there is an approximately 20-foot-wide non-native grass slope landscaped with trees. On September 23, 2024, Katrina Burritt (Dudek), an International Society of Arboriculture (ISA)-Certified Arborist, conducted a tree inventory within the 20-foot-wide non-native grass slope landscaped with trees. She observed the trees species and numbers shown in Table 8, *Tree Species Adjacent to Primary Development Location*. To protect the surrounding area from fire risk, the Newport Beach Fire Department is requiring the removal of 28 trees (Table 8) surrounding the 4.14-acre project site. The recommendation for removal of trees is based on the spacing, health, and species per direction from the Fire Marshal. A tree information matrix is included in Appendix C. Figure 10 shows the trees to remain and the trees to be removed. Due to the proximity of the preserved trees to the removed trees, erosion would not be a significant issue. All removed trees would be flush-cut to the ground-and the remaining stumps are to remain in place with no stump grinding. Stumps would be treated as needed to remove and prohibit re-sprouting.

Table 8 Tree Species Adjacent to Primary Development Location

Common Name	Scientific Name	Remaining	Removal	Number of Trees
Arroyo Willow	<i>Salix lasiolepis</i>	1	7	8
Blue Elderberry	<i>Sambucus mexicana</i>		1	1
California Pepper	<i>Schinus molle</i>	1		1
California Sycamore	<i>Platanus racemosa</i>	11	5	16
Coast Live Oak	<i>Quercus agrifolia</i>	34	5	39
Lemon-Scented Gum	<i>Corymbia citriodora</i>	1	5	6
Mulefat	<i>Baccharis salicifolia</i>		1	1
White Alder	<i>Alnus rhombifolia</i>	9	4	13
Total		57	28	85

The 4.14-acre site and surrounding 20-foot buffer of trees is within the Central-Coastal NCCP/HCP Reserve. The secondary laydown yard is within a Central-Coastal NCCP/HCP Special Linkage and is also a habitat conservation area for the TCA.

Would the project:

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- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Less-Than-Significant Impact With Mitigation Incorporated. Ground-disturbing activities would occur within the 4.14-acre site that currently includes a county flare yard and blower station as well as 65-foot cell towers and associated generators (see Figure 4). Two locations for material laydown areas would be utilized; one area is on the project site (primary laydown area), and another 88,000-square-foot graded area (secondary laydown area) is in the landfill area across Newport Coast Drive (see Figure 2). The secondary laydown area is directly across from OCWR office trailers and equipment storage facility. Currently, the area is graded and has no biological resources as it has routinely been used for equipment staging. A portion of the 88,000-square-foot area has gravel, and the other portion is dirt. Therefore, the proposed development would not result in permanent direct impacts to coastal sage scrub, chaparral, or other native plant communities within the ground-disturbing areas.

However, trees surrounding the 4.14-acre project site would be removed. The trees provide habitat for nesting birds protected under the Migratory Bird Treaty Act and the California Fish and Game Code. Additionally, the trees provide roosting habitat for pallid bat (*Antrozous pallidus*), Yuma myotis (*Myotis yumanensis*), and big free-tailed bat (*Nyctinomops macrotis*), both of which are California Department of Fish and Wildlife (CDFW) Species of Special Concern (see Appendix C). To avoid potential impacts to nesting birds and reduce potential impacts to bats, Mitigation Measures **BIO-1** and **BIO-2** would be implemented.

Additionally, construction-related, short-term indirect impacts may include inadvertent spillover impacts outside of the construction footprint, dust accumulation on special-status or listed species with any potential to occur, noise, chemical spills, and stormwater erosion and sedimentation. Based on the location of the project and the coastal sage scrub that surrounds the ground-disturbing and tree removal areas, the proposed project would be required to implement the Central-Coastal Subregional NCCP/HCP Minimization/Mitigation Measures Construction-Related Impacts, “Standard Mandatory Construction Conditions Mitigation Measures” (included as Mitigation measure **BIO-3**). Mitigation measures **BIO-4** through **BIO-6** would be implemented to further avoid inadvertent spillover impacts.

Crotch’s bumble bee (*Bombus crotchii*) is a candidate for listing under the California Endangered Species Act. As described previously, the 4.14-acre project site consists of disturbed and developed areas with planted trees along the side slopes. The site and surrounding planted area have a low potential for the Crotch’s bumble bee to occur due to limited floral resources and nesting habitat (see Appendix C). There is a potential for Crotch’s bumble bee to fly over the site from surrounding habitat. The project site currently has four 20-foot flares that operate 24 hours a day (two at a time); after project completion, these flares would only be used as backup if the RNG facility goes offline, or to combust any excess LFG that is not used by the RNG facility. The proposed project would construct a 40-foot enclosed flare; no flames would be visible from the top of the flare tower; and it would not operate 24 hours a day. Therefore, indirect impacts associated with heat from the constructed flare would be reduced compared to existing conditions. Furthermore, the site is on a hilltop with adjacent undeveloped land. If Crotch’s bumble bee flew through this area, they would be expected to fly at elevations in line with the surrounding habitat elevations. Therefore, based on the location of the project site on top of a

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hill and higher than surrounding elevations, combined with the proposed construction of a higher enclosed flare (compared to existing conditions), the proposed project would have a less-than-significant impact on Crotch's bumble bee.

Potential long-term (post-construction) indirect impacts from operations and maintenance (O&M) activities are not anticipated due to the type of project. All O&M activities would occur within the direct project footprint and long-term indirect impacts from maintenance would be minimal.

With implementation of Mitigation Measures **BIO-1** through **BIO-6**, impacts to special-status species as a result of the proposed project would be less than significant.

Mitigation Measures

BIO-1 Preconstruction Nesting Bird Surveys and Avoidance. Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the project site. Additionally, vegetation within the proposed impact area can be removed outside of the nesting season to minimize the potential for birds to nest in the impact footprint. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans, along with an appropriate buffer established around the nest, which shall be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall be conducted when construction occurs in close proximity to an active nest buffer. No project activities shall encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that the nestlings have fledged and the nest is no longer active.

BIO-2 Preconstruction Bat Survey and Avoidance. Prior to the removal of trees that could support roosting bats during the maternity roosting season (March through August), a bat biologist shall survey the areas that could provide suitable roosting habitat for bats to confirm they contain no potential maternity roosts. If a potential maternity roost is present, the following measures shall be implemented to reduce the potential impact to special-status bat species to a less-than-significant level:

1. **Maternity Roosting Season Avoidance.** All proposed construction activities that could impact suitable roosting habitat, including bat roost exclusion, shall occur outside the general bat maternity roosting season of March through August to reduce any potentially

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significant impact to maternity roosting bats. If the maternity roosting season cannot be avoided, then implement Items 2 and 3 below, prior to the maternity roosting season, to ensure no impacts occur to roosting bats during the exclusion process.

2. **Replacement Roost Installation.** If there is a potential or known maternity roost within a tree to be removed, replacement roost installation shall occur outside of the maternity roosting season. At least one month prior to the exclusion of bats from a roost, the biologist shall procure and install bat boxes from a reputable vendor, such as Bat Conservation and Management, to allow bats sufficient time to acclimate to a new potential roost location. The bat boxes shall be installed in close proximity to the trees and in an area that is in close proximity to suitable foraging habitat (i.e., near coast live oak woodland). Additionally, the bat boxes shall be oriented to the south or southwest, and the area chosen for the bat boxes must receive sufficient sunlight (at least 6 hours) to allow the bat boxes to reach an optimum internal temperature (approximately 90°F) to mimic the existing bat roost. The bat boxes shall be suitable to house crevice-roosting bat species and large enough to contain a minimum of 50 bats (e.g., Four Chamber Premium Bat House or Bat Bunker Plus). The bat boxes shall be installed on a minimum 20-foot-tall steel pole. The bat boxes should be installed under the guidance of the bat biologist.
3. **Roost Exclusion.** Roost exclusion must only occur outside of the maternity roosting season, and during the time when bats are most active (early spring or fall) to increase the potential to exclude all bats from roosts and minimize the potential for a significant impact to occur by avoiding the maternity roosting season. Approximately 1 month after bat boxes have been installed, exclusion of the existing roost shall occur. The primary exit points for roosting bats shall be identified, and all secondary ingress/egress locations shall be covered with a tarp, wood planks, or other methods, as directed by the bat biologist, to prevent bats from leaving from other locations. The primary exit point shall remain uncovered to allow exclusion devices to be installed. Exclusion devices may consist of a screen (poly netting, window screen, or fiberglass screening), foam, wood, or backer rods installed at the primary exit point, so bats are not able to return to the roost after emerging. The exclusion devices shall be installed under the direction of the bat biologist and shall be installed at night to increase the potential that bats have already left the roost and are less likely to return. Once it is confirmed by the bat biologist that all primary and secondary exit/entrance points have been covered and the exclusion devices are properly in place, a one-week exclusion period shall commence. A passive acoustic monitoring detector shall be deployed during the one-week exclusion period to monitor if bat activity has decreased during the exclusion period. Periodic monitoring (one or two evenings) by the bat biologist during the exclusion period should also be conducted to observe if any bats are still emerging from trees to be removed. On the final night of the exclusion period, an active monitoring survey should be conducted to ensure that no bats are emerging from trees to be removed and to confirm that exclusion has been successful. Continued presence of roosting bats in trees that are to be removed shall require an adjustment to the exclusion devices and schedule. The exclusion devices may remain in place until the start of tree removal. After the initial bat survey, if any additional bats are

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found roosting in any proposed tree removal locations, additional exclusion shall be required and follow the same methodology described in this mitigation measure.

BIO-3

Standard Mandatory Construction Conditions Mitigation Measures.

1. To the extent practicable, no clearing of coastal sage scrub (CSS) habitat that is occupied by nesting gnatcatchers shall occur during the breeding and nesting season (February 15 through July 15). It is expressly understood that this provision and the remaining provisions of these “construction minimization measures” are subject to public health and safety considerations. These considerations include unexpected slope stabilization, erosion control, and emergency facility repairs. In the event of such public health and safety circumstances, the applicant shall provide United States Fish and Wildlife Service (USFWS)/California Department of Fish and Wildlife (CDFW) with the maximum practicable notice (or such notice as is specified in the NCCP/HCP) to allow for capture of gnatcatchers, cactus wrens, and any other CSS Identified Species that are not otherwise flushed and shall carry out the following measures only to the extent practicable in the context of the public health and safety considerations.
2. Prior to the commencement of clearing operations or other activities involving significant soil disturbance, all areas of CSS habitat to be avoided under the provisions of the NCCP/HCP, shall be identified with temporary fencing or other markers clearly visible to construction personnel. Additionally, prior to the commencement of clearing operations or other activities involving disturbance of CSS, a survey shall be conducted to locate gnatcatchers and cactus wrens within 100 feet of the outer extent of projected soil disturbance activities and the locations of any such species shall be clearly marked and identified on the construction/grading plans.
3. A monitoring biologist, acceptable to the USFWS/CDFW shall be on site during any clearing of CSS. The applicant shall advise USFWS/CDFW at least 7 calendar days (and preferably 14 calendar days) prior to the clearing of any habitat occupied by identified species to allow USFWS/CDFW to work with the monitoring biologist in connection with bird flushing/capture activities. The monitoring biologist shall flush identified species (avian or other mobile identified species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If birds cannot be flushed, they shall be captured in mist nets, if feasible, and relocated to areas of the site to be protected or to the NCCP/HCP Reserve system. It shall be the responsibility of the monitoring biologist to ensure that identified bird species shall not be directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities on a timely basis.
4. Following the completion of initial clearing/earth movement activities, all areas of CSS habitat to be avoided by construction equipment and personnel shall be marked with temporary fencing or other appropriate markers clearly visible to construction personnel.

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No construction access, parking, or storage of equipment or materials shall be permitted within such marked areas.

5. In areas bordering the NCCP Reserve System or Special Linkage/Special Management areas containing significant CSS identified in the NCCP/HCP for protection, vehicle transportation routes between cut-and-fill locations shall be restricted to a minimum number during consistent with project construction requirements. Waste dirt or rubble shall not be deposited on adjacent CSS identified in the NCCP/HCP for protection. Preconstruction meetings involving the monitoring biologist, construction supervisors, and equipment operators shall be conducted and documented to ensure maximum practicable adherence to these measures.
6. CSS identified in the NCCP/HCP for protection and within the likely dust drift radius of construction areas shall be periodically sprayed with water to reduce accumulated dust on the leaves, as recommended by the monitoring biologist.

BIO-4 **Education Program.** An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the project area shall be administered before performing impacts. The WEAP shall consist of a presentation from the designated biologist that includes a discussion of the biological resources and mitigation measures described in the California Environmental Quality Act (CEQA) document. Interpretation for non-English-speaking workers shall be provided, and the same instruction shall be provided to all new workers before they are authorized to perform work in the project area. After completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures.

BIO-5 **Hazardous Waste.** The applicant shall immediately stop work and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and cleanup by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.

BIO-6 **BMPs to Avoid Indirect Impacts to Special-Status Resources.** To reduce any indirect impacts to special-status biological resources adjacent to construction and due to tree removals, best management practices (BMPs) shall be implemented to control dust pollution, prevent discharge of potentially harmful chemicals, and prevent changes in hydrology. BMPs shall include, but not be limited to, installing erosion and sedimentation control devices, applying water to control dust, placing drip pans under equipment when not in use, refueling in designated areas, and containing concrete washout properly, among other practices.

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- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Less-Than-Significant Impact With Mitigation Incorporated. The 4.14-acre site, which includes the primary laydown area, is currently entirely developed. Surrounding the 4.14-acre site, there is an approximately 20-foot-wide non-native grass slope landscaped with trees. The secondary laydown area is disturbed habitat.

The project site, access road to the project site, and the open space immediately outside of the perimeter wall enclosing the project site does not contain any riparian habitat or surface water bodies (USFWS 2024a). The California Department of Fish and Wildlife's Lands Viewer tool indicates that the site is not within an ecological reserve or wildlife area (CDFW 2024a). Therefore, there would be no direct impacts to riparian habitat or other sensitive natural communities.

Construction-related, short-term indirect impacts may include inadvertent spillover impacts outside of the construction footprint, dust accumulation on sensitive natural communities, chemical spills, and stormwater erosion and sedimentation. Mitigation measures **BIO-3** through **BIO-7** would be implemented to avoid inadvertent construction related spillover impacts. Potential long-term (post-construction) indirect impacts from O&M activities are not anticipated due to the type of project. All O&M activities would occur within the direct project footprint, and long-term indirect impacts from maintenance would be minimal.

With implementation of Mitigation Measures **BIO-3** through **BIO-7**, impacts would be less than significant.

Mitigation Measure

BIO-7 Avoidance of Coastal Sage Scrub. For the proposed demolition activities and construction of the RNG facility, all vehicles using the project site access road shall remain on the asphalt access road. To prevent any impacts to coastal sage scrub, no staging areas, stockpiles, equipment storage, or vehicle turn outs shall be permitted on the shoulder of the access road.

- c) **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No Impact. Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as streams, swamps, marshes, and bogs. No waters of the U.S./State, including wetlands, regulated by the United States Army Corps of Engineers, CDFW, or RWQCB exist on the project site. Based on the USFWS National Wetlands Inventory,⁸ approximately 30 feet east of the 4.14-acre project site, there is mapped riverine habitat and freshwater forested/shrub wetland habitat approximately 400 feet northeast of the project site (USFWS 2024b).

⁸ Riverine system includes all wetlands and deep-water habitats within a channel (USFWS 2024).

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The project site is a completely paved lot, and project development would take place within the boundaries of the project site and would not impact waters of the U.S./State, including wetlands. The secondary laydown area is disturbed and would not impact waters of the U.S./State, including wetlands. Therefore, project development would not impact waters of the U.S./State, including wetlands directly.

Construction-related, short-term indirect impacts may include inadvertent spillover impacts outside of the construction footprint, dust accumulation on waters, chemical spills, and stormwater erosion and sedimentation. Potential long-term (post-construction) indirect impacts from O&M activities are not anticipated due to the type of project. All O&M activities would occur within the direct project footprint, and long-term indirect impacts from maintenance would be minimal.

With implementation of Mitigation Measures **BIO-3** through **BIO-7**, indirect impacts to sensitive natural communities would be less than significant.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. There are no corridors valuable for overland wildlife movement or migration on the project site. The project site is completely paved with an existing county flare and blower station along with a cell tower and associated generator, which does not provide suitable habitat for overland wildlife movement or habitat for any native resident or wildlife species. As mentioned in Section 3.4(c), project development would take place within the boundaries of the project site and would not impact the nearby wetland habitats. No impact would occur, and no mitigation is necessary.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The City of Newport Beach does not have a tree preservation policy or ordinance that protects trees on privately owned land. Therefore, the project will not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less-Than-Significant Impact With Mitigation Incorporated. The 4.14-acre site project site and surrounding 20-foot buffer of trees is in the Central-Coastal NCCP/HCP Reserve. The secondary laydown yard is in a Central-Coastal NCCP/HCP Special Linkage and is also habitat conservation for the TCA. No coastal sage scrub or other covered habitat would be impacted by the project. To avoid inadvertent impacts to covered habitats and covered species, the Central-Coastal Subregional NCCP/HCP Minimization/Mitigation Measures Construction-Related Impacts, Mitigation Measure **BIO-3** would be implemented.

With implementation of **Mitigation Measure BIO-3**, the proposed development would not result in a taking or disturbance of coastal sage scrub, chaparral, or other native plant communities outside of the ground-disturbing areas (see Figures 2 and 4). Therefore, the proposed project is not anticipated to impact the Central-

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Coastal NCCP/HCP Reserve and Special Linkage in any way. Implementation of the proposed project would not conflict with provisions of an adopted conservation plan and no impact would occur.

3.5 CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

No Impact. CEQA Guidelines Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally, a resource is considered “historically significant” if it meets one of the following criteria:

- i) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii) Is associated with the lives of persons important in our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- iv) Has yielded, or may be likely to yield, information important in prehistory or history.

The project area does not contain any historic resources from the National Register of Historic Places, California Register of Historic Places, or on the list of State Historical Landmarks. On-site structures that would be demolished are less than 40 years old and have no known significance related to architectural character, construction method, artistic value, or historic value related to important persons or events. No impact to historic resources would occur due to implementation of the proposed project, and no mitigation is necessary.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

Less-Than-Significant Impact With Mitigation Incorporated. Archaeological sites are often located along creek areas, ridgelines, and vistas. Newport Beach contains many significant archaeological sites. For instance, the Upper Newport Bay area has yielded some evidence for the earliest human occupation of Orange County and dates to about 9,500 years before present. Over 50 sites have been documented in the Newport Beach area, including the Newport Coast area and Banning Ranch, many yielding substantial information regarding the prehistory of the City and county, and have included human burials. At least two and possibly three distinct cultural groups inhabited the area, including the Tongva and Acjachemem tribes, although the boundaries of their tribal territories are unclear (Newport Beach 2006).

Archaeological resources were discovered at the CCL when the landfill was still operational prior to 1990, but no archaeological resources have been discovered at the project site (OCWR 2016). Most sites were destroyed

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either unintentionally during landfill use prior to 1990, deliberately during landfill use after testing showed the site was not significant, or deliberately during landfill use after the conclusion of data recovery excavation. Moreover, the site is completely disturbed (i.e., paved with concrete and asphalt) from the original construction of the gas-to-energy facility. In the unlikely event that archaeological resources are discovered during project construction, the project applicant would be required to comply with provisions of Section 21083.2 of the CEQA Guidelines and Mitigation Measure **CUL-1**. The applicant would comply with the Mitigation Measure **CUL-1**, and impacts would be less than significant.

Mitigation Measure

CUL-1 The project applicant shall retain an archaeological and paleontological resource monitor to monitor the project's subsurface areas during land disturbance from demolition and construction activities. If any archaeological or paleontological resources are discovered, the archaeological/paleontological monitor shall have the authority to stop work, assess the resources found, and implement a plan for the removal of the archaeological/paleontological resources if deemed significant.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less-Than-Significant Impact. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The proposed project would comply with existing law.

Furthermore, the 4.14-acre site is already completely paved from the original construction of the gas-to-energy facility built in 1987. Therefore, it is extremely unlikely that human remains would be discovered upon implementation of the proposed project. Impacts to human remains would be less than significant, and no mitigation is necessary.

3.6 ENERGY

Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less-Than-Significant Impact. The following discusses the potential energy demands from construction activities associated with the construction and operation of the proposed project.

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Short-Term Construction Impacts

Construction of the proposed project would create temporary increased demands for electricity and vehicle fuels compared to existing conditions and would result in short-term transportation-related energy use.

Electrical Energy

The majority of construction equipment would be gas- or diesel-powered, and electricity would not be used to power most of the construction equipment. Electricity use during construction would vary during different phases of construction. Later construction phases could result in the use of electric-powered equipment for interior construction and architectural coatings (if applicable). It is anticipated that the majority of electric-powered construction equipment would be hand tools (e.g., power drills, table saws) and lighting, which would result in minimal electricity usage during construction activities. Therefore, project-related construction activities would not result in wasteful or unnecessary electricity demands, and impacts would be less than significant.

Natural Gas Energy

It is not anticipated that construction equipment used for the proposed project would be powered by natural gas, and no natural gas demand is anticipated during construction. Therefore, impacts would be less than significant with respect to natural gas usage.

Transportation Energy

Transportation energy use during construction of the proposed project would come from delivery vehicles, transport trucks, and construction employee vehicles. In addition, transportation energy demand would come from use of off-road construction equipment. It is anticipated that the majority of off-road construction equipment, such as those used during site preparation and grading, would be gas or diesel powered.

The use of energy resources by vehicles and equipment would fluctuate according to the phase of construction and would be temporary. In addition, all construction equipment would cease operating upon completion of project construction. Thus, impacts related to transportation energy use during construction would be temporary and would not require expanded energy supplies or the construction of new infrastructure. Furthermore, to limit wasteful and unnecessary energy consumption, the construction contractors are anticipated to minimize nonessential idling of construction equipment during construction, in accordance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

Construction trips would also not result in unnecessary use of energy since the project site is centrally located and is served by numerous regional freeway systems (e.g., SR-73) that provide the most direct routes from various areas of the region. Thus, energy use during construction of the project would not be considered inefficient, wasteful, or unnecessary. Impacts would be less than significant.

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Long-Term Impacts During Operation

The primary operational use of energy would be from operation of the facility equipment. Additionally, and to a lesser extent, the proposed project would also generate energy demand associated with operation of the proposed buildings, which could include heating, cooling, and ventilation of buildings; water heating; operation of electrical systems; and indoor and outdoor lighting.

Electrical and Natural Gas Energy

Operation of the proposed project would consume electricity for various purposes, including, but not limited to, cooling and ventilation of buildings as well as operation of electrical systems, lighting, and use of on-site equipment. Electrical service to the proposed project would be provided by SCE through connections to existing off-site electrical lines and new on-site infrastructure. Overall, implementation of the proposed project would result in an annual electricity demand of 32,000 megawatt hours per year, or 115,200 gigajoules (GJ).⁹ Furthermore, the proposed project would also utilize natural gas for building heating in addition to the operation of on-site equipment. As stated, supplemental natural gas would be required for the TOX in combustion of waste gas and annual supplemental natural gas demand would be 16.43 million standard cubic feet, or 17,021,480 thousand British thermal units (kBtu) per year. Natural gas demand other than the supplemental fueling, such as for building heating would be 68,226 kBtu per year. Overall, operation of the proposed project would have an annual natural gas demand of 17,089,706 kBtu per year (18,031 GJ per year).¹⁰

While operation of the proposed project would result in electricity and natural gas demands, the proposed project is anticipated to generate 573,000 million British thermal units per year of RNG. This amount would be equivalent to about 604,572 GJ per year of energy and result in a net increase of 471,341 GJ per year in energy supply when compared to the 133,231 GJ per year of energy that would be expended to operate the proposed facility. In addition, the proposed project would generally support the generation and procurement of RNG. As discussed in Section 3.6(b) below, procurement of RNG would be consistent with the goals of California's Biomethane Procurement Program, which sets an overall short-term procurement goal of 17.6 billion cubic feet per year of biomethane by 2025 and 72.8 billion cubic feet per year by 2030. Therefore, the proposed project would not result in wasteful or unnecessary consumption of energy resources, and impacts would be less than significant.

Transportation Energy

The proposed project would consume transportation energy during operations from the use of motor vehicles associated with employees. Overall, the proposed project would employ only three employees, which would result in a nominal eight vehicles trips per day. As discussed in Section 3.17(b) of this IS/MND, the limited number of projected daily vehicle trips would be below the City's screening threshold of 300 vehicle trips per day for a VMT analysis and would result in a less than significant VMT impact. Overall, the limited number of project-related vehicle trips would contribute to minimizing VMT and transportation fuel demands. Furthermore, the project site would be accessible by the regional freeway systems (e.g., SR-73) that provide the

⁹ Based on conversion factor of 3.6 GJ/MWh.

¹⁰ Based on conversion factors of 0.001 MMBtu/kBtu and 1.0551 GJ/MMBtu.

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most direct routes from various areas of the region. Thus, operation-related fuel usage associated with the proposed project would not be considered inefficient, wasteful, or unnecessary. Therefore, energy impacts as it pertains to operation-related transportation energy would be less than significant, and no mitigation measures are required.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The following evaluates consistency of the proposed project with California's Renewables Portfolio Standard program and the Biomethane Procurement Program.

California Renewables Portfolio Standard Program

The state's electricity grid is transitioning to renewable energy under California's Renewable Energy Program. Renewable sources of electricity include wind, small hydropower, solar, geothermal, biomass, and biogas. Electricity production from renewable sources is generally considered carbon neutral. Executive Order S-14-08, signed in November 2008, expanded the state's renewable portfolios standard (RPS) to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (Senate Bill [SB] X1-2). SB 350 (de Leon) was signed into law September 2015 and establishes tiered increases to the RPS—40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 also set a new goal to double the energy-efficiency savings in electricity and natural gas through energy efficiency and conservation measures.

On September 10, 2018, Governor Brown signed SB 100, which supersedes the SB 350 requirements. Under SB 100, the RPS for public-owned facilities and retail sellers consist of 44 percent renewable energy by 2024, 50 percent by 2026, 52 percent by 2027, and 60 percent by 2030. The bill also established a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Additionally, SB 1020 adds interim targets to SB 100 framework to require renewable energy and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035 and 95 percent of all retail electricity sales by 2040. Under SB 100 and SB 1020, the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

The statewide RPS goal is not directly applicable to individual development projects, but to utilities and energy providers such as SCE, which is the utility that would provide all of electricity needs for the proposed project. Compliance of SCE in meeting the RPS goals would ensure the state in meeting its objective in transitioning to renewable energy. Overall, the proposed project involves conversion of LFG currently generated at the CCL into RNG that would be used as transportation fuel. While the proposed project would not involve generation of renewable electricity, it would not hinder implementation of the RPS program. Implementation of the proposed project would not conflict with or obstruct implementation of California's RPS Program. Therefore, no impacts would result, and no mitigation measures are necessary.

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Biomethane Procurement Program

SB 1440, signed into law in September 2018, directed the California Public Utilities Commission to evaluate and consider adopting specific biomethane procurement targets for investor-owned utilities. The biomethane procurement program was approved by the California Public Utilities Commission on February 24, 2022. It sets an overall short-term procurement goal of 17.6 billion cubic feet per year of biomethane by 2025 and 72.8 billion cubic feet per year by 2030. In general, the procurement targets are proportioned to each utility based on the proportionate share of natural gas deliveries. The program directs utilities to primarily procure biomethane from landfill sources and then from other non-dairy sources. Implementation of the proposed project would result in conversion of LFG generated at the CCL into RNG, which would be injected into the SoCalGas natural gas grid. Thus, the proposed project would advance the procurement goals of SoCalGas and be consistent with the Biomethane Procurement Program. Therefore, no impacts would occur, and no mitigation measures are necessary.

3.7 GEOLOGY AND SOILS

The analysis in this section is based partly on the following technical studies, which are included as Appendices D and E, respectively, to this IS:

- Preliminary Geotechnical Investigation, Proposed RNG Plant Equipment Area, Coyote Landfill. Project No. 23775.1, LOR Geotechnical Group Inc., December 10, 2021.
- County of Orange/Santa Ana Region Priority Project Preliminary Water Quality Management Plan (P-WQMP), BKF Engineers, June 24, 2024.

Would the project:

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
 - i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Less-Than-Significant Impact. The potential for ground rupture due to fault movement is generally considered related to the seismic activity of known fault zones. The City is in the northern part of the Peninsular Ranges Province, an area that is exposed to risk from multiple earthquake fault zones (Newport Beach 2006). The highest risks originate from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone, each with the potential to cause moderate to large earthquakes that would cause ground shaking in the city and nearby communities.

The Alquist-Priolo Earthquake Fault Zoning Act was signed into state law in 1972. Its primary purpose is to mitigate the hazard of fault rupture by prohibiting the location of structures for human occupancy

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across the trace of an active fault. The act delineates “Earthquake Fault Zones” along faults that are “sufficiently active” and “well defined.” The project site is not in proximity to any active fault zones, Alquist-Priolo Earthquake Fault Zones, or active surface faults (CGS 2015, 2022). The nearest mapped active fault¹¹ is the Pelican Hill fault of the Newport-Inglewood fault zone approximately 1.3 miles southwest of the project site (CGS 2015). Due to the distance to the active fault, the potential for surface rupture of a fault on site is considered very low. Therefore, impacts would be less than significant, and no mitigation is necessary.

ii) Strong seismic ground shaking?

Less-Than-Significant Impact. Seismic activity along nearby or more distant fault zones (see previous discussion of fault zones under Subsection 3.7(a)(i)) is likely to cause ground shaking on the project site. The Pelican Hill fault of the Newport–Inglewood fault zone and other faults in the region—Elsinore fault zone approximately 20.5 miles northeast of the project site—are potentially capable of producing the most intense ground accelerations on the site, given the distance (CGS 2015).

However, the proposed project will be designed to comply with provisions of the California Building Code (CBC), which are designed to minimize effects of ground shaking on buildings to the greatest degree feasible. The proposed development would be required to adhere to the provisions of the CBC, which are enforced by the City during the development review and building plan check process. Adherence to the requirements of the CBC for structural safety during a seismic event would reduce hazards from strong seismic ground shaking.

Furthermore, requirements for geotechnical investigations are included in CBC Appendix J, Section J104.3, Geotechnical Reports. The project applicant prepared a preliminary geotechnical investigation report pursuant to the CBC and would prepare a final report prior to the issuance of grading permits. The preparation of a final report would be imposed by the City as a condition of project approval. The geotechnical report would include calculations of seismic design parameters for the final design that shall be reviewed by a qualified structural engineer. In summary, compliance with the provisions of the CBC and required implementation of the design recommendations outlined in the final geotechnical report would reduce hazards arising from strong seismic ground shaking. Therefore, impacts would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less-Than-Significant Impact. Liquefaction occurs when loose, water-saturated sediments lose strength and fail during strong ground shaking. Liquefaction is defined as the transformation of granular material from a solid state into a liquefied state because of increased pore-water pressure (CDC 2023). This subsurface process can lead to near-surface or surface ground failure that can result in property damage and structural failure. If surface ground failure does occur, it is usually expressed as lateral spreading, flow failures, ground oscillation, and/or general loss of bearing strength.

¹¹ A fault that has ruptured during Holocene time (the last 11,700 years).

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In order to determine a region's susceptibility to liquefaction, the following three major factors must be analyzed: 1) the intensity and duration of ground shaking, 2) the age and textural characteristics of alluvial sediments, and 3) the depth of groundwater. Research and historical data indicate that loose, granular materials at depths of less than 50 feet with silt and clay contents of less than 30 percent saturated by relatively shallow groundwater table are most susceptible to liquefaction (CGS 2008). Areas of Newport Beach are susceptible to liquefaction along the coastline that includes Balboa Peninsula, in and around the Newport Bay and Upper Newport Bay, in the lower reaches of major streams in Newport Beach, and in the floodplain of the Santa Ana River (Newport Beach 2006).

Based on a review of California Geological Survey's California Earthquake Hazards Zone Application, the project site is not in a liquefaction hazard zone (CGS 2021). Additionally, the preliminary geotechnical investigation report prepared by LOR Geotechnical Group Inc. for the proposed project estimated groundwater to be more than 50 feet beneath the site and underlain by sedimentary bedrock. Therefore, the report found no possibility of liquefaction (LOR Geotechnical Group Inc. 2021).

To prevent potential impacts related to ground failure on the project site, the preliminary geotechnical investigation report recommends a series of design features and measures to be incorporated during the construction of the proposed RNG facility. These include detailed recommendations related to grading procedures in accordance with CBC, preparation of fill areas and foundation areas with structural concrete slabs (mat foundations), and the design of buildings foundations/footings for retaining walls (LOR Geotechnical Group Inc. 2021).

Moreover, project site grading, design, and construction would conform with the recommended design parameters of the required final geotechnical report. Preparation of the final geotechnical report would be required prior to the issuance of grading permits. Therefore, impacts associated with liquefaction would be less than significant.

iv) Landslides?

Less-Than-Significant Impact. Landslides are perceptible downward movements of a mass of earth (soil and/or debris), rock or a combination of the two under the influence of gravity. Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. Based on reconnaissance mapping and review of aerial photographs, the preliminary geotechnical investigation report found no landslides in the site vicinity. In addition, the site is not located within an earthquake-induced landslide zone as identified by the California Geological Survey (LOR Geotechnical Group Inc. 2021). Therefore, the potential for seismically induced landslides to impact the site is considered low. Impacts related to landslides would be less than significant, and no mitigation is necessary.

b) Result in substantial soil erosion or the loss of topsoil?

Less-Than-Significant Impact with Mitigation Incorporated. Erosion is the movement of rock and soil from place to place and is a natural process. Common agents of erosion in the project region include wind and flowing water. Significant erosion typically occurs on steep slopes where stormwater and high winds can carry

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topsoil down hillsides. Erosion can be increased greatly by earth-moving activities if erosion control measures are not used.

Project development would involve demolition, excavation, grading, removal of trees, and construction activities that would disturb soil and leave exposed soil on the ground surface. Common means of soil erosion from construction sites include water, wind, and tracking off site by vehicles.

The preliminary geotechnical investigation report found undocumented fill soils associated with past use and/or demolition of the former power plant above sedimentary bedrock (LOR Geotechnical Group Inc. 2021). Based on the borings, the fill soils consisted of fine to coarse-grained silty sand to sandy silt soils that range from 1.5 to 12.5 feet in thickness. While the sedimentary bedrock consists of laminated to typically thinly bedded siltstone with much lesser sandstone materials. These types of soils are susceptible to erosion by running water, therefore the preliminary geotechnical investigation report recommends measures to prevent surface water from flowing over slope faces (e.g., plant deep-rooted ground cover and prevent over watering on slopes). In addition, the earthwork operations recommended to be conducted during the development of the site (e.g., fill slopes shall be overfilled during construction and then cut back to expose fully compacted soil) would mitigate any near surface loose soil conditions (LOR Geotechnical Group Inc. 2021).

Since the proposed project would disturb less than one acre of land (0.88-acre footprint), it is not subject to the requirements of the State Water Resources Control Board's General Construction Permit, which regulates sites that disturb one acre or more and requires filing Permit Registration Documents as well as the preparation of a Stormwater Pollution Prevention Plan. However, other existing regulatory requirements would apply to construction activities on the site, such as the implementation of grading erosion control measures specified in the CALGreen (California Green Building Standards Code) Building Code. Additionally, the provisions for erosion control in Chapter 15.10, Excavation and Grading Code, of the Newport Beach Municipal Code, would require the proposed project to prepare and submit a grading plan and erosion control plan for review by the City's Building Official. These would include detailed plans for temporary and/or permanent sediment, pollution, and erosion control facilities. Due to the proximity of the preserved trees to the removed trees, erosion would not be a significant issue. All removed trees would be flush cut to the ground and the remaining stumps are to remain in place with no stump grinding. Additionally, Mitigation Measure **BIO-6** would reduce any erosion impacts due to the removal of trees beyond the perimeter walls.

After project completion, the project site would be developed with a new RNG facility and the potential for soil erosion or the loss of topsoil would be expected to be extremely low. Furthermore, the project applicant prepared a preliminary water quality management plan (WQMP) for City review (Appendix E). Best management practices (BMPs) specified for the proposed project in the WQMP would also minimize sediment pollution of stormwater (see Section 3.10, Hydrology and Water Quality). Overall, compliance with the BMPs, Mitigation Measure **BIO-6**, CALGreen, and municipal code standards would reduce potential soil erosion impacts during construction and operation to a less-than-significant level.

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- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

Less-Than-Significant Impact. Hazards from liquefaction and landslides are addressed in Section 3.7(a)(iii) and Section 3.7(a)(iv), respectively. As concluded in these sections, impacts would be less than significant. The following is a discussion of the potential erosion impacts resulting from other site geologic and soil conditions.

Lateral Spreading

Lateral spreading is a phenomenon that occurs in association with liquefaction and includes the movement of non-liquefied soil materials. Due to the low risk of liquefaction on the project site, lateral spreading is not considered a hazard to the site, and no impacts are expected to occur.

Subsidence

The major cause of ground subsidence is the excessive withdrawal of groundwater. Soils with high silt or clay content are particularly susceptible to subsidence. The project site is not mapped in an area of subsidence by the United States Geological Survey, and the project does not propose any groundwater withdrawal that would create or worsen ground subsidence (USGS 2024b). Additionally, groundwater was not encountered at the maximum depth of approximately 21.5 feet, and the underlying bedrock is generally considered non-water bearing (LOR Geotechnical Group Inc. 2021). Therefore, impacts associated with subsidence would be less than significant.

Collapsible Soils

Collapsible soils shrink upon being wetted and/or subjected to a load. Since the boring samples indicated medium expansive soil/bedrock materials, the preliminary geotechnical investigation report recommended that existing fills under any proposed flatwork and/or paved areas would be removed and replaced with engineered compacted fill. All undocumented fill material would be removed from all proposed structural and/or fill areas with removals on the order of 0.5 to 12.5 feet, and likely deeper locally, in order to encounter competent bedrock upon which engineered compacted fill can be placed (LOR Geotechnical Group Inc. 2021).

A final geotechnical investigation would be required prior to the issuance of grading permits and would be imposed by the City as a condition of project approval. The final geotechnical investigation would include a detailed assessment of the suitability of site soils for supporting the proposed structures and other site improvements, and the specific design recommendations for the building foundation to minimize hazards from unsuitable soils. Site grading, design, and construction of the proposed project would conform to the design recommendations of the final geotechnical report. Therefore, project development would not cause substantial hazards arising from collapsible soils, and impacts would be less than significant.

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- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

Less-Than-Significant Impact. Section 1803.5.3 of the 2013 CBC defines expansive soils as those that meet specific criteria related to plasticity index and soil particle size. Highly expansive soils swell when they absorb water and shrink as they dry and can cause structural damage to building foundations and roads. Thus, they are less suitable for development than non-expansive soils.

The near-surface soils on the project site generally consist of fine to coarse-grained silty sand to sandy silt soils. Due to medium expansive soil conditions, the preliminary geotechnical investigation report recommended foundation design conditions (i.e., that all structures be supported on reinforced, stiffened mat foundations resting over 24 inches of engineered compacted fill placed over competent native earth materials), reinforced exterior concrete flatwork, and evaluation of imported fill for their expansion potential during grading operation (LOR Geotechnical Group Inc. 2021). Additionally, project site grading, design, and construction would conform with the recommended design parameters of the final geotechnical report. Impacts associated with expansive soils would be less than significant.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

No Impact. The proposed project would construct a septic system at the control building for the RNG processing plant. The system would include a holding tank and the contents would regularly be trucked off-site for disposal. Therefore, the septic system would be self-contained and would not require infiltration into the soil. No impacts would occur.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Less-Than-Significant Impact. Paleontological resources are fossils (i.e., the recognizable remains or evidence of past life on earth) such as bones, shells, leaves, tracks, burrows, and impressions.

Changes in geological land formations over time, brought upon by tectonic activity, have resulted in a mix of aquatic and terrestrial animals typically associated with the Ice Age (2.5 million years ago to 15,000 years ago) underlying the City (Newport Beach 2006). Other areas with significant fossils and known paleontological deposits include the Banning Ranch area and the Fossil Canyon in the North Bluffs area. The site is in the San Joaquin Hills, which are underlain by Paleocene to Pliocene age marine and non-marine sedimentary rocks overlain by Pleistocene and Holocene surficial units (LOR Geotechnical Group Inc. 2021).

As shown on Figure 4, the project site is completely paved and is surrounded by a 12-foot-high perimeter wall. No pipeline excavation or construction would be necessary outside of the OCWR walled compound. Therefore, impacts to paleontological resources would be less than significant.

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3.8 GREENHOUSE GAS EMISSIONS

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHGs), into the atmosphere. The primary source of these GHGs is fossil fuel use. The Intergovernmental Panel on Climate Change has identified four major GHGs—water vapor, CO₂, methane (CH₄), and ozone (O₃)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG identified by the Intergovernmental Panel on Climate Change that contribute to global warming to a lesser extent include nitrous oxide (N₂O), sulfur hexafluoride (SF₆)¹².

Information on manufacturing of cement, steel, and other “life cycle” emissions that would occur as a result of the project are not applicable and are not included in the analysis.¹³ Black carbon emissions are not included in the GHG analysis because the CARB does not include this pollutant in the state’s SB 32 and AB 1279 inventory and treats this short-lived climate pollutant separately.¹⁴ A background discussion on the GHG regulatory setting and GHG modeling can be found in Appendix B1 to this IS.

The analysis in this section is based partly on the following technical studies, which is included as Appendix B3 to this IS:

- Permit to Construct/Permit to Operate for a Renewable Natural Gas Plant for Biofuels Coyote Canyon, Biogas LLC Newport Beach, California, SCS Engineers, December 11, 2023, and Revised on July 25, 2024.

Would the project:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Less-Than-Significant Impact. Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even

¹² Water vapor (H₂O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant, but part of the feedback loop rather than a primary cause of change.

¹³ Life cycle emissions include indirect emissions associated with materials manufacture. However, these indirect emissions involve numerous parties, each of which is responsible for GHG emissions of their particular activity. The California Resources Agency, in adopting the CEQA Guidelines Amendments on GHG emissions found that lifecycle analyses was not warranted for project-specific CEQA analysis in most situations, for a variety of reasons, including lack of control over some sources, and the possibility of double-counting emissions (CNRA 2018). Because the amount of materials consumed during the operation or construction of the project is not known, the origin of the raw materials purchased is not known, and manufacturing information for those raw materials are also not known, calculation of life cycle emissions would be speculative. A life-cycle analysis is not warranted (OPR 2008).

¹⁴ Particulate matter emissions, which include black carbon, are analyzed in Section 3.3, Air Quality. Black carbon emissions have sharply declined due to efforts to reduce on-road and off-road vehicle emissions, especially diesel particulate matter. The state's existing air quality policies will virtually eliminate black carbon emissions from on-road diesel engines within 10 years (CARB 2017).

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a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact.

The proposed project would generate GHG emissions from construction activities, energy use (e.g., electricity and natural gas demands), area sources (e.g., landscaping equipment and architectural coatings), mobile sources (e.g., employee trips), and from water usage (e.g., from normal facility use and water used for operational processes) and solid waste generation. Annual average construction emissions were amortized over 30 years and included in the emissions inventory to account for GHG emissions from the construction phase of the project (South Coast AQMD 2009). The project would also generate GHG emissions from the proposed stationary equipment that includes the TOX, enclosed RNG flare, and natural gas-powered emergency generator. The South Coast AQMD adopted threshold for permitted/industrial projects is 10,000 metric tons of carbon dioxide-equivalent (MTCO₂e) per year and is utilized to evaluate the total emissions associated with the land use and permitted components of the proposed project.

Project-related GHG emissions from the proposed land uses and permitted stationary sources are shown in Table 9, *Project-Related Greenhouse Gas Emissions*. As shown in the table, both the total and regulated emissions are shown for the permitted stationary equipment. The former is included for informational purposes only. Emissions of CO₂ generated from combustion of biogas are considered biogenic and do not contribute to a net increase in atmospheric CO₂. Thus, only the regulated GHG emissions from the proposed permitted stationary sources are evaluated to the 10,000 MTCO₂e per year threshold. As shown in Table 9, the proposed project at buildout would generate total emissions (both land use and permitted components) of 7,845 MTCO₂e annually, which would not exceed the South Coast AQMD 10,000 MTCO₂e per year GHG significance threshold for permitted/industrial projects. Therefore, GHG emissions impacts associated with the proposed project would be less than significant, and no mitigation measures are necessary.

Table 9 Project-Related Greenhouse Gas Emissions

Source	MTCO ₂ e/year	Percent of Project Total
Land Use Emissions		
Mobile ¹	13	<1%
Area ²	<1	<1%
Energy – Electricity ³	7,755	99.6%
Energy – Natural Gas ⁴	4	<1%
Water ⁵	1	<1%
Waste	1	<1%
Refrigerants	<1	<1%
Amortized Construction Emissions ⁶	12	<1%
Total Land Use Emissions	7,785	100%
Permitted Sources – Total^{7,8}		
Thermal Oxidizer – Main	6,120	12%
Thermal Oxidizer – Supplemental	4,231	8%
Enclosed RNG Flare	39,902	79%
Natural Gas-Powered Emergency Generator	0.03	<1%
Total Emissions	50,280	100%

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Table 9 Project-Related Greenhouse Gas Emissions

Source	MTCO ₂ e/year	Percent of Project Total
Permitted Sources – Regulated^{7,9}		
Thermal Oxidizer – Main	31	52%
Thermal Oxidizer – Supplemental	4	7%
Enclosed RNG Flare	24	40%
Natural Gas-Powered Emergency Generator	0.03	<1%
Total Emissions	60	100%
Total Land Use and Regulated Permitted Emissions		
Land Use Emissions	7,785	NA
Regulated Permitted Sources Emissions	60	NA
Total Emissions	7,845	NA
South Coast AQMD's Bright-Line Permitted Sources Threshold ¹⁰	10,000	NA
Exceeds Bright-Line Threshold	No	NA

Source: CalEEMod Version 2022.1.

Notes: MTCO₂e: metric tons of carbon dioxide-equivalent; RNG = renewable natural gas; South Coast AQMD = South Coast Air Quality Management District; NA = not applicable; CalEEMod = California Emissions Estimator Model; CO₂ = carbon dioxide.

Summed totals may not equal to totals shown due to rounding.

¹ Emissions generated from employee vehicle trips. The quantified emissions are based on six average daily passenger vehicle trip ends generated by three employees and on two average daily truck trip ends generated by one heavy-heavy duty truck.

² Emissions from landscaping equipment and based on CalEEMod defaults.

³ Based on anticipated electricity demand of 32,000 megawatt hours per year for the proposed facility.

⁴ As discussed in Section 3.19(a) of this IS/MND, the estimated water demand for the proposed project is 89,222 gallons per year (gpy). However, water sector emissions shown in this table are modeled based on annual water demand of 368,613 gpy and represent a conservative estimate.

⁵ Emissions from CalEEMod default natural gas demand used for building heating.

⁶ Construction emissions are amortized over a 30-year project lifetime per recommended South Coast AQMD methodology (South Coast AQMD 2009).

⁷ Based on information provided by SCS Engineers (see Appendices B1 and B3).

⁸ Shown for informational purposes only and includes biogenic CO₂ emissions generated from combustion of natural gas.

⁹ Excludes biogenic CO₂ emissions generated from combustion of natural gas.

¹⁰ South Coast AQMD adopted threshold for permitted/industrial facilities. Because the proposed project is an industrial project that requires a permit from South Coast AQMD, total emissions are compared to South Coast AQMD's adopted threshold for industrial projects of 10,000 MTCO₂e/yr.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. Applicable plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan and the SCAG's RTP/SCS. A consistency analysis with these plans is presented below.

California Air Resources Board Scoping Plan

CARB's latest Climate Change Scoping Plan outlines the state's strategies to reduce GHG emissions in accordance with the targets established under AB 32, SB 32, and AB 1279 (CARB 2022). The Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Statewide strategies to reduce GHG emissions in the 2022 Climate Change Scoping Plan include 1) implementing SB 100, which expands the RPS to 60 percent by 2030; 2) expanding the Low Carbon Fuel Standards to 18 percent by 2030; 3) implementing the Short-Lived Climate Pollutant Reduction Strategy, which

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reduces methane and hydrofluorocarbons to 40 percent below 2013 levels by 2030 and black carbon emissions to 50 percent below 2013 levels by 2030; 4) continuing to implement SB 375; 5) creating a post-2020 Cap-and-Trade Program; and 6) developing an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Statewide strategies to reduce GHG emissions include the low carbon fuel standards, California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the CAFE standards, and other early action measures as necessary to ensure the state is on target to achieve the GHG emissions reduction goals of AB 32, SB 32, and AB 1279. The proposed project would generate and provide RNG to SoCalGas. Expanding use of RNG is one of the primary strategies identified by CARB in the Scoping Plan scenario to achieve the long-range GHG reduction targets. Additionally, the proposed project would also align with the strategy of diversifying the transportation fuel supply away from fossil fuels, which would be consistent with the Low Carbon Fuel Standard. Overall, the proposed project would be consistent with the strategies of the CARB Scoping Plan. Therefore, no impacts would occur, and no mitigation measures are necessary.

Southern California Association of Governments' Regional Transportation Plan/Sustainable Communities Strategy

SCAG adopted the 2024–2050 RTP/SCS (Connect SoCal 2024) in April 2024 (SCAG 2024). Connect SoCal 2024 identifies that land use strategies that focus on new housing and job growth in areas rich with destinations and mobility options are consistent with a land use development pattern that supports and complements the proposed transportation network. The overarching strategy in Connect SoCal 2024 is to plan for the Southern California region to grow in more compact communities in transit priority areas and priority growth areas; provide neighborhoods with efficient and plentiful public transit; establish abundant and safe opportunities to walk, bike, and pursue other forms of active transportation; and preserve more of the region's remaining natural lands and farmlands (SCAG 2024). Connect SoCal 2024's transportation projects help more efficiently distribute population, housing, and employment growth, and forecast development is generally consistent with regional-level general plan data to promote active transportation and reduce GHG emissions. The projected regional development, when integrated with the proposed regional transportation network in Connect SoCal 2024, would reduce per-capita GHG emissions related to vehicular travel and achieve the GHG reduction per capita targets for the SCAG region.

Connect SoCal 2024 does not require that local general plans, specific plans, or zoning be consistent with the SCS, but provides incentives for consistency for governments and developers. Due to the limited number of employees (i.e., three) anticipated for the proposed project, the proposed project would generate a minimal number of daily vehicle trips at eight daily one-way trips. As discussed in Section 3.17(b) of this IS/MND, the proposed project would result in less-than-significant VMT impacts. The proposed project would not interfere with SCAG's ability to implement the regional strategies outlined in Connect SoCal 2024. Therefore, no impacts would occur, and no mitigation measures are necessary.

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3.9 HAZARDS AND HAZARDOUS MATERIALS

The analysis in this section is based partly on the following technical studies, which are included as Appendices F through I to this IS:

- Hazardous Material Inventory Statement, SCS Engineers, October 10, 2023.
- The EDR Radius Map Report with GeoCheck, Environmental Data Resources Inc. (EDR), October 17, 2023.
- Preparedness, Prevention, and Contingency (PPC) Plan/Emergency Action Plan (EAP)/Spill Prevention Control and Countermeasure (SPCC) Plan, Archaea Energy, April 9, 2024.
- Site Severe Weather Response Plan, Archaea Energy, November 8, 2022.

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Less-Than-Significant Impact.

Construction Phase

The construction activities on the project site would use hazardous materials including gasoline, diesel fuel, motor oil, hydraulic fluid, solvents, cleaners, sealants, welding flux, various lubricants, paint, and paint thinner. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short-term or one time in nature and would cease upon completion of the proposed project's construction phase. Project construction workers would be trained in safe handling and hazardous materials use. All spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable state and local regulations for the cleanup and disposal of that contaminant. All contaminated waste would be collected and disposed of at an appropriately licensed disposal or treatment facility. The storage of hazardous materials would be contained in designated hazardous materials storage areas and their use would be carefully prescribed in terms of the defined hazardous materials handling plans, the Safety and Health Programs, and the Hazardous Materials Business Plan (HMBP). The construction contractor would be responsible for implementing best management practices (BMPs) consistent with hazardous materials storage, handling, emergency spill response, and reporting specified in the HMBP.

On-Site Contaminated Soils

The project site had 10 aboveground storage tanks: a 12,000-gallon tank stored LFG condensate; a 2,000-gallon tank stored turbine oil; a 1,200-gallon tank stored caustic fluids; a 800-gallon tank stored sulfuric acid; a 2000-gallon tank stored heat transfer oil; a 405-gallon tank stored dispersant (water cooling tower treatment chemical); a 55-gallon tank stored biocide (water cooling tower treatment chemical); two 100-gallon tanks stored

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propane; and a 9,000-gallon tank stored deionized makeup water. When the gas-to-energy facility ceased operations in December 2015, all the liquids contained in nine aboveground tanks were collected by a licensed hazardous waste hauler and taken to a hazardous waste facility for proper disposal. The aboveground storage tank containing LFG condensate remains since this tank is needed as part of the LFG collection and flaring system. Based on the hazardous materials assessment conducted in 2006, hazardous substances were observed in containers, drums, and aboveground tanks. However, these containers, drums and aboveground tanks were in good condition with secondary containment (OCWR 2016). Therefore, there would be no significant impacts associated with the aboveground storage tanks.

Another potential hazardous incident that could occur during construction would involve the fuels, oils, and grease dripping from construction equipment. However, construction personnel would be trained to handle the materials properly and the small quantities of fuel, oil, and grease that might drip from construction equipment would have relatively low toxicity. In addition, construction activities may result in small oil spills during refueling of construction equipment at the two laydown areas. If a fuel spill occurs, then the contaminated soil would be placed into barrels or trucks for off-site disposal as hazardous waste.

As discussed above, the construction contractor would be responsible for implementing construction BMPs, consistent with hazardous materials storage, handling, emergency spill response, and reporting specified in the HMBP. Therefore, compliance with applicable laws and regulations governing the use, storage, transportation of hazardous materials and disposal of potentially contaminated soils would ensure that impacts would be less than significant.

Operation Phase

The operation of the RNG facility would require the use of the hazardous materials listed on Table 10, *Use of Hazardous Materials During Operation*. Most of the substances fall into one of four categories: maintenance products, oils, acids, and gases. As mentioned previously, most of the equipment on site is surrounded by a concrete secondary containment area.

Table 10 provides a summary of the hazardous materials to be used and stored during operation of the RNG facility. The sum of the regulated substances subject to the requirements of the California Accidental Release Program (CalARP Program) are less than threshold quantities (SCS Engineers 2023).

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Table 10 Use of Hazardous Materials During Operation

Chemical	Concentration (%)	Physical State	Amount (lbs)
Methane	36–39	Gas	157
Hydrogen Sulfide	0.00477	Gas	0.01
Carbon Dioxide	0.8–44	Gas	243
Nitrogen	100	Liquid	10,064
BSR-50	—	—	26,130
Zinc Oxide	20–60	Solid	—
Iron Hydroxide Oxide	20–60	Solid	—
Silicon Dioxide	5–30	Solid	—
Water (absorbed)	<15	—	—
F200 1/8" Aluminum Oxide	80–100	Solid	19,206
Grade 06 Silicon Oxide	99–100	Solid	26,712
Oxigone 230	—	—	1,700
Platinum Oxide	<1	Solid	—
Aluminum Oxide	BALANCE	Solid	—
Norbit Activated Carbon	100	Solid	26,366
RC-Inert Balls	—	—	14,280
Silicon Dioxide	50–70	Solid	—
Aluminum Oxide	10–30	Solid	—
Titanium Oxide	0–2	Solid	—
Ferric Oxide	0–2	Solid	—
Magnesium Oxide	0–1	Solid	—
Potassium Oxide	0–5	Solid	—
Sodium Oxide	0–2	Solid	—
Moisture	<1	—	—
mSORB Synthetic Zeolite	100	Solid	17,062
Sulfatrap R7J	—	Solid	6,303
Cupric Hydroxide	>60	—	—
Potassium Nitrate	<2	—	—
Aluminum Oxide	<10	—	—
Spotleak 1039	—	Liquid	895
T-Butyl Mercaptan	48–51	—	—
Tetrahydrothiophene	48–51	—	—
Refrigerant R-410A	—	Liquid	25.5
Difluoromethane	50	—	—
Pentafluoromethane	50	—	—
Lubricant CPI-6005-150 Polyalphaolefin	100	Liquid	—
During Operation	—	—	17,062
During Maintenance	—	—	34,123
Transformer Insulating Oil Biotran-35	—	—	—
Vegetable Ester	99	Liquid	19,916
Agent Package	1	Liquid	201

Source: SCS Engineers 2023. Appendix F: Hazardous Material Inventory Statement.

Notes: lbs = pounds; — = no data available.

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Belowground Oil/Water Separator

Most of the equipment on site would be surrounded by a concrete secondary containment area. There would be drains in the secondary containment areas, which would lead to a belowground oil/water separator approximately nine feet below ground surface. Three drain risers would connect the oil/water separator to the surface. The aqueous phase would be discharged to the IRWD industrial wastewater system, and the retained oil phase would be periodically removed by pumping into a transport truck for off-site disposal by a qualified hazardous materials hauler.

If a spill or leak into the environment involves hazardous materials equal to or greater than the specific reportable quantity, the federal, state, and local reporting requirements would be adhered to during the cleanup activities. The project applicant would be responsible for verifying that the use, storage, and handling of hazardous materials during operations are in compliance with the applicable laws, ordinances, regulations, and standards. This would include the implementation of BMPs consistent with hazardous materials handling, emergency spill response, and reports as specified in the HMBP. Therefore, the expected potential hazard to employees or the environment during operation would be less than significant.

The California Fire Code (CFC), Chapter 50 and 58, includes specific requirements for the safe storage and handling of hazardous materials that would reduce the potential for a release or for the mixing of incompatible materials. The design of the proposed project provides for chemical storage and handling facilities in compliance with the current CFC and other applicable regulations. Moreover, the Spill Prevention, Control, and Countermeasure (SPCC) Plan includes specific guidelines to be implemented during operations to prevent/control discharge of hazardous substances, such as secondary containment requirements contained in 40 Code of Federal Regulations (CFR) Part 112 and other state regulations (Appendix G). Upon compliance with these requirements, hazards related to accidental release of hazardous materials would be less than significant.

All construction, operation, and maintenance of the RNG facility would occur in compliance with the California Department of Safety and Health (CAL/OSHA) Standards Part 1910, Occupational Safety and Health Administration Safety and Health Regulations. Cal/OSHA enforces the hazard communication program regulations, which include provisions for identifying and labeling hazardous materials, describing the hazards of chemicals, and documenting employee training programs. Upon compliance with CAL/OSHA Standards Part 1910 and the use of contractors and/or employees with the appropriate training, other hazards related to worker safety during construction, operation, and maintenance accident occurrence would be less than significant.

If an incident did occur at the project site, Newport Coast Fire Station 8 is located 1.3 miles southwest and can typically respond within less than 5 minutes, 20 seconds. This fire station is equipped with three Type I Engines and a Type III Engine. Therefore, compliance with existing regulations and based on the fire station response, potential impacts would be reduced to a less-than-significant level.

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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less-Than-Significant Impact. Please refer to the discussion under Section 3.9(a). As concluded in that section, hazards to the public or the environment arising from the routine use of hazardous materials during project operation and construction phases would be less than significant. A Preliminary Site Consequence Assessment was prepared for the proposed project to outline the potential for flammable vapor clouds, jet fire¹⁵, and toxic vapor clouds from the proposed project and the possible effect they pose on the surrounding vegetation; public receptors in the surrounding area; the proposed control room on the project site; and the existing OCWR building on the project site. The analysis was divided into two parts: ground level modeling for occupied buildings, personnel and public receptors, and vegetation ignition modelling at 20 feet elevation. The assessment found no adverse effects to public receptors which included:

- Sage Hill Highschool
- Car passengers on Newport Coast Drive
- Car passengers on SR 73

The assessment found that occupied buildings on the site could be affected by emergency conditions at the proposed RNG facility and included design requirements that would mitigate these impacts. The design requirements include reinforcing all windows at the existing OCWR building to prevent shattering from overpressure. For the proposed control room, the assessment includes design requirements that include framing the structure in reinforced concrete or structural steelwork, designing joints to ensure ductile behavior, using ductile material for walls and roofs, restraining internal non-structural features, and installing windows and doors that conform to specific performance standards to withstand blast loading and overpressure conditions. Therefore, the impact to occupied buildings, personnel, and public receptors would be less than significant.

The assessment found that under the worst-case scenario jet fires could affect vegetation up to 10 feet beyond the perimeter wall in the northeast portion of the site. However, the proposed project includes design features such as equipment layout, hazardous area classification¹⁶, ignition source controls, fire and gas detection systems, process control alarms, process control shutdowns, and emergency shutdown systems. Operators would also be trained to intervene in emergency situations. Therefore, the impact of jet fires to the surrounding vegetation would be less than significant.

Strict adherence to all emergency response procedures in the Emergency Action Plan (EAP) and the Site Severe Weather Response Plan would also be required throughout the duration of the project. The EAP states that the RNG facility personnel will be given a discharge prevention briefing annually, at a minimum, which includes their responsibilities for compliance with the requirements of the spill laws and emergency response regulations applicable to the RNG facility (Appendix H). This training will include preventing, reporting, stopping,

¹⁵ A jet fire is a turbulent diffusion flame that occurs when a fuel is continuously released under pressure in a specific direction with momentum. The fuel can be a liquid, vapor, or gas that is discharged into open space from an orifice. The momentum of the discharged material mixes with the surrounding atmosphere, creating a high temperature flame.

¹⁶ Hazardous area classification (HAC) is a method of evaluating the likelihood of a flammable atmosphere forming in an area and how long it might last. This classification helps determine if electrical, mechanical, or other equipment needs specific protective features to prevent the risk of fire or explosion.

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containing, cleaning up, and disposing of spill materials. The list of emergency contacts and spill reporting procedures would also be maintained in the RNG facility's SPCC Plan. The Site Severe Weather Response Plan outlines procedures for on-site employees to facilitate emergency scheduling when the National Weather Service or General Administration declares a Severe Weather Watch (Appendix I).

It is unlikely that operation of the proposed project would cause the release of hazardous materials into the environment. However, in the event of a hazardous materials spill of greater amount or toxicity than on-site personnel could safely contain and clean up, assistance would be requested from the NBFD hazmat team. Therefore, compliance with applicable laws and regulations would ensure that impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less-Than-Significant Impact. There are no existing or proposed schools located within one-quarter mile of the project site. The nearest school to the project site is the Sage Hill High School at 20402 Newport Coast Drive, approximately 0.28 mile to the northwest.

As substantiated in Sections 3.9(a) and 3.9(b), project operation would not emit hazardous substances or hazardous wastes in quantities posing substantial hazards to the public or the environment. Additionally, the use of hazardous materials during the project's construction phase would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would be short term and would cease upon completion of the proposed project's construction phase. Further, the use, storage, transport, and disposal of hazardous materials on site would be required to conform to existing laws and regulations. As a result, no significant impacts are anticipated.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. An environmental site assessment and records search was performed by Environmental Data Resources Inc. (EDR) (Appendix G). As shown in Table 11, *Hazardous Material Sites*, the EDR Radius Map Report indicated that the project site has 12 listings on hazardous material databases.

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Table 11 Hazardous Material Sites

Site Name	Facility Status	Database Acronyms
Coyote Canyon Landfill	NA	RGA LF
Coyote Canyon Energy LLC	NA	FINDS
Gas Recovery Systems LLC Coyote Canyon Facility	CPS-SLIC: Completed – Case Closed	CPS-SLIC, HWTS, HAZNET
Coyote Canyon Landfill (Closed)	CPS-SLIC: Completed – Case Closed ENF: Historical and Resolved	SWF/LF, CPS-SLIC, LDS, ENF, Financial Assurance, CIWQS, CERS
Gas Recovery Systems LLC Coyote Canyon Facility	NA	AST, Orange Co. Industrial Site, EMI, NPDES, CIWQS, CERS
Coyote Canyon Energy LLC	NA	HWTS, HAZNET
Coyote Canyon Energy LLC	NA	RCRA NonGen/NLR
OC Waste & Recycling, Coyote	NA	EMI
Landfill Coyote Canyon (Closed)	NA	FINDS
OC Waste & Recycling, Coyote	NA	FINDS
Coyote Canyon Landfill (Closed)	NA	CERS
OC Waste & Recycling, Coyote	NA	EMI

Source: The EDR Radius Map Report with GeoCheck (see Appendix G)

Notes: RGA LF = Recovered Government Archive Solid Waste Facilities List, FINDS = Facility Index System/Facility Registry System, CPS-SLIC = Statewide SLIC Cases (GeoTracker), HWTS = Hazardous Waste Tracking System, HAZNET = Facility and Manifest Data, SWF/LF = Solid Waste Information System, LDS = Land Disposal Sites Listing (GeoTracker), ENF = Enforcement Action Listing, CIWQS = California Integrated Water Quality System, CERS = CalEPA Regulated Site Portal Data, AST = Aboveground Petroleum Storage Tank Facilities, EMI = Emissions Inventory Data, NPDES = National Pollutant Discharge Elimination System, RCRA NonGen/NLR = RCRA – Non Generators/No Longer Regulated.

The only cases that could potentially create a significant hazard are cases listed as Statewide SLIC Cases (CPS-SLIC) and Enforcement Action Listing (ENF). CPS-SLIC are cleanup program sites included in GeoTracker for sites that impact, or have the potential to impact, water quality in California, with emphasis on groundwater. ENF provides a list of Water Board Enforcement Actions. As shown in Table 11, there were two sites classified as CPS-SLIC and ENF cases. Both CPS-SLIC cases are closed cases and the ENF case was reported as historical and resolved (Appendix G). Therefore, no hazardous material sites were listed on the project site. Additionally, construction activities would occur within the boundaries of the project site and would not disturb off-site properties that may be listed on a hazardous materials database. Therefore, no impact would occur, and no mitigation measures are necessary.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

No Impact. The nearest public-use airport to the project site is the John Wayne Airport, approximately 6.9 miles to the northwest. The Airport Environs Land Use Plan for the John Wayne Airport, adopted in 2008, establishes safety compatibility zones to support the continued use and operation of the John Wayne Airport. The project site is outside of the Airport Impact Zones, Safety Zones, and Noise Contours (ALUC 2008). Therefore, no impact would occur.

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f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less-Than-Significant Impact. The City has an Emergency Operations Plan (EOP) that establishes policies and procedures to ensure effective response and recovery operations during large-scale emergencies within the city (Newport Beach 2022). Emergency management organization staff that support emergency response, report to the Emergency Operations Center (EOC) or Department Operations Centers (DOC) or are assigned to field response duties should use the EOP to guide their actions in completing assigned tasks.

The City conforms to the requirements of the Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS) guidelines for all local emergencies and response activities. SEMS is required by the California Emergency Services Act (Government Code Section 8607[a]) for managing multi-agency and multi-jurisdictional responses to emergencies in California. The system unifies all of California's emergency management community elements into a single integrated system and standardizes key elements. The City utilizes SEMS during incidents that require a multi-agency response or when the incident involves multiple jurisdictions. The NIMS provides a comprehensive approach to emergency management for all hazards. NIMS integrates existing best practices into a consistent, nationwide approach to domestic emergency management applicable to all jurisdictional levels (public and private) and across functional disciplines. NIMS incorporates Incident Command System (ICS), a standardized on-scene emergency management concept designed to provide an integrated organizational structure for single or multiple emergencies and to facilitate emergency response across jurisdictional boundaries.

The perimeter width of the proposed internal drive aisle would potentially be inadequate for fire apparatus movement or deployment for firefighting. Additionally, the Fire Marshal noted a concern regarding unsafe conditions for firefighting personnel due to the confinement of the compound wall and RNG facility equipment and structures. As shown in Figure 6, the OCWR-reserved access route drive aisle would be constrained to a 12-foot width within the masonry block walls to accommodate the RNG facility's equipment spacing necessary for safe operation and maintenance. Pursuant to Fire Code sections 503.1.1 Exception 1.2 and 503.2.2, to address the inadequate lane width and confinement concern an additional fire hydrant would be located within the open "courtyard" area plan southwest of the project site bringing the total available hydrants to five. These five different locations would allow fire apparatus equipment and crews to deploy at a safe distance from the RNG facility given the spread of hydrant locations throughout the project site. This approach allows for the preferred tactic to fight any RNG facility fire incidents from the courtyard area in lieu of the RNG facility perimeter.

Additionally, the EAP outlines fire hazards, mitigation techniques to control or extinguish fires, and emergency evacuation and response procedures for fire emergencies (Appendix H). The NBFDD would review and approve the EAP. Compliance with the City's EOP and EAP would ensure that impacts would be reduced to a less-than-significant level.

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g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less-Than-Significant Impact With Mitigation Incorporated. The project site is in a Fire Hazard Severity Zone and is surrounded by open space and includes proposed equipment that have the potential to produce flammable vapor clouds and jet fires under accidental conditions (CAL FIRE 2024). As discussed under Section 3.9(b), a Preliminary Site Consequence Assessment was prepared for the proposed project to outline possible fire effects on the surrounding vegetation and public receptors in the surrounding area.

The assessment found that under the worst-case scenario, jet fires could affect vegetation up to 10 feet beyond the perimeter wall in the northeast portion of the site. However, the proposed project includes design features such as equipment layout, hazardous area classification, ignition source controls, fire and gas detection systems, process control alarms, process control shutdowns, and emergency shutdown systems. Operators would also be trained to intervene in emergency situations. Therefore, the impact of jet fires to the surrounding vegetation would be less than significant.

Development of the proposed project would also comply with all City, CBC, and CFC requirements including the provision of adequate fire flows, on-site hydrants, and backflow assemblies. Other applicable regulations include the California Public Resources Code (PRC), which requires internal combustion engines, like those used in construction, to be equipped with a spark arrester. This type of device is commonly used for removing and retaining carbon and other flammable particles from the exhaust flow for engines that use hydrocarbon fuels. These engines must be maintained in effective working order or be constructed, equipped, and maintained for the prevention of fire.

Within the project site, there are three fire hydrants on the western perimeter and one fire hydrant in the south-central area next to the existing building. An additional fire hydrant would be installed next to the existing generator. To address the inadequate internal drive aisle width and confinement concern an additional fire hydrant would be within the open “courtyard” area plan. These five different hydrant locations would allow fire apparatus equipment and firefighting crews to deploy at a safe distance from the RNG facility.

Project development would also adhere to fire protection-related regulations and emergency procedures applicable within the City’s EOP and the project-specific EAP (Appendix G). The EAP outlines fire hazards and mitigation techniques to control or extinguish fires. Compliance with the applicable codes and regulations would ensure that the proposed project would not result in a fire hazard or exacerbate the fire risk in its surroundings. If an incident does occur at the project site, Newport Coast Fire Station 8 is 1.3 miles southwest and can typically respond within less than 5 minutes, 20 seconds. This fire station is equipped with three Type I Engines and a Type III Engine.

In compliance with NBFD requirements, the proposed project would also remove 28 trees that are immediately outside the perimeter of the project site within an approximately 20-foot-wide non-native grass-sloped area (see Figure 10). The trees would be removed to protect the surrounding area from fire risk associated with the proposed RNG facility. OCWR currently maintains the area outside the perimeter of the walled project site per the Tree Replacement and Revegetation Plan adopted by the City in July 2016 as part of the Coyote Canyon Landfill Gas Recovery Facility Demolition and Telecom Update project (SCH number 2016081012). With the

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removal of the trees, the Tree Replacement and Revegetation Plan would need to be supplemented with a project-specific Fuel Modification Plan per Mitigation Measure **HAZ-1** to ensure the proper removal of vegetation in line with NBFD requirements. Therefore, adherence to existing local, State, and federal laws and implementation of Mitigation Measure **HAZ-1** would ensure that this impact remains less than significant.

Mitigation Measure

HAZ-1 A Fuel Modification Plan shall be prepared by the project applicant and submitted to Newport Beach Fire Department (NBFD) for review and approval in concurrence with project plan approval and prior to any site disturbances. The Fuel Modification Plan shall follow NBFD Guideline G.02, including:

- a. Site Assessment conducted prior to conducting fire behavior modeling and/or evaluations of potential wildfire hazard.
- b. Fire behavior evaluation that incorporates site-specific fuel, terrain, and weather inputs and may include modeling to support fuel modification zone specifications.
- c. Preparation of a Conceptual Fuel Modification Plan (CFMP) that provides the delineated zones, widths, planting requirements, topographic information, existing vegetation/fuels locations, proposed structure locations, proposed fuel modification zone locations, proposed treatment prescriptions, site photographs, results from fire behavior modeling efforts, and other information required under NBFD's Guidelines. This CFMP will be submitted to NBFD for review and comment. Once accepted, the Precise Fuel Modification Plan (PFMP) can be created.
- d. The PFMP will follow NBFD's Guidelines and include:
 - i. Location and detail of permanent zone markers
 - ii. Plant palette and spacing design in accordance with approved guidelines
 - iii. Irrigation plans and specifications
 - iv. Structure footprint or delineation of proposed development
 - v. All applicable maintenance requirements and assignment of responsibility
 - vi. Additional notes, as required by NBFD
 - vii. Three sets of plans will be submitted for NBFD review
- e. A Technical Report shall accompany the CFMP and provide fire risk assessment information, fire behavior modeling results, WindNinja wind pattern analysis, and technical analysis of any proposed alternative approaches.

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- f. If necessary, an Alternative Materials & Methods (AM&M) report justifying any alternative approach or reduced fuel modification zone widths associated shall be required. The AM&M report examines the requirements, the deviation from the requirements, other mitigating site features (terrain, structure location, earthen berms, overall structural exposure, etc.) and provides additional measures, as necessary, to justify that the intent of the code requirements are being satisfied. AM&M reports provide scientific justifications that the proposed fuel modification shall provide equivalent function as the standard NBFD fuel modification area with the addition of proposed mitigation measures, per NBFD Guideline A-01.

3.10 HYDROLOGY AND WATER QUALITY

The analysis in this section is based partly on the following technical studies, which are included as Appendices E and Appendix J, respectively, to this IS:

- County of Orange/Santa Ana Region Priority Project Preliminary Water Quality Management Plan (P-WQMP), BKF Engineers, June 24, 2024. (Appendix E)
- Coyote Canyon Landfill Project: Preliminary Drainage Report, BKF Engineers, December 14, 2023. (Appendix J)

Would the project:

- a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

Less-Than-Significant Impact with Mitigation Incorporated. The City, including the project site, is in the San Diego Creek subwatershed. San Diego Creek lies within the 97,000-acre Newport Bay Watershed and is the major tributary to Upper Newport Bay. The Newport Bay Watershed is bounded in the northeast by the Loma Ridge Foothills and the Santa Ana Mountains. The southern edge is bounded by the San Joaquin Hills. Runoff originating in the northern hills flows south through flood control channels into the San Diego Creek Channel, through the Tustin Plain, and then into Upper Newport Bay. The San Diego Creek channel system underwent significant natural and man-made changes during the 20th century (OCDPW 2024).

Water quality in Newport Beach is regulated by the Santa Ana RWQCB and its Water Quality Control Plan (Basin Plan), which contains water quality standards and identifies beneficial uses (wildlife habitat, agricultural supply, fishing, etc.) for receiving waters along with water quality criteria and standards necessary to support these uses consistent with federal and state water quality laws.

Impacts to water quality of receiving waters generally range over three different phases of a development project:

- During the earthwork and construction phase, when the potential for erosion, siltation, and sedimentation would be the greatest.

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- Following construction and before the establishment of ground cover, when the erosion potential may remain high.
- Following project completion, when impacts related to sedimentation would decrease markedly, but those associated with urban runoff would increase.

Following is a discussion of the potential water quality impacts resulting from urban runoff that would be generated during the construction and operational phases of the proposed project.

Construction

Clearing, grading, excavation, and construction activities associated with the proposed RNG facility have the potential to impact water quality through soil erosion and by increasing the amount of silt and debris carried in runoff. Additionally, the use of construction materials, such as fuels, solvents, and paints, may present a risk to surface water quality. Finally, the refueling and parking of construction vehicles and other equipment on site during construction may result in oil, grease, or related pollutant leaks and spills that may discharge into the storm drain system.

The proposed RNG facility would have a total footprint of 38,500 square feet (0.88 acres), which includes the RNG processing plant and pipeline interconnection facility. Since the proposed project would disturb less than one acre of land, it is not subject to the requirements of the State Water Resources Control Board's General Construction Permit, which regulates sites that disturb one acre or more and requires filing Permit Registration Documents as well as the preparation of a Stormwater Pollution Prevention Plan. However, other existing regulatory requirements would apply to construction activities on the site, such as the implementation of grading erosion control measures specified in the CALGreen Building Code. Examples of control measures considered BMPs are shown in Table 12, *Water Quality Protection Construction Best Management Practices*.

Table 12 Water Quality Protection Construction Best Management Practices

Category	Purpose	Examples
Erosion Controls and Wind Erosion Controls	• Use project scheduling and planning to reduce soil or vegetation disturbance (particularly during the rainy season) • Prevent or reduce erosion potential by diverting or controlling drainage • Prepare and stabilize disturbed soil areas	Scheduling, preservation of existing vegetation, hydraulic mulch, hydroseeding, soil binders, straw mulch, geotextile and mats, wood mulching, earth dikes and drainage swales, velocity dissipation devices, slope drains, streambank stabilization, compost blankets, soil preparation/roughening, and non-vegetative stabilization
Sediment Controls	• Prevent the mobilization of soil particles through the use of tarping, matting, or other covers.	Silt fence, sediment basin, sediment trap, check dam, fiber rolls, gravel bag berm, street sweeping and vacuuming, sandbag barrier, straw bale barrier, storm drain inlet protection, manufactured linear sediment controls, compost socks and berms, and biofilter bags
Wind Erosion Controls	• Apply water or other dust palliatives to prevent or minimize dust nuisance	Dust control soil binders, chemical dust suppressants, covering stockpiles, permanent vegetation, mulching, watering, temporary gravel construction, synthetic covers, and minimization of disturbed area

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Table 12 Water Quality Protection Construction Best Management Practices

Category	Purpose	Examples
Non-stormwater Management Controls	- Prohibit discharge of materials other than stormwater, such as discharges from the cleaning, maintenance, and fueling of vehicles and equipment - Conduct various construction operations, including paving, grinding, and concrete curing and finishing, in ways that minimize non-stormwater discharges and contamination of any such discharges	Water conservation practices, temporary stream crossings, clear water diversions, illicit connection/discharge, potable and irrigation water management, and the proper management of the following operations: paving and grinding, dewatering, vehicle and equipment cleaning, fueling and maintenance, pile driving, concrete curing, concrete finishing, demolition adjacent to water, material over water, and temporary batch plants
Waste Management and Controls (i.e., good housekeeping practices)	Manage materials and wastes to avoid contamination of stormwater	Stockpile management, spill prevention and control, solid waste management, hazardous waste management, contaminated soil management, concrete waste management, sanitary/septic waste management, liquid waste management, and management of material delivery storage and use
Tracking Controls	Minimize the tracking of soil off site by vehicles	Stabilized construction roadways and construction entrances/exits, and entrance/outlet tire wash

Source: Compiled by PlaceWorks from information provided in the California Stormwater Quality Association's (CASQA's Construction BMP Handbook).

Additionally, the provisions for erosion control in Chapter 15.10, Excavation and Grading Code, of the Newport Beach Municipal Code, would require the proposed project to prepare and submit a grading plan and erosion control plan for review by the City's Building Official. These would include detailed plans for temporary and/or permanent sediment, pollution, and erosion control facilities. The proposed project would be required to comply with applicable regulations from Chapter 14.36, Water Quality. Section 14.36.040, Control of Urban Runoff, would require all new development and significant redevelopment within the City to comply with the Orange County Drainage Area Management Plan and conditions/requirements established by the City related to the reduction or elimination of pollutants in stormwater runoff from the project site. Section 14.36.030, Illicit Connections and Prohibited Discharges, also prohibits the construction, maintenance, operation, and utilization of any illicit connection or prohibited discharge. Due to the proximity of the preserved trees to the removed trees, erosion would not be a significant issue. All removed trees would be flush-cut to the ground and the remaining stumps are to remain in place with no stump grinding. Furthermore, Mitigation Measure **BIO-6** would reduce any erosion impacts due to the removal of trees beyond the perimeter walls. Compliance with these measures would reduce water quality impacts from construction to less than significant.

Operation

Operational-related activities of the proposed project (e.g., runoff from paved areas of the site) would generate pollutants that could adversely affect the water quality of downstream receiving waters if effective measures are not used to keep pollutants out of and remove pollutants from urban runoff.

Operation of the proposed project is required to comply with the requirements of the NPDES Orange County MS4 Permit (Order No. R8-2009-0030) and NPDES Permit No. CAS618030, as amended by Order No. R8-

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2010-0062. The County of Orange, incorporated cities of Orange County including Newport Beach, and the Orange County Flood Control District (OCFCD) are co-permittees under the MS4 Permit. The General MS4 Permit requires that new development or significant redevelopment projects use BMPs, including site design planning, source control, and stormwater treatment facilities, to ensure that the water quality of receiving waters is protected.

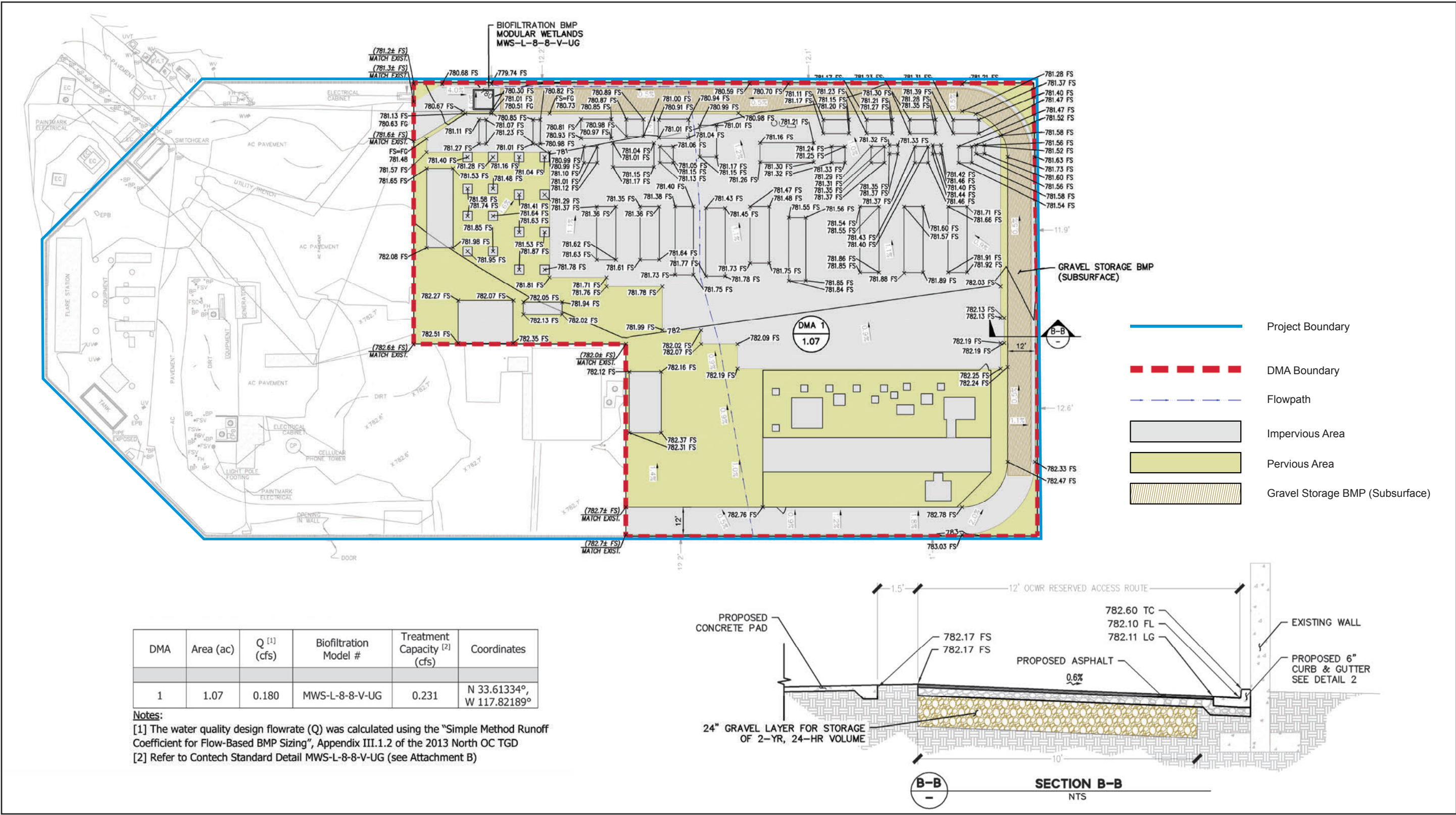
The Orange County Stormwater Program (Stormwater Program) is a requirement of the MS4 Permit and is a cooperative of the County of Orange, OCFCD, and all 34 Orange County cities. The Stormwater Program's specific water pollutant control elements are documented in the Drainage Area Management Plan (DAMP). The DAMP satisfies the NPDES permit conditions to reduce pollutant discharges to the maximum extent practicable for the protection of water quality at receiving water bodies and the support of designated beneficial uses. The description and detail of how this is being accomplished on a local level is contained in each Permittees' Local Implementation Plans (LIP). The City's LIP includes the provision to prepare a project-specific WQMP for specified categories of development aimed at reducing pollutants in post-development runoff.

In accordance with the LIP and MS4 Permit, the proposed project qualifies as a "Priority Development Project" since it includes the addition or replacement of 5,000 or more square feet of impervious surface on an already developed site. Specifically, the proposed project would add approximately 30,930 square feet (0.71 acre) of impervious surface to the project site. Therefore, the proposed project is required to prepare a WQMP in accordance with the City's Model WQMP and Orange County Department of Public Works Technical Guidance Document for the Preparation of Conceptual/Preliminary and/or Project Water Quality Management Plans (TGD) (Newport Beach 2024g). The Model WQMP and TGD include instructions on selecting BMPs for a project, including low impact development (LID) BMPs, alternatives to LID BMPs in case LID BMPs are impractical on a site, and source control BMPs.

LID is a stormwater management and land development strategy that combines a hydrologically functional site design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. LID techniques mimic the site's predevelopment hydrology by using site design techniques that store, infiltrate, evapotranspire, biofilter, or detain runoff close to its source. Source control BMPs reduce the potential for pollutants to enter runoff and are classified in two categories—structural and nonstructural. Structural source control BMPs have a physical or structural component, such as inlet trash racks, trash bin covers, and an efficient irrigation system, to prevent pollutants from contacting stormwater runoff. Nonstructural source control BMPs are procedures or practices used in project operation, such as stormwater training or trash management and litter control practices.

A preliminary WQMP for the proposed project was prepared for City review and is included Appendix E. In accordance with the Model WQMP LID performance criteria, the proposed project would be required to treat the 85th percentile, 24-hour storm event with on-site flow-based biofiltration systems. To fulfill this requirement, a single Modular Wetlands system would be incorporated into the site at the northwest corner of the project site (Figure 13, *Water Quality Best Management Practice Features*). The Modular Wetlands system would have a treatment capacity of 0.23 cubic feet per second which would be able to fully retain the project's water quality design flowrate of 0.18 cubic feet per second (BKF Engineering 2024).

Figure 13 - Water Quality Best Management Practice Features



Source: BKF Engineers 2024.

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Additionally, per the TGD, a hydrologic condition of concern is considered to exist on the project site if any streams downstream from the proposed project are determined to be potentially susceptible to hydromodification impacts, and the post-development runoff volume for the 2-year, 24-hour storm event exceeds the pre-development runoff volume by more than 5 percent.¹⁷ The preliminary WQMP identified three water bodies that would experience potential hydromodification impacts, which include a 72 inch concrete pipe owned by the City, Bonita Creek, and San Deigo Creek Reach 1. Additionally, post-development runoff volume is expected to increase by 140 percent over the pre-development volume. Therefore, the increase in the 2-year 24-hour runoff volume of 0.05 acre-feet (2,178 cubic feet), would need to be stored on site. To store the 2-year, 24-hour storm runoff volume, the proposed project would implement a gravel storage BMP which involves storing stormwater runoff in a gravel layer underneath the site's access road that extends along the eastern and northern perimeter of the project site, as shown in Figure 13. The gravel storage BMP would be able to retain 3,054 cubic feet of runoff (BKF Engineers 2024).

Under post-development conditions, drainage on the project site would flow overland toward the access road on the northern and eastern perimeters of the site where the flow would be intercepted by a series of storm inlets which drain into the 24-inch-deep gravel layer beneath the road. A perforated pipe embedded in the gravel would then route the flows to the Modular Wetlands unit at the northwest corner of the project site. Larger storm flows would spill over the Modular Wetland's internal bypass weir and smaller storm flows would enter the Wetland's media bed for treatment. Outflows from the Modular Wetlands unit would drain to an existing off-site storm drainpipe, which flows to the City-owned 24-inch lateral reinforced concrete pipe. The 24-inch drains to the OCFCF Facility No. F04P04 (78-inch) that successively discharges to Bonita Creek, San Diego Creek Reach 1, and Newport Bay (BKF Engineers 2024).

Additionally, source control BMPs, as shown in Section IV.3 of the preliminary WQMP (see Appendix E) would also be implemented, and a separate Operation and Maintenance Plan has been prepared for the project, a copy of which would remain on site and in the possession of the designated responsible maintenance individual. All proposed drainage system improvements would require City approval.

Based on the preceding, water quality and waste discharge impacts from project operation activities would be less than significant, and no mitigation measures are necessary.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less-Than-Significant Impact. The project site is in the Orange County Groundwater Basin. The IRWD would provide water to the project site. IRWD's water supply sources include imported water, local groundwater, recycled water, and local surface water. Potable and non-potable groundwater supplies are extracted from both the Orange County Groundwater Basin and the Irvine and Lake Forest subbasins. Recycled water is produced at IRWD's Michelson and Los Alisos water recycling plants, and surface water sources are the drainage tributary areas to the Irvine Lake and Harding Canyon Reservoir. In the event IRWD does not have sufficient recycled water supplies to meet customer demands, IRWD can supplement the recycled water

¹⁷ A hydrologic condition of concern is a combination of upland hydrologic conditions and stream biological and physical conditions that poses the potential for physical and/or biological degradation of a stream.

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system with untreated imported water. This water supply is introduced into the system via Irvine Lake and conveyed through IRWD's Irvine Lake pipeline. IRWD can also supplement its recycled water system with non-potable groundwater pumped from the Orange County Groundwater Basin. Approximately 13 percent of IRWD's water needs are met by imported water, 50 percent from local groundwater wells, 30 percent by recycled water, and the rest by surface water sources (IRWD 2021a).

The proposed project would not substantially deplete groundwater supplies or interfere with groundwater recharge. As discussed in the proposed project's Geotechnical Investigation, groundwater was not encountered during subsurface investigations to the maximum depth explored (21.5 feet) (see Appendix D). On-site water use under the proposed project would be limited to dust control and soil compaction during construction, restroom facilities, and emergency fire protection. Therefore, implementation of the proposed project would not create a substantial demand on groundwater sources and would not significantly change the amount of groundwater available and pumped from local wells. Due to the developed nature of the site, the project site does not have the capacity to serve as a significant source for groundwater recharge. Since the proposed project does not involve the direct withdrawal of groundwater for municipal use, it would not substantially interfere with recharge capabilities. Therefore, the development of the site to the proposed RNG facility would not substantially deplete groundwater supplies or interfere with groundwater recharge. Impacts would be less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in a substantial erosion or siltation on- or off-site?

Less-Than-Significant Impact with Mitigation Incorporated. Erosion and siltation impacts potentially resulting from alteration of the drainage pattern due to the proposed project would, for the most part, occur during the project's construction phase, which would include site preparation and grading activities. Environmental factors that affect erosion include topographic, soil, and wind and rainfall characteristics. Siltation is most often caused by soil erosion. Following is a discussion of the potential erosion and siltation impacts that could occur during the construction and operational phases of the proposed project.

Construction

The proposed project would be required to prepare a grading plan and erosion control plan in compliance with Chapter 15.10 of the Newport Beach Municipal Code. Chapter 14.36 also includes requirements that would reduce erosion during construction activities. Compliance with the Municipal Code would reduce the volume of sediment-laden runoff discharging from the site. Furthermore, Mitigation Measure **BIO-6** would reduce any erosion impacts due to the removal of trees beyond the perimeter walls. Therefore, construction-related impacts would be less than significant.

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Operation

The proposed project would be constructed within a 0.88-acre footprint, which includes the 32,500-square-foot RNG facility and associated pipeline interconnection facility. Project development would not alter the course of a stream or a river and would not substantially alter the existing drainage pattern of the site area. Runoff from the site would be diverted into a proposed Modular Wetland unit for treatment prior to discharge to the 24-inch storm drain City storm drain.

Additionally, the proposed project would be implemented in accordance with the preliminary WQMP and abide by the requirements of the MS4 permit and the TGD. For example, in addition the hydromodification and treatment BMPs proposed (gravel storage BMP and Modular Wetland unit), project design and operation would include implementation of a series of non-structural and structural source control BMPs specified in the preliminary WQMP, which would minimize runoff and soil erosion and siltation into stormwater and thus minimize sedimentation downstream. Furthermore, as noted above, the proposed project would comply with Section 14.36.040 and Section 14.36.030 of the Newport Beach Municipal Code which outlines City requirements for development to reduce discharge of pollutants from project sites.

Therefore, project development would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion or siltation on or off site. Operation-related impacts would be less than significant, and no mitigation measures are necessary.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less-Than-Significant Impact. Under existing conditions, runoff from the site travels toward two discharge locations. Approximately 75 percent of the flow at the eastern portion of the site discharges to a concrete ditch at the north end of the project site. The other 25 percent of the flow discharges into a v-gutter along the entrance road at the northwest end of the project site which is intercepted by catch basins. All flows from the site ultimately discharge into a 24-inch concrete pipe owned by the City. This pipe conveys flows to an OCFCD facility that discharges into Bonita Creek, San Diego Creek Reach 1, and Newport Bay. These discharge locations can be seen in Figure 12.

The proposed project would maintain the existing drainage patterns as runoff would continue to flow to these two discharge locations, as shown in Figure 14, *Post-Project Drainage Map*. The eastern portion of the site would drain northerly toward the proposed perimeter access road that borders the north and east boundaries of the project site. The access road gutter would direct flows toward multiple storm inlets that discharge into the proposed gravel layer BMP beneath the access road. The gravel layer would have a perforated pipe that would flow to the proposed Modular Wetlands unit BMP at the northwest corner of the project site. Flows from the Modular Wetlands unit would continue to be piped off site via the 24-inch concrete pipe. Flows from the western portion of the site would continue to drain into the gutter along the entrance road. Larger storm flows would spill over the Modular Wetland's internal bypass weir and smaller storm flows would enter the Wetland's media bed for treatment.

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The project's preliminary drainage report calculated the flows under 10-year and 25-year storm events, as appropriate for industrial land uses with non-habitable structures, per the City's direction. Table 13, *Existing and Proposed Runoff Flows*, shows the flows to the two discharge points under existing conditions and proposed conditions.

Table 13 Existing and Proposed Runoff Flows

	Q ₁₀ (cfs)	Q ₂₅ (cfs)
Existing Conditions		
Drainage Point No. 1	2.4	2.93
Drainage Point No. 2	1.36	1.63
Proposed Conditions		
Drainage Point No. 1	3.61	4.33
Drainage Point No. 2	1.36	1.63
Change Between Proposed and Existing		
Drainage Point No. 1	1.21	1.40
Drainage Point No. 2	0	0

Source: BKF Engineering 2023 (Appendix J)

Notes: Q₁₀ = flow from the 10-year storm event; Q₂₅ = flow from the 25-year storm event; cfs = cubic feet per second
See location of drainage points in Exhibits 2 and 3 of the preliminary drainage report (Appendix J).

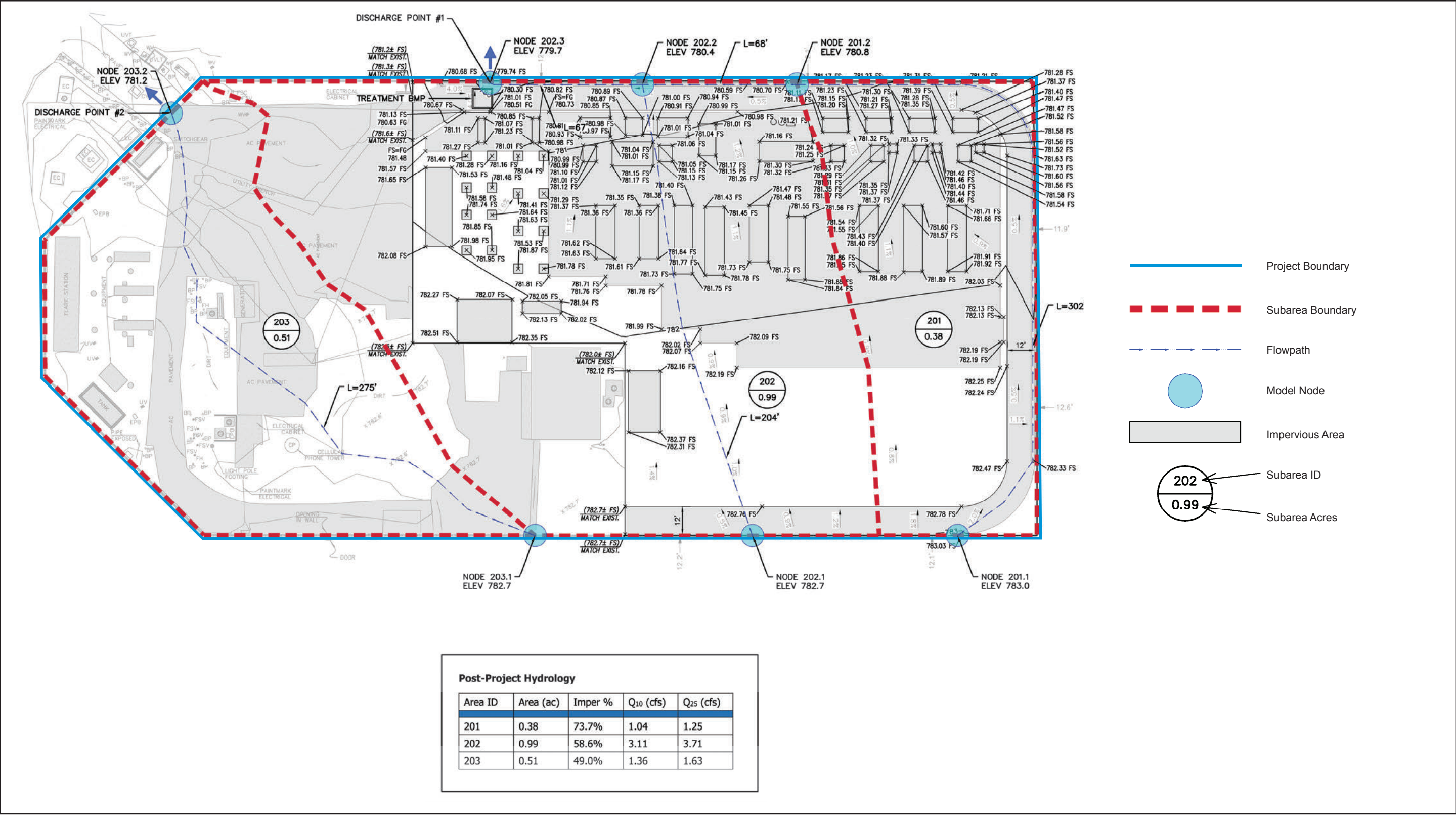
As shown in Table 13, post-project discharge rates for the 10-year and 25-year event exceed the pre-project rates for Drainage Point No. 1. The pre-project condition under these calculations is based on the existing condition of the project site which is vacant with 100 percent pervious surfaces. However, previous use of the site included a landfill gas-to-energy facility which operated from 1988 to December 2015. The facility was demolished and after its closure, the site was cleared. Under these previous conditions, the site was completely developed with 100 percent impervious surfaces and the storm drainage system had capacity to accommodate 10- and 25-year flows. Since the project site under proposed conditions would consist of 66.4 percent pervious area, the post-project condition flow rate for the 10- and 25-year flows would be less than pre-project condition when it was 100 percent impervious. Therefore, the City considers the proposed project to have no additional impact on the site's drainage conditions (Gutierrez 2024). Impacts with respect to flooding from surface runoff are therefore considered less than significant.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

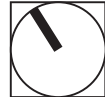
Less-Than-Significant Impact. Project impacts on the capacity of storm drainage systems would be less than significant, as previously substantiated in Section 3.10(c)ii. No mitigation measures are necessary.

Project stormwater pollution impacts would be less than significant, as previously discussed in Section 3.10(a). No mitigation measures are necessary.

Figure 14 - Post-Project Drainage Map



Source: BKF Engineers 2023.



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iv) Impede or redirect flood flows?

Less-Than-Significant Impact. The proposed project is not within a 100-year flood, a dam inundation area, or a tsunami inundation zone, as analyzed within the Newport Beach Natural Hazards Mitigation Plan (Newport Beach 2016). Additionally, as discussed in the preliminary geotechnical report for the proposed project (Appendix D), flooding associated with water storage facilities is considered very low since no water bodies and water storage facilities are located upstream of the project site. Therefore, no impact to flood flows is expected to occur and no mitigation measures are necessary.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less-Than-Significant Impact. As noted in Section 3.10.c.iv, the project site is not in a 100-year flood zone, tsunami inundation zone, or dam inundation area. A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam or other artificial body of water. The project site is approximately 1.2 miles southeast of the San Joaquin Reservoir in the City of Newport Beach; however, this reservoir is downstream of the project site. Additionally, the City's Natural Hazards Mitigation Plan considers the probability of a seiche occurring within the City to be very low since it requires very specific conditions to exist, including specific earthquake parameters (e.g., location and distance of epicenter, frequency of seismic waves) and the shape of the enclosed waterbody. Based on the preceding, the proposed would not result in the release of pollutants as the result of floods, tsunami, or seiche. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less-Than-Significant Impact. The City is under the jurisdiction of the Santa Ana RWQCB. RWQCBs adopt a water quality control plan, or basin plan, that recognizes and reflects regional differences in existing water quality, the beneficial uses of the region's ground and surface waters, and local water quality conditions and problems. The Santa Ana River Basin Water Quality Control Plan is the plan adopted by the Santa Ana RWQCB. The water quality control plan is the basis for the RWQCB's regulatory programs and establishes water quality standards for the ground and surface waters of the region. The term "water quality standards," as used in the federal Clean Water Act, includes both the beneficial uses of specific water bodies and the levels of quality that must be met and maintained to protect those uses. The water quality control plan includes an implementation plan describing the actions by the RWQCB and others that are necessary to achieve and maintain the water quality standards (Santa Ana RWQCB 2019). As noted previously, the proposed project would not result in significant impacts to water quality following compliance with the Santa Ana River Basin Water Quality Control Plan and conformance with Newport Beach Municipal Code Chapter 14.36.

The Sustainable Groundwater Management Act (SGMA) requires local public agencies and groundwater sustainability agencies in high- and medium-priority basins to develop and implement groundwater sustainability plans or prepare an alternative to a groundwater sustainability plan. According to the California Department of Water Resources SGMA Basin Prioritization Dashboard, the project is not underlain by a

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groundwater basin (Department of Water Resources 2024). Thus, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and no impact would occur. As indicated under Sections 3.10(a) and 3.10(b), the proposed project would not degrade groundwater quality, substantially decrease groundwater supplies, or interfere substantially with groundwater recharge. Thus, impacts would be less than significant.

3.11 LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?

No Impact. As shown in Figure 4, the site is completely disturbed from the original construction of the gas-to-energy facility. The proposed RNG facility would not introduce a new land use that would disrupt existing land use patterns, nor would it introduce a physical barrier that would separate land uses that are not already separated. The proposed project would not physically change the surrounding neighborhood street patterns or otherwise impede movement through the neighborhoods, and no impact would occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The prevailing adopted planning and regulatory plans that govern development and use of the project site are the Newport Beach General Plan and Newport Beach Zoning Code (Title 20, *Planning and Zoning*, of the City's Municipal Code). The development and design standards in the Zoning Code, which implement the City's General Plan, constitute the regulations that govern development of the project site. The following is an analysis of the proposed project's consistency with these land use regulations.

General Plan and Zoning Consistency

The general plan land use designation and zoning designation of the project site is Open Space (OS).

General Plan

Pursuant to the Newport Beach General Plan's Land Use Element, the OS designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources (Newport Beach 2006). Open spaces may include incidental buildings, such as maintenance equipment and supply storage, which are not traditionally included in determining intensity limits.

The proposed project would help further the following goal and policy of the City's General Plan, as follows:

Natural Resources Element

Goal NR 24. Increased energy efficiency in City facilities and operations and in private developments.

- **NR Policy 24.5. New Methane Extraction Activities.** Allow new methane extraction activities to reduce reliance on fossil fuels.

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Additionally, as shown in Figure 4, the project site is already completely disturbed and contains gas-to-energy structures. Project development would not change the existing land use and would require a CUP to ensure compliance with all applicable requirements of the Newport Beach land use designation.

Further, the City's development review process would result in the production of a comprehensive set of draft conditions of approval that would be available for public review prior to consideration of the proposed project for approval by the City. Thus, the City would ensure that approval of the proposed project would not conflict with any of the City's applicable land use plan, policies, or regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, project implementation would not conflict with the Newport Beach General Plan and no land use conflict related to General Plan consistency is expected to occur.

Zoning

The project site is zoned OS, which allows for major utilities with approval of a CUP. The OS zoning district allows for major utilities with approval of a CUP. A CUP provides a process for reviewing uses and associated operational characteristics that may be appropriate in the applicable zoning district, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site. A CUP would ensure consistency with all applicable requirements of the NBMC. Compliance with the CUP would also help ensure that the proposed project would be designed and implemented in a manner that is not detrimental to the project site or its surroundings. Compliance with the applicable development and design standards would be ensured through the City's building development review process (Newport Beach 2024f).

Through the City's development review process—which includes a comprehensive set of draft conditions of approval that will be available for public review—the City would ensure that approval of the proposed project would not conflict with any of the City's applicable land use plan, policies, or regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, project implementation would not conflict with the City's Zoning Code and no land use impact related to zoning consistency is expected to occur.

3.12 MINERAL RESOURCES

Would the project:

- a) **Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?**

Less-Than-Significant Impact. For the purpose of CEQA analysis, mineral resources refer to aggregate resources that consist of sand, gravel, and crushed rock. Aggregate resources provide bulk and strength in construction materials such as Portland cement and asphaltic concrete. Other nonfuel mineral resources include metals such as gold, silver, iron, and copper and industrial metals such as boron compounds, rare-earth elements, clays, limestone, gypsum, salt, and dimension stone.

The California Geological Survey (CGS) classifies the regional significance of mineral resources in accordance with the California Surface Mining and Reclamation Act (SMARA) of 1975. The State Geologist is responsible

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for classifying areas within California that are subject to urban expansion or other irreversible land uses. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance. Classification into Mineral Resource Zones (MRZ) is completed by the State Geologist in accordance with the SMGB's priority list and according to the presence or absence of significant mineral resources.

Of the four MRZ categories, lands classified as MRZ-2 are of the greatest importance. Such areas are underlain by demonstrated mineral resources or are located where geologic data indicate that significant measured or indicated resources are present. MRZ-2 areas are designated by SMGB as being "regionally significant." Such designations require that a lead agency's land use decisions involving designated areas be made in accordance with its mineral resource management policies (if any exist) and that it consider the importance of the mineral resource to the region or the state as a whole, not just to the lead agency's jurisdiction. The MRZ-1 zone depicts areas where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence. MRZ-3 indicates areas of undetermined mineral resource significance.

Based on the Newport Beach General Plan Natural Resources Element, areas within Newport Beach are either classified as MRZ-1 or MRZ-3. The project location is categorized as MRZ-3 and land northwest of the project site is categorized as MRZ-1 (Newport Beach 2006). The project site consists of a disturbed paved lot and is not suitable and has never been used for mining. In addition, the project site is not designated as a mineral resource recovery facility. Most of the active oil and gas wells are in the West Newport (located in the Banning Ranch area) and Newport production areas (Newport Beach 2006). Furthermore, Section 1401 of the City's Charter does not allow new drilling, or production or refining of oil, gas, or other hydrocarbon substances within the city. Therefore, implementation of the proposed project would not result in the loss of the availability of known mineral resources that would be of value to the region and residents. Impacts would be less than significant, and no mitigation is necessary.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. See Section 3.12(a). Although the project site is in an area classified as MRZ-3 the City's General Plan Natural Resources Element does not identify the site as a locally important mineral resource recovery site. Furthermore, Section 1401 of the City's Charter does not allow new drilling, or production or refining of oil, gas, or other hydrocarbon substances within the city. Therefore, there would be no loss of availability of a locally important mineral resource recovery site delineated in the General Plan and no impact would occur.

3.13 NOISE

The analysis in this section is based partly on the following technical study, which is included as Appendix K to this IS:

- Noise Impact Analysis: Proposed Landfill Gas to Renewable Natural Gas Project at Coyote Canyon Landfill, Newport Beach, California, LSA, July 17, 2024.

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Would the project result in:

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less-Than-Significant Impact. The proposed project, once operational, consists of a variety of pieces of equipment, as shown in Figure 6, including the following pieces which generate noise:

- Feed Compressors
- Compressor Feed Oil Coolers
- Compressor Feed After Coolers
- Temperature Swing Adsorption (TSA) Pretreatment Skid
- Chiller
- Membrane Skid
- Recycle Compressor
- Recycle Compressor Oil Cooler
- Recycle Compressor After Cooler
- Off-Spec Gas Flare
- Nitrogen Rejection Unit (NRU)
- NRU Vacuum Rinse Skids
- NRU Vacuum Rinse Skid Oil Coolers
- NRU Vacuum Rinse Skid After Coolers
- Flare
- TOX
- Generator

The nearest sensitive receptors to the proposed project site are the existing Sage High School located approximately 1,400 feet to the north and existing single-family homes in the Tesoro Community located approximately 1,250 feet to the south.

Applicable Noise Standards

The City regulates noise based on the criteria presented in the Noise Element of the General Plan as well as the Municipal Code. To protect City residents from excessive noise, the Noise Element contains the following policies:

- **N 4.1 Stationary Noise Sources:** Enforce interior and exterior noise standards outlined in Table N3, and in the City's Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.

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Table N3 Construction Equipment

Land Use Categories		Allowable Noise Levels (dBA)			
Categories	Uses	Interior ^{a,b}		Exterior ^{a,b}	
		Interior Noise Level (L_{eq} dBA) 7 a.m. to 10 p.m.	Interior Noise Level (L_{eq} dBA) 10 p.m. to 7 a.m.	Exterior Noise Level (L_{eq} dBA) 7 a.m. to 10 p.m.	Exterior Noise Level (L_{eq} dBA) 10 p.m. to 7 a.m.
Residential	Single Family, Two Family, Multiple Family (Zone I)	45	40	50	50
	Residential Portions of Mixed-Use Developments (Zone III)	45	40	60	60
Commercial Industrial	Commercial (Zone II)	NA	NA	65	60
	Industrial or Manufacturing (Zone IV)	NA	NA	70	70
Institutional	Schools, Day Care Centers, Churches, Libraries, Museums, Healthcare Institutions (Zone I)	NA	NA	55	50

Source: LSA 2024.

Notes: dBA = A-weighted decibels; L_{eq} = equivalent continuous noise level; NA = not applicable.

The A-weighting filter deemphasizes the very low and very high frequency components of the sound in a manner similar to the frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.

L_{eq} = equivalent continuous sound level. The equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. This is the metric used by the City Newport Beach for stationary sources.

^a If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

^b It shall be unlawful for any person at any location within the incorporated area of the City of Newport Beach to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such a person which causes the noise level when measured on any other property, to exceed either of the following:

- The noise standard for the applicable zone for any fifteen-minute period;
- A maximum instantaneous noise level equal to the value of the noise standard plus 20 dBA for any period of time (measured using A-weighted slow response).
- In the event the ambient noise level exceeds the noise standard, the noise standard applicable to said category shall be increased to reflect the maximum ambient noise level.
- The noise standard for the residential portions of the residential property falling within one hundred feet of a commercial property, if the intruding noise originates from that commercial property.
- If the measurement location is on a boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply.

- **N 4.6 Maintenance or Construction Activities:** Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work-related activities.

- **N 5.1 Limiting Hours of Activity:** Enforce the limits on hours of construction activity.

Section 10.26.025, Community Noise Control, of the City's municipal code provides the exterior and interior residential noise standards, which represent the maximum acceptable noise levels as measured from any receiving property in the City. It is considered unlawful to create noise on any property that results in noise levels exceeding 55 dBA L_{eq} for a period of 15 minutes at residential uses during daytime hours from 7:00 a.m. to 10:00 p.m. and 50 dBA L_{eq} for a period of 15 minutes at residential uses during nighttime hours from 10:00 p.m. to 7:00 a.m. For commercial uses, exterior noise levels shall not exceed 65 dBA L_{eq} during daytime hours

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and 60 dBA L_{eq} during nighttime hours. Maximum instantaneous noise levels may not exceed the above values plus 20 dBA for any period of time.

Section 10.28.040, Construction Activity – Noise Regulations, states:

- A. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, unless authorized to do so in accordance with subsection (B) of this section.
- B. The provisions of subsection (A) of this section shall not apply to the following:
 - 1. Work performed on any weekday, which is not a federal holiday, between the hours of 7:00 a.m. and 6:30 p.m.
 - 2. Work performed on a Saturday, in any area of the City that is not designated as a high-density area, between the hours of 8:00 a.m. and 6:00 p.m.

The City's Noise Element and Municipal Code do not provide specific noise level requirements associated with construction activities; therefore, the Federal Transit Administration (FTA) criteria were used in the analysis. Table 14, Federal Transit Administration General Assessment Construction Noise Criteria, shows the FTA's Detailed Analysis Construction Noise Criteria based on the composite noise levels of the two noisiest pieces of equipment per construction phase. This provides reasonable criteria for assessing construction noise impacts based on the potential for adverse community reaction when the noise criteria are exceeded.

Table 14 Federal Transit Administration General Assessment Construction Noise Criteria

Land Use Categories	Daytime 1-hour L_{eq} (dBA)	Daytime 1-hour L_{eq} (dBA)
Residential	80	70
Commercial	85	85
Industrial	90	90

Source: LSA 2024.

Notes: dBA = A-weighted decibels; L_{eq} = equivalent continuous sound level.

Overview of Existing Noise Environment

The primary existing noise sources in the project area are transportation facilities, including SR 73 and Newport Coast Drive. In addition, periodic aircraft operations are audible on the project site. In order to assess the existing noise conditions in the area, long-term noise measurements were conducted at the project site. Three long-term, 24-hour measurements were taken from January 10, 2022, to January 12, 2022. The locations of the noise measurements are shown on Figure 3 of Appendix K. The results are summarized in Table 15, *Existing Noise Level Measurements*.

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Table 15 Existing Noise Level Measurements

Location Number	Location Description	Daytime Noise Levels (dBA L _{eq})	Nighttime Noise Levels (dBA L _{eq})	Primary Noise Sources
Residential	Located at the south side of the project site, near hairpin turn of the access road. On chain-link fence north of the channel.	37.6-48.1	36.5-43.3	Very quiet
Commercial	Located at the north side of the project site, just south of Sage Hill School. On chain-link fence north of the access road and channel.	44.0-55.9	36.3-49.5	Faint traffic on SR-73
Industrial	Located at the west side of the project site, approximately 270 feet east of Newport Coast Drive. On sign on the west side of the access road.	49.0-57.5	39.4-53.4	Faint traffic on Newport

Source: LSA 2024.

Notes: dBA = A-weighted decibels; L_{eq} = equivalent continuous sound level; SR = State Route.

Airport-related noise levels are primarily associated with aircraft engine noise made while aircraft are taking off, landing, or running their engines while still on the ground. The closest airport to the project site is John Wayne Airport (JWA), approximately 4.8 miles to the northwest. The project site is outside the 60 dBA Community Noise Equivalent Level (CNEL) noise contour of JWA based on the JWA Airport Impact Zones map in the Airport Environs Land Use Plan, and the 2023 Fourth Quarter 65 dB CNEL contour for JWA. Because the project is located outside of the nearest airport's 60 dBA CNEL contour, no further analysis related to airport noise is required for the proposed project.

Short-Term Construction Related Impacts

Two types of short-term noise impacts would occur during project construction, including: equipment delivery and construction worker commutes; and project construction operations.

The first type of short-term construction noise would result from transport of construction equipment and materials to the project site and construction worker commutes. These transportation activities would incrementally raise noise levels on access roads leading to the site. It is expected that larger trucks used in equipment delivery would generate higher noise impacts than trucks associated with worker commutes. The single-event noise from equipment trucks passing at a distance of 50 feet from a sensitive noise receptor would reach a maximum level of 84 dBA L_{max}. However, the pieces of heavy equipment for grading and construction activities would be moved on site just one time and would remain on site for the duration of each construction phase. This one-time trip, when heavy construction equipment is moved on and off site, would not add to the

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daily traffic noise in the project vicinity. The total number of daily vehicle trips would be minimal when compared to existing traffic volumes on the affected streets, and the long-term noise level changes associated with these trips would not be perceptible. Therefore, equipment transport noise and construction-related worker commute impacts would be short term and would not result in a significant off-site noise impact.

The second type of short-term noise impact is related to noise generated during grading, equipment installation, and pipeline construction on the project site. Construction is undertaken in discrete steps, each of which has its own mix of equipment, and consequently its own noise characteristics. These various sequential phases would change the character of the noise generated on the project site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

Maximum construction noise levels during the pipe installation phase, lasting approximately four months, was calculated as being 83 dBA L_{eq} at a distance of 50 feet from the construction area. Construction noise levels from equipment installation, lasting 12 months, is expected to be approximately 77 dBA L_{eq} at 50 feet. Additionally, minor grading would be necessary prior to equipment installation and pipe installation, however those noise levels would be similar to the pipeline installation and would be of shorter duration.

Construction noise levels would fluctuate throughout the construction period as equipment moves between the various areas on the project site. The average distance to off-site receivers would be greater than the shortest distance measured from the site boundary to the off-site receivers. In order to assess the specific noise levels at the surrounding receptors, the average noise level experienced during construction was assessed based on the average distance of activities to the surrounding receptors which would be 1,700 feet from the property line of the existing school use to the north and 1,380 feet from the existing single-family homes to the south. At those distances, the combined construction noise levels from pipe installation and equipment installation would be 55 dBA L_{eq} and 56 dBA L_{eq} , respectively.

While construction-related, short-term noise levels have the potential to be higher than existing ambient noise levels in the project area under existing conditions, the noise impacts would no longer occur once project construction is completed. As stated above, noise impacts associated with construction activities are regulated by the City's noise ordinance. The proposed project would be required to comply with the construction hours specified in the City's Noise Ordinance, which states that construction activities are allowed between 7:00 a.m. and 6:30 p.m., Monday through Friday, and from 8:00 a.m. to 6:00 p.m. on Saturday. No construction is permitted outside of these hours or on Sundays and federal holidays.

As it relates to off-site uses, construction-related noise impacts would remain below the 80 dBA L_{eq} 1-hour construction noise level criteria as established by the FTA for residential land uses. Therefore, construction noise impacts would be less than significant.

Long-Term Operational Noise Impacts

Noise impacts associated with the long-term operation of the project must comply with the standards presented in the City's Municipal Code discussed above. Noise associated with the proposed project includes the operation

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of various pieces of equipment necessary to operate the proposed LFG facility. It is assumed that all equipment has the potential to operate continuously, 24 hours a day, 7 days a week. The proposed oil coolers would be the only equipment that would have variable noise levels based on temperature that is generally tied to higher temperatures during daytime hours and cooler temperatures during the more sensitive nighttime hours.

In order to calculate the expected impacts due to long-term operational stationary source activities, the software SoundPLAN was used. SoundPLAN is a noise modeling program that allows 3D calculations to be made taking into account topography, ground attenuation, and shielding from structures and walls. Within the model, the noise library allows for the input of many noise sources and calculates the composite noise levels experienced at any receptor necessary. The results from any calculation can be presented both in both tabular and graphic formats. The proposed operations assumed in this analysis were based on conversations with the project engineer and are conservative in nature (i.e., all operations are occurring simultaneously).

Graphics showing the results of the SoundPLAN modeling during full site operations for both daytime and nighttime conditions including the 12-foot perimeter wall, are provided in Attachment C of Appendix K. Table 16, *Noise Level Impacts at Surrounding Sensitive Receptors*, presents the composite noise levels at the nearest sensitive receptors. The results show that the noise levels at the sensitive receptors to the north and to the south would experience noise levels below the daytime 55 dBA L_{eq} standard and nighttime 50 dBA L_{eq} standard from the proposed project operations, thus impacts would be less than significant.

Table 16 Noise Level Impacts at Surrounding Sensitive Receptors

Location	Overall Project Noise Level (dBA L_{eq})	
	Daytime	Nighttime
High School - North	45.5	42.9
Single Family Homes - South	48.0	46.6

Source: LSA 2024. Appendix K.
Notes: dBA = A-weighted decibels; L_{eq} = equivalent continuous sound level.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less-Than-Significant Impact. Vibration refers to groundborne noise and perceptible motion. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where the motion may be discernible. Typically, there is a more adverse reaction to effects associated with the shaking of a building. Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Building vibration may be perceived by occupants as the motion of building surfaces, the rattling of items on shelves or hanging on walls, or a low-frequency rumbling noise.

Applicable Vibration Standards

The City's Municipal Code has two policies, NBMC 15.10.125 (Protection of Adjoining Property) and NBMC 15.10.140 (Grading Inspection), related to reducing construction vibration impacts associated with excavation near adjacent properties. However, these requirements do not apply to the proposed project because there

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would be no major excavation or dewatering, and there are no neighboring structures around the project site. Additionally, the City's Noise Element does not provide specific vibration impact criteria associated with construction activities; therefore, Federal Transit Administration (FTA) criteria were used in the analysis.

Construction Damage Criteria

The criteria for environmental impact from groundborne vibration and noise are based on the maximum levels for a single event. FTA guidelines consider a vibration level of up to 102 vibration decibels (VdB) safe for buildings consisting of reinforced concrete, steel, or timber (no plaster) and would not result in any construction vibration damage. For an engineered concrete and masonry (no plaster) building and a non-engineered timber and masonry building, the construction building vibration damage criteria is 98 Vdb and 94 VdB respectively.

Construction Annoyance Criteria

The City has not identified or adopted vibration standards. However, the 2006 General Plan EIR identified a limit of 72 VdB for frequent events (more than 70 vibrations events per day) at residential uses and buildings where people normally sleep. For infrequent events with fewer than 70 vibration events per day, the vibration limit is 80 VdB. It should be noted that the General Plan EIR conservatively identified a residential-nighttime threshold of 72 VdB for all circumstances of vibrational energy; including for construction activities which due to City noise ordinances, would not be expected to occur during the nighttime period (10:00 p.m. to 7:00 a.m.). The 2006 General Plan EIR also identified a limit of 75 VdB for frequent events (more than 70 vibrations events per day) at institutional land uses with primarily daytime uses. For infrequent events with fewer than 70 vibration events per day, the vibration limit is 83 VdB. For the purposes of the proposed project, these levels are identified as appropriate for office uses.

Construction Vibration Building Damage and Annoyance Potential

Groundborne noise and vibration from construction activity would be very low at surrounding uses. While there is currently limited information regarding vibration source levels, to provide a comparison of vibration levels expected for a project of this size, a large bulldozer, similar to a crane, would generate approximately 87 VdB of groundborne vibration when measured at 25 feet based on the Transit Noise and Vibration Impact Assessment Manual. The distance to the nearest buildings for vibration impact analysis is measured between the nearest off-site buildings and the project boundary (assuming the construction equipment would be used at or near the project boundary) because vibration impacts occur normally within the buildings. Vibration levels above 94 VdB would result in potential damage to nonengineered timber and masonry building and levels above 72 VdB would have the potential to cause annoyance at sensitive residential receptors.

The closest off-site structures to the project site are the existing school buildings to the north, approximately 1,400 feet from the potential construction activities and the existing single-family homes to the south, approximately 1,250 feet from the potential construction activities. Operation of equipment similar to a large bulldozer would generate groundborne vibration levels of up to 36 VdB at these receptors (refer to Appendix K). At this level, vibration from construction would be well below both the damage and annoyance thresholds as described above. Therefore, this impact would be less than significant.

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- c) **For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. The nearest public-use airport to the project site is the John Wayne Airport, approximately 6.9 miles to the northwest. The project site is outside of the Airport Impact Zones, Safety Zones, and Noise Contours (ALUC 2008). Therefore, no impact would occur.

3.14 POPULATION AND HOUSING

Would the project:

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

No Impact. The proposed project would develop an RNG facility to treat the current LFG and future quantities of LFG from the closed adjacent landfill into the existing SoCalGas infrastructure. No residential development is proposed, and the proposed project would not directly induce population growth in the area.

As discussed in Section 3.19, Utilities and Service Systems, adequate infrastructure and utilities are available to serve the project site and all the new utility infrastructure would be installed underground or placed in enclosed spaces (Figure 11). The new underground power and telecommunications lines would not extend into undeveloped areas nor result in unplanned growth. The project site is also provided with adequate road access via Newport Coastal Drive, and project development would not require extension of roadways.

Operation of the RNG facility would employ three operators on site routinely, which is not considered substantial growth in a city with approximately 83,411 residents (DOF 2023a) and over 44,000 workers (DOF 2023b). Therefore, implementation of the proposed project would not result in substantial direct or indirect population growth in the area. No impact would occur, and no mitigation is necessary.

- b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

No Impact. No housing exists or is proposed to be developed on the project site (Figure 4). Therefore, project development would not displace housing or people. No impact would occur.

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3.15 PUBLIC SERVICES

The analysis in this section is based partly on the service provider questionnaire responses, which are included as Appendix L to this IS.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

Less-Than-Significant Impact With Mitigation Incorporated. NBFD provides fire protection and emergency services to all of Newport Beach, including the project site from multiple fire stations: Newport Coast Fire Station 8 (6502 Ridge Park Road), Fashion Island Fire Station 3 (868 Santa Barbara), Corona Del Mar Fire Station 5 (410 Marigold Avenue), Santa Ana Heights Fire Station 7 (20401 Acacia Street), Balboa Island Fire Station 4 (124 Marine Avenue), Mariner's Fire Station 6 (1348 Irvine Avenue), Peninsula Fire Station 2 (2807 Newport Boulevard), and Balboa Fire Station 1 (110 E. Balboa Boulevard). The nearest and first response station to the project site is Newport Coast Fire Station 8, which is about 0.5 miles to the southwest.

The proposed project would require similar fire protection services as other businesses, with the exception that for projects involving flares, local fire departments receive calls from the public related to their periodic use to burn excess biogas. The flare would be properly sized to handle the full design flow of the LFG and allow the complete combustion process to occur within the flare prior to exiting the flare. The flames would be enclosed, and no flames would be visible from the top of the flare tower.

Considering the existing firefighting resources available in and near the city, project impacts on fire protection and emergency services (including response times) are not expected. In the event of an emergency at the project site that requires more resources than Newport Coast Fire Station 8 could provide, NBFD would direct resources to the site from other stations in nearby cities. The project site is a developed site that was already served by NBFD, so the proposed project would not expand NBFD's service area. It should be noted that there are substantial fire hazards specifically associated with the operation of an RNG facility. These hazards are analyzed under Section 3.9, Hazards and Hazardous Materials, and Section 3.20, Wildfire, of this IS/MND.

The City involves NBFD in the development review process to ensure that the necessary fire prevention and emergency response features are incorporated into development projects. As mentioned previously in Section 3.9(f), to address the inadequate internal drive aisle width and confinement concern brought up by the Fire Marshal, an additional fire hydrant would be within the open "courtyard" area plan for a total of five fire hydrants. These five hydrant locations would be at key locations on-site to meet hose-pull requirements and allow fire apparatus equipment and firefighting crews to deploy at a safe distance from the RNG facility. All site and building construction proposed as a part of the RNG facility would be subject to review and approval by the City and NBFD prior to building permit and certificate of occupancy issuance.

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Project development is also required to comply with the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards of the City and NBFD, which impose design standards and requirements to minimize and mitigate fire and emergency response risk. Compliance with these codes and standards is ensured through the City's and NBFD's development review and building permit process. Moreover, the EAP outlines fire hazards, mitigation techniques to control or extinguish fires, and emergency evacuation and response procedures for fire emergencies (Appendix G). Adherence to the City's and NBFD's standards and EAP would reduce potential fire hazards.

In compliance with NBFD requirements, the proposed project would also remove 28 trees that are immediately outside the perimeter of the project site within an approximately 20-foot-wide non-native grass-sloped area (see Figure 10). The trees would be removed to protect the surrounding area from fire risk associated with the proposed RNG facility. OCWR currently maintains the area outside the perimeter of the walled project site per the Tree Replacement and Revegetation Plan adopted by the City in July 2016 as part of the Coyote Canyon Landfill Gas Recovery Facility Demolition and Telecom Update project (SCH number 2016081012). With the removal of the trees, the Tree Replacement and Revegetation Plan would need to be supplemented with a project-specific Fuel Modification Plan per Mitigation Measure **HAZ-1** to ensure the proper removal of vegetation in line with NBFD requirements.

Based on the preceding, the proposed project is not expected to adversely affect the NBFD's ability to provide adequate service and or require new or expanded fire facilities that could result in adverse environmental impacts with the implementation of Mitigation Measure **HAZ-1**.

b) Police protection?

Less-Than-Significant Impact. The Newport Beach Police Department (NBPD) provides police protection services to the entire city, including the project site. Project implementation could result in an increase in calls for police protection service when compared to the existing gas-to-energy facility since the RNG facility would employ three operators on site routinely. Based on the staffing level and equipment, the NBPD would be able to provide police services to the project site in a timely manner. Thus, police service demands are not anticipated unless there was an unlikely event of a gas leak or other industrial accident (Clemente 2024).

Furthermore, proposed physical project features and improvements would help minimize impacts on police services. For example, the existing landfill access roadway would connect to a proposed internal drive aisle with an automated security gate at the northwestern boundary of the project site. Additionally, the project site is surrounded by an existing 12-foot concrete masonry unit block wall.

To ensure a timely response, NBPD recommends installation of a Knox Box (emergency access) key to allow the police and fire departments to enter the secure location and a safety system to alert the NBPD in the event of a gas leak. NBPD also recommends training to the employees on the latest safety industry practices and to conduct a walk-through with stakeholders (NBFD, Orange County Fire Authority, Orange County Intelligence Assessment Center, and the NBPD) to create a safety pre-plan for the project site (Clemente 2024).

These project design features and NBFD recommendations would be implemented to enhance the security and safety of the site during and after business hours. These features would also help prevent loitering or trespassing

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on the site and help prevent the need for calls for police services. The City also involves the NBPD in the development review process in order to ensure that the necessary police protection features are incorporated into development projects. All site and building improvements proposed under the proposed project would be subject to review and approval by the NBPD. Finally, in the event of an emergency at the project site that requires more resources than the NBPD could provide, the NBPD would request assistance from other nearby police departments.

Based on the preceding, the proposed project would not adversely affect NBPD's ability to provide adequate service and would not require new or expanded police facilities that could result in adverse environmental impacts. Impacts would be less than significant.

c) Schools?

No Impact. The increase in student generation and the need for new or the expansion of existing school facilities is tied to population growth. No residential development is proposed under the proposed project, and project development is not expected to generate an increase in the student population in the area. Therefore, no impacts to schools would occur.

d) Parks?

No Impact. The nearest public parks to the project site are the Newport Ridge Community Park to the southwest along Newport Ridge Drive East and Bommer Vista Point Park to the north along Summit Park Drive. The proposed project would develop an RNG facility that would not include new residential development and would not increase the population in the area. Therefore, the operation of the proposed project would not increase demand for public parks or require new park facilities. No adverse impacts to parks would occur, and no mitigation measures are necessary.

e) Other public facilities?

No Impact. Impacts to public facilities are typically generated by an increase in local population. Because the proposed project is a proposed RNG facility that would have only three employees working at any one time, its operation would not be expected to increase demand for public facilities such as libraries, daycare centers, or senior centers. Implementation of the proposed project would not result in adverse impacts to other public facilities and no mitigation measures are necessary.

3.16 RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The proposed project would not increase the local population. Therefore, its operation would not accelerate the physical deterioration of existing nearby parks and recreational facilities. No adverse impact to existing recreational amenities would occur and no mitigation measures are necessary.

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- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

No Impact. The proposed project would develop an RNG facility and would not include recreational facilities, nor require the construction or expansion of recreational facilities. Therefore, the proposed project would not result in adverse impacts related to recreational facilities. No impact would occur, and no mitigation are necessary.

3.17 TRANSPORTATION

Would the project:

- a) **Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

Less-Than-Significant Impact With Mitigation Incorporated. The proposed project would construct an RNG facility at the CCL to treat LFG from the closed adjacent landfill to be injected into SoCalGas infrastructure. The project would be accessed via Newport Coast Drive and an existing one-lane landfill access roadway (Figure 3). The landfill access roadway would connect to a proposed internal drive aisle, which would also function as a fire access lane.

The proposed project could result in a temporary increase in construction traffic associated with hauling activities during the AM peak hours at the SR-73 on- and off-ramps at Newport Coast Drive. However, implementation of Mitigation Measures **TRANS-1** through **TRANS-4** would mitigate potential traffic safety hazards to a less-than-significant level.

As described under Section 1.5.2.7, Operational Characteristics, the RNG facility would operate 24 hours per day and employ three operators on site routinely. Therefore, the proposed project would generate minimal daily trips. Therefore, project-related traffic would not result in a substantial number of additional trips to the circulation system that could result in a substantial detriment in the operation of nearby intersections and roadway segments. Impacts would be less than significant.

Mitigation Measure

- TRANS-1** Prior to the initiation of demolition activities at the project site, the applicant shall prepare a traffic control plan for demolition and construction. The traffic control plan shall include the staggering of truck trips throughout the day on Newport Coast Drive, so that the minimum practicable number of truck trips will occur during the AM peak period, to reduce impacts as much as possible to Sage Hill High School and both the State Route 73 on and off-ramps at Newport Coast Drive.
- TRANS-2** All demolition and construction vehicle drivers shall be informed that turning right on the red light at the traffic signal at the intersection of the project site access road and Newport Coast Drive shall be prohibited for the duration of demolition and construction activities. A sign shall be posted at the entrance to the intersection to remind drivers that they are prohibited from making a right-turn at the red light onto Newport Coast Drive.

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- TRANS-3 For the duration of the demolition and construction activities, electronic signage shall be placed near Sage Hill High School to inform drivers regarding the duration of the demolition and construction activities and to indicate that large trucks may be present for the duration of construction and demolition activities.
- TRANS-4 Construction spotters with walkie-talkies shall be assigned on both ends of the project site access road to guide trucks during project demolition and construction activities. Trucks shall only be able to travel in one direction on the one lane paved access road at a time. Trucks that are waiting to go up the access road shall wait across the street on the main canyon landfill property until the spotter informs them that it is safe to proceed up the access road to the project site.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3 (b)?

Less-Than-Significant Impact. With adoption of SB 375, the state signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and contribute to the reduction of GHG, as required by the California Global Warming Solutions Act of 2006 (AB 32). VMT corresponds to the number of vehicles multiplied by the distance traveled in a given period over a geographical area (daily trips x average trip length). Additionally, AB 1358 (Complete Streets Act) requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users.

On September 27, 2013, SB 743 started a process that fundamentally changed transportation impact analysis as part of CEQA compliance. Changes include the elimination of auto delay, level of service (LOS), and similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts in many parts of California (if not statewide). As part of the updated CEQA Guidelines, the new criteria “shall promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses” (PRC Section 21099(b)(1)). On January 20, 2016, the Governor’s Office of Planning and Research (OPR) released revisions to the CEQA guidelines for the implementation of SB 743. Final review and rulemaking for the new guidelines were completed in December 28, 2018, when the Natural Resources Agency certified and adopted the CEQA Guidelines update package, including guidelines implementing SB 743. OPR allowed agencies an opt-in period to adopt the guidelines, but they became mandatory on July 1, 2020.

Under SB 743, a city can decide to screen out certain projects from needing a complete VMT analysis. OPR has advised that certain projects could be cleared from further analysis based on size, type, location, and/or proximity to a major transit stop or high-quality transit. The City adopted the VMT Implementation Guide in May 2020, which includes land use project screening criteria (Newport Beach 2020). The City’s VMT analysis methodology is supplemented by the City SB 743 VMT Implementation Guide dated April 6, 2020, the General Plan, Coastal Land Use Plan, and Newport Beach Municipal Code and any policies adopted by the Community Development Director. The City’s land use project screening criteria flags projects that generate a net increase of 300 or less daily trips. If projects meet this land use screening criteria, then the project would be considered to have a less-than-significant impact on transportation, and no further VMT analysis is required (Newport Beach 2020).

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As described under Section 1.5.2.7, Operational Characteristics, the RNG facility would operate 24 hours per day and employ three operators on-site routinely. Therefore, the proposed project would generate relatively few trips associated with three operators and meet the City's land use screening criteria of 300 or less vehicle daily trips. The proposed project's trip generation would be well below the threshold for required VMT analysis, and impacts would be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The project would be accessed via Newport Coast Drive and an existing landfill access roadway (Figure 3). No new roadways would be constructed outside the 0.88-acre portion of the site that would include the proposed RNG facility. As shown in Figure 6, a new 12-foot OCWR-reserved access route would run along the north, east, and south perimeters of the project site to accommodate the RNG facility's equipment spacing necessary for safe operation and maintenance. This access route would also serve as an egress for SoCalGas.

The proposed project would not change the layout of the existing one-lane paved driveway to the site from Newport Coast Drive and would not add incompatible uses to area roadways. No impact would occur, and no mitigation measures are required.

d) Result in inadequate emergency access?

No Impact. As shown in Figure 6, a new 12-foot OCWR-reserved access route would run along the north, east, and south perimeters of the project site to accommodate the RNG facility's equipment spacing necessary for safe operation and maintenance. As mentioned previously under Section 3.9(f), to address the inadequate internal drive aisle width and confinement concern an additional fire hydrant would be located within the open "courtyard" area plan. These five different hydrant locations would allow fire apparatus equipment and firefighting crews to deploy at a safe distance from the RNG facility.

Furthermore, the proposed project would be subject to the City of NBFD guidelines and standards based on the CFC, California Vehicle Code, and the Newport Beach Municipal Code (Newport Beach 2024b). Compliance with the City's Fire Department guidelines and standards would ensure emergency resources respond to an incident in a safe and effective manner. No impacts would occur.

3.18 TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural

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landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or**

No Impact. As shown in Figure 4, the site is presently developed with the landfill gas-to-energy facility, five buildings, boiler and dilution fan structure, five-pad mounted transformers, generator breaker, cooling tower structure, LFG blowers, four flares, exhaust stack, and several aboveground storage tanks. The landfill gas-to-energy facility operated from 1988 to December 2015. Since that time, the OCWR has been flaring the collected LFG, in compliance with South Coast AQMD and Local Enforcement Agency (LEA) regulations.

The project site is not identified on any state or local historic registers or sources, including the National Register of Historic Places, the California Register of Historic Resources, the California Built Environment Resources Directory, the California Historical Landmarks, and the California Points of Historical Interest (NPS 2024). All of the existing gas-to-energy structures located on the project site that would be demolished are less than 40 years old and are not historic resources. Therefore, no impact to historical resources would occur.

- ii) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Less-Than-Significant Impact. Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. The intent of the consultations is to provide an opportunity for interested Native American contacts to work together with the lead agency (in this case, the City) during the project planning process to identify and protect tribal cultural resources.

The provisions of CEQA, PRC Sections 21080.3.1 et seq. (or AB 52), require meaningful consultation with California Native American tribes on potential impacts to tribal cultural resources, as defined in PRC Section 21074. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (OPR 2017).

As part of the AB 52 process, Native American tribes must submit a written request to the relevant lead agency if it wishes to be notified of projects that require CEQA public noticing and are within its traditionally and culturally affiliated geographical area. The lead agency must provide written, formal notification to the tribes that have requested it within 14 days of determining that a project application is complete or deciding to undertake a project. The tribe must respond to the lead agency within 30 days of

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receipt of the notification if it wishes to engage in consultation on the project, and the lead agency must begin the consultation process within 30 days of receiving the request for consultation. Consultation concludes when either 1) the parties agree to mitigation measures to avoid a significant effect, if one exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. AB 52 also addresses confidentiality during tribal consultation per PRC Section 21082.3(c).

In accordance with the provisions of AB 52, the City sent formal notifications letters on December 5, 2023, to the following tribes: Juaneño Band of Mission Indians - Acjachemen Nation, Gabrielino-Tongva Tribe, Gabrieleño Band of Mission Indians - Kizh Nation. The 30-day noticing requirement under AB 52 was completed on January 4, 2024, 30 days from the date the City sent the notification letter. The City received no responses. Therefore, the City has complied with its obligation under AB 52, and the consultation process is deemed complete (Appendix M).

The project site is heavily developed and has already been subject to similar construction and ground-disturbing activities that would occur under the proposed project. Impacts to tribal cultural resources would be less than significant.

3.19 UTILITIES AND SERVICE SYSTEMS

Would the project:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Less-Than-Significant Impact. Following is a discussion of the proposed project's potential impacts on water, wastewater treatment, stormwater drainage, electric power, natural gas, and telecommunication facilities.

Wastewater Treatment Facilities

IRWD would provide wastewater collection and conveyance service to the project site. An existing 10-inch sewer line runs along the northern perimeter of the project site, and an existing 4-inch sewer line runs down the center of the site. The 4-inch sewer line serves the existing building on the site. The proposed project would not include any modifications to these sewer lines. The proposed control room on site would have a septic system with a holding tank to collect the wastewater which would be trucked from the project site.

Additionally, the existing 3-inch condensate line on the project site would be demolished and replaced with 2-inch condensate lines. The RNG processing plant is estimated to produce approximately 1,724 gallons per day (gpd) of condensate; 279 gpd of clean condensate and 1,445 gpd of oily condensate. Clean condensate would be directed to two condensate tanks. The tanks would store the condensate until trucked off site for disposal. The remaining 1,445 gpd of condensate would be routed to an oil/water separator, held in an aboveground tank, and tested before being discharged to the IRWD industrial wastewater system via the 10-inch sewer line (Ennin 2024). For facilities requiring the pretreatment of wastewater, IRWD's require the submittal of detailed

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plans, specifications, and other pertinent data showing the pretreatment facilities and operating procedures for IRWD's review. IRWD may also require monitoring and metering of the facility's discharges and the periodic filing of discharge reports to IRWD (IRWD 2019).

For the purposes of this analysis, it is conservatively assumed that wastewater transported from the project site both through IRWD's sewer system and the septic system would be treated at either the Michelson Water Recycling Plant (MWRP) or the Los Alios Water Recycling Plant (LAWRP). The MWRP has a capacity of 28 mgd and treats an average of 20.3 mgd, leaving a residual capacity of 7.7 mgd. The capacity of LAWRP is 7.5 mgd and an average of 3.43 mgd is currently treated at this facility, leaving a residual capacity of 4.07 mgd (IRWD 2018). The wastewater produced from the condensate and septic system for the control room would represent a small fraction of the residual capacities of the water recycling plants that would treat the wastewater produced by the proposed project. No additional wastewater treatment facilities would be needed to accommodate the proposed project. Therefore, project development would not require the construction of new or expanded wastewater treatment facilities resulting in less-than-significant impacts.

Water Supply Facilities

The project site is within the service area of IRWD, which would provide water service to the proposed project for use at the control room. As shown in Figure 5, the project site currently contains an existing 10-inch fire main and 6-inch potable water line. The proposed project would demolish the sections of the 10-inch fire line and 6-inch potable water line located in the eastern portion of the site within the proposed RNG processing plant footprint. However, lines from the existing OCWR building would be routed to the proposed control building and sub-metering would be installed to provide water service for use of the control building. The proposed project may also include the installation of a back-up 15,000-gallon on-site water tank that would be filled by vendor-provided water trucks. The three existing fire hydrants on the project site would also remain with an additional fire hydrant to be installed next to the existing generator (see Figure 11). Access to water would also be available from OCWR's existing building via a submeter if needed. No off-site water line construction or upsizing would be required to accommodate the proposed project and therefore, the proposed project would not require expansion of water conveyance facilities.

To estimate the water use of the proposed control building, the CalEEMod default for annual indoor nonresidential water consumption in the general office building category was used. Based on a generation rate of 177,734 gallons per 1,000 square feet per year, the 502 square foot control building would consume approximately 89,222 gallons (0.27 acre-feet year) of water per year (CAPCOA 2022). IRWD's Urban Water Management Plan estimates that the water district will have a residual potable water capacity of 51,880 acre-feet per year (afy) in 2025 and 28,270 afy in 2040. Additionally, IRWD estimates that it will have sufficient water supplies to meet proposed growth for normal, single dry, and multiple dry years (IRWD 2021). Therefore, the increase in water consumption under the proposed project would not exceed IRWD's projected water supply. Impacts with respect to water supply facilities would be less than significant.

Stormwater Drainage Facilities

As described in Section 3.10, runoff from the project site would continue to drain into two discharge locations under the proposed project (see Figure 14 for the location of the discharge points). The eastern portion of the

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site would drain toward the proposed perimeter access road that borders the north and east boundaries of the project site where the water would be collected and conveyed by a pipe in the gravel layer underneath the access road to Modular Wetlands unit. These flows would ultimately be conveyed to a OCFCF facility that discharges into Bonita Creek, San Diego Creek Reach 1, and Newport Bay. As substantiated in the discussion of 3.10.c.ii, the proposed BMPs would be designed to accommodate the flows from the project site under 10-year and 25-year storm events would not produce runoff that would result in flooding on or off site. The proposed project would therefore not require any new or expanded stormwater facilities, and impacts would be less than significant.

Other Utilities

SCE would provide electricity to the project site; SoCalGas would provide natural gas; and telecommunications services would be provided by Sprint, AT&T, Verizon Wireless, and/or T-Mobile. All new utility infrastructure would be installed underground or placed in enclosed spaces (e.g., utility closets). The proposed project would include new underground power and telecommunication lines in addition to natural gas pipelines for building heating, as seen in Figure 11. Additionally, SoCalGas would construct a supplemental pipeline interconnection facility for operation of the RNG facility that includes a pipeline extension and POR skid. The pipeline extension would connect to an existing pipeline tie-in point at the western boundary of the project site.

As described in Section 3.6, Energy, implementation of the proposed project is anticipated to consume 32 million kWh of electricity per year. Total electricity consumption in SCE's service area is forecast to increase by approximately 23,715 gigawatt-hours between 2024 and 2035 (CEC 2021). SCE forecasts that it will have sufficient electricity supplies to meet demands in its service area, and the electricity demand due to the proposed project is within the forecast increase in SCE's electricity demands. Project development would not require SCE to obtain new or expanded electricity supplies.

The natural gas demand associated with the proposed buildings is anticipated to be 68,226 kBTU per year (0.68 therms). Supplemental natural gas would also be required for the TOX in combustion of waste gas and the annual supplemental natural gas demand for this process would be 17,021,480 kBTU per year (170.3 therms). Overall, operation of the proposed project would have an annual natural gas demand of 17,089,706 kBTU per year. (170.9 therms). The total gas consumption in the SoCalGas service area was approximately 7,700 million therms in 2016, with little to no growth projected up to 2030 (CEC 2018). SoCalGas is therefore expected to have sufficient natural supplies to meet demands in its service area, and the increase in demand due to the proposed project would be within the forecasted increase for SoCalGas' natural gas supply. Project development would not require SoCalGas to obtain new or expanded natural gas supplies. Additionally, the proposed project would support the generation and procurement of RNG, offsetting its use of natural gas supplies.

While the proposed project includes the construction of new electrical, natural gas, and telecommunications infrastructure to support the operation of the RNG facility, these infrastructure improvements are part of the proposed project and the environmental impacts of the proposed project have been analyzed and mitigated in this IS/MND. No additional utility infrastructure would be needed to serve the proposed project, and therefore impacts are less than significant.

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- b) **Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

Less-Than-Significant Impact. As described in Section 3.19(a), the water demand for the proposed project would be met by IRWD's existing water supply. IRWD estimates it will have a residual potable water capacity of 51,880 afy in 2025 and 28,270 afy in 2040. Additionally, IRWD estimates that it will have sufficient water supplies to meet proposed growth for normal, single dry, and multiple dry years (IRWD 2021). The proposed project is assumed to consume approximately 0.27 afy of water which represents a nominal increase in comparison to IRWD's residual capacity.

Additionally, the proposed project would be required to comply with the provisions of CALGreen, which contains requirements for water conservation measures for indoor water use. Based on the preceding, there are adequate water supplies to meet the water demands of the proposed project, and project development would not require IRWD to obtain new or expanded water supplies. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

- c) **Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Less-Than-Significant Impact. As discussed above in Section 3.19(a), there is existing wastewater treatment capacity at the two water treatment facilities that would serve the proposed project to accommodate the increase in wastewater generated by the proposed project. Project development would not require construction of new or expanded wastewater treatment facilities. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

- d) **Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Less-Than-Significant Impact. Solid municipal waste from the project site is transported to the Frank R. Bowerman Landfill, located at 11002 Bee Canyon Access Road, Irvine. The landfill is owned and operated by the County of Orange and has available capacity through 2053. Capacity and disposal data for the Frank R. Bowerman Sanitary Landfill is shown in Table 17, *Landfill Capacity*. As shown in the table, the landfill has a residual capacity of 4,156 tons per day.

Table 17 Landfill Capacity

Landfill Name	Current Remaining Capacity (tons) ¹	Maximum Daily Disposal Capacity (tons)	Average Daily Disposal, 2020 (tons) ²	Residual Daily Disposal Capacity (tons)	Estimated Close Date
Frank R. Bowerman Sanitary Landfill	205,000,000	11,500	7,344	4,156	2053

Sources: CalRecycle 2019a, 2019b.

¹ A Volume-to-Weight conversion rate of 2,000 lbs/cubic yard (1 tons/cubic yard) for "Compacted - MSW Large Landfill with Best Management Practices" is used as per CalRecycle's 2016 Volume-to-Weight Conversion Factors, https://www.epa.gov/sites/production/files/201604/documents/volume_to_weight_conversion_factors_memo_randum_04192016_508fnl.pdf.

² Average daily disposal is calculated based on 300 operating days per year. The facility is open six days per week, Monday through Saturday, except certain holidays.

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To estimate the solid waste generated by the proposed project, the CalEEMod default rate for solid waste disposal in the general light industry category was used. Based on a generation rate of 1.24 tons per 1,000 square feet per year and a total 1,594 square feet of building space, the proposed project would consume approximately 1.98 tons of waste per year (CAPCOA 2022). Therefore, the Frank R. Bowerman Sanitary Landfill would have adequate landfill capacity for the project's forecasted solid waste disposal, and project development would not require additional landfill capacity. Also, the total net increase of solid waste expected to be generated under the proposed project would be minimal compared to the total permitted daily maximum solid waste tonnage per day of the Frank R. Bowerman Sanitary Landfill.

Additionally, project development would be required to implement the requirements of Chapter 6.06, State Mandated Municipal Solid Waste Diversion Programs, of the Newport Beach Municipal Code. This chapter governs the collection, storage, and transportation of solid waste, food scraps, green waste, wood and recyclable materials generated within the City and the diversion of food scraps, green waste, wood and recyclable materials from the landfill. State law requires that waste streams to landfills be reduced by 50 percent by 2020 and beyond pursuant to AB 939 and requires mandatory solid waste and recycling collection (Public Resources Code Section 41780).

Additionally, the proposed project would comply with the current CALGreen and AB 341. The 2022 CALGreen requires that all newly constructed buildings and demolition projects divert at least 65 percent of the nonhazardous construction and demolition materials generated at the project site from landfills. AB 341 mandates a solid waste diversion rate of 75 percent by 2020.

Based on the preceding, impacts on landfill capacity and the City's ability to attain solid waste reduction goals would be less than significant, and no mitigation measures are necessary

e) **Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Less-Than-Significant Impact. In addition to the regulations described in Section 3.19(d), the proposed project would comply with the following federal, state, and local laws and regulations governing solid waste disposal, including:

- The **EPA** administers the Resource Conservation and Recovery Act of 1976 and the Solid Waste Disposal Act of 1965, which govern solid waste disposal.
- **AB 341** (Chapter 476, Statutes of 2011) increases the statewide waste diversion goal to 75 percent by 2020, and mandates recycling for commercial and multifamily residential land uses.
- **AB 939** (Integrated Solid Waste Management Act of 1989; Public Resources Code 40050 et seq.) required every California city and county to divert 50 percent of its waste from landfills by the year 2000 by such means as recycling, source reduction, and composting. In addition, AB 939 requires each county to prepare a countywide siting element specifying areas for transformation or disposal sites to provide capacity for solid waste generated in the county that cannot be reduced or recycled for a 15-year period.

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- **AB 1327** (California Solid Waste Reuse and Recycling Access Act of 1991) requires local agencies to adopt ordinances mandating the use of recyclable materials in development projects.

Project-related construction and operation phases would be implemented in accordance with all applicable federal, state, and local laws and regulations pertaining to solid waste disposal. Therefore, no impact would occur, and no mitigation measures are necessary.

3.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less-Than-Significant Impact. As described under Section 3.9, Hazards and Hazardous Materials, the City has adopted an EOP that establishes policies and procedures to ensure effective response and recovery operations during large-scale emergencies within the city (Newport Beach 2022). Emergency management organization staff that support emergency response, report to the EOC or DOC, or are assigned to field response duties should use the EOP to guide their actions in completing assigned tasks. The Nbfd constantly monitors the fire hazard in the City and has ongoing programs to investigate and alleviate hazardous situations. Newport Beach staffs 8 fire stations, 24 hours per day, 365 days per year. Fires generally represent only 5 percent of all calls, with structure fires occurring less than 2 percent of the time (Newport Beach 2022).

As described in Section 1.5.2.6, Access, Circulation, and Parking, the project would be accessed via Newport Coast Drive and the existing landfill access roadway (Figure 3). No new roadways would be constructed outside the 0.88-acre portion of the site that would include the proposed RNG facility. As shown in Figure 6, a new 12-foot OCWR-reserved access route would run from the project site entrance along the north, east, and south perimeters of the project site to accommodate the RNG facility's equipment spacing necessary for safe operation and maintenance. This access route would also serve as an egress for SoCalGas. As mentioned previously under Section 3.9.f, pursuant to Fire Code Sections 503.1.1 Exception 1.2 and 503.2.2, to address the inadequate internal drive aisle width and confinement concern an additional fire hydrant would be located within the open "courtyard" area plan. These five different hydrant locations would allow fire apparatus equipment and firefighting crews to deploy at a safe distance from the RNG facility. This access route would also serve as an egress for SoCalGas, which would help minimize increased evacuation time or emergency access response times for the three operators on site.

Emergency response and evacuation could be hindered by construction activities. However, there would be one off-site location for material laydown to support ongoing work activities and deliveries of equipment would be staged at this laydown area to proceed to the project site one at a time. Workforce parking would be provided in the off-site laydown area within the landfill with a shuttle to transport the crew and material laydown areas would not block Newport Coast Drive. During the construction period, there would be no permanent on-site population; thus, the proposed project would not impede emergency access to or evacuation from the surrounding community. Therefore, construction and operation of the proposed project would not impair an emergency response plan or evacuation plan, and impacts would be less than significant.

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- b) **Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

Less-Than-Significant Impact With Mitigation Incorporated. The 2019 Strategic Fire Plan for California, the City's EOP, the City's 2016 Local Hazard Mitigation Plan, and the City's General Plan Safety Element collectively help reduce wildfire hazards on a statewide and local scale. Project development is also required to comply with the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards of the City and NBFDF, which impose design standards and requirements to minimize and mitigate fire and emergency response risk. The NBFDF's Fire Prevention Division provides a full range of services encompassing community education and preparedness, emergency planning, fire prevention, code enforcement, fire inspections, vegetation management, and plan check services of new and tenant improvement construction projects. The Fire Prevention staff ensures that fire protection requirements are met for new development and proposed fire suppression systems meet the CFC, Newport Beach Municipal Code, and the National Fire Prevention Association codes and standards (Newport Beach 2024c). If a property is within a Very High Fire Hazard Severity Zone (FHSZ) then Chapter 49 of the CFC, Newport Beach Municipal Code Title 9.04.090 Amendments to the Chapter 49, *Requirements for Wildland Urban Interface Fire Areas*, and California Government Code Section 51175-51189 including NBFDF's Guidelines and Standards G.02 *Fuel Modification Plans and Maintenance Standard* apply (Newport Beach 2024d). Compliance with these codes and standards is ensured through the City's and NBFDF's development review and building permit process. The project-specific EAP also outlines fire hazards and mitigation techniques to control or extinguish fires (Appendix H).

As described under Section 3.9(b), the Preliminary Site Consequence Assessment outlined design requirements to withstand blast loading and overpressure conditions. Under the worst-case scenario, jet fires could affect vegetation up to 10 feet beyond the perimeter wall. However, the proposed project includes design features such as equipment layout, hazardous area classification, ignition source controls, fire and gas detection systems, process control alarms, process control shutdowns, and emergency shutdown systems to mitigate the impact of jet fires to the surrounding vegetation. The site is also surrounded by a 12-foot perimeter wall that is inherently fire resistant. Through compliance with regulatory requirements for building and landscaping design, the proposed project would be built and operated in a manner to minimize the risk of wildfire.

However, due to the surrounding open space and the project site in a Very High FHSZ, there would be a potential risk with off-site wildfires reaching the project site (CAL FIRE 2024). The NBFDF noted these deficiencies associated with the project location. The Fire Marshal and Deputy Fire Marshal performed a site walk on May 28, 2024, and September 23, 2024, and identified 28 trees for removal. The trees are immediately outside the perimeter wall of the project site within an approximately 20-foot-wide non-native grass-sloped area (see Figure 10).

OCWR maintains the surrounding open space based on the Tree Replacement and Revegetation Plan, which was part of the Coyote Canyon Landfill Gas Recovery Facility Demolition and Telecom Update project approved in October 2016 (SCH number 2016081012). With the removal of the trees per NBFDF requirements, the Tree Replacement and Revegetation Plan would need to be supplemented with a project-specific Fuel

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Modification Plan per Mitigation Measure **HAZ-1** to ensure the proper removal of vegetation in line with NBFD requirements.

The project site is relatively flat, but there is a drop in elevation around the site on three sides with surrounding hill and canyon topography in the area. The proposed project would not create steeper slopes through grading, nor would the proposed development modify the existing prevailing winds.

Adherence to the State and local regulations, NBFD requirements, and Mitigation Measure **HAZ-1** would minimize the risk of ignition and spread of wildfires due to vegetation, therefore reducing the potential for exacerbating wildfire risks. Therefore, wildfire risks would not be exacerbated due to slope, prevailing winds, or vegetation, and impacts would be less than significant with mitigation.

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

Less-Than-Significant Impact With Mitigation. The proposed project would include infrastructure and utility/service system improvements to support the project development. These improvements would include installation of a fire hydrant, a water tank on-site, a septic tank system for the proposed control room, a storm drain for off-site disposal of stormwater, and new underground power and telecommunication lines. The 15,000-gallon on-site water tank would be installed to provide back-up water service. Based on the analysis in Section 3.19, Utilities and Service Systems, the proposed project would not result in the need for expanded water and sewer lines off-site. The proposed project would not install off-site roads, fuel breaks, emergency water sources, off-site power lines, or other utilities that may exacerbate fire risk or result in temporary or ongoing impacts to the environment. Therefore, this impact discussion is focused on whether wildfire risk would be exacerbated due to the installation and routine maintenance of associated infrastructure development on the project site.

As described under the impact discussion in Section 3.20(b), project development would be required to comply with the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards of the City and NBFD, which impose design standards and requirements to minimize and mitigate fire and emergency response risk. The project applicant would ensure that the project contractor cuts, rakes, and removes all combustible ground-level vegetation to a height of six feet or less in the construction, access, and staging areas to reduce the threat of fire ignition pursuant to CFC Sections 304.1.1 and 304.1.2. Construction of the internal roadway would be required to comply with PRC Section 4442, which requires that engines that use hydrocarbon fuels be equipped with a spark arrester, and that these engines be maintained in effective working order to help prevent fire. Pursuant to CFC Section 906, the contractor would have portable fire extinguishers in areas where flammable or combustible liquids are stored, used, or dispensed.

The NBFD's Fire Prevention staff ensures that fire protection requirements are met for new development and proposed fire-suppression systems meets the CFC, Newport Beach Municipal Code, and the National Fire Prevention Association codes and standards (Newport Beach 2024c). If a property is within a Very High FHSZ then Chapter 49 of the CFC, Newport Beach Municipal Code Title 9.04.090 Amendments to the Chapter 49, *Requirements for Wildland Urban Interface Fire Areas*, and California Government Code Section 51175-51189,

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including NBFD's Guidelines and Standards G.02 *Fuel Modification Plans and Maintenance Standard* apply (Newport Beach 2024d). Compliance with these codes and standards would ensure that the installation of these infrastructure improvements would not exacerbate fire risk during construction or lead to ongoing impacts to the environment.

The project applicant shall also supplement the Tree Replacement and Revegetation Plan with a project-specific Fuel Modification Plan per Mitigation Measure **HAZ-1** to ensure the proper removal of vegetation in line with NBFD requirements.

The ongoing maintenance of the proposed project, including occasional repaving of the internal drive aisle and repairing utility lines, would be on a smaller scale than the initial installation/construction of the proposed project and would be required to follow a similar protocol to comply with PRC Section 4442. PRC Section 4442 restricts the type of equipment that can be used on grass- or brush-covered areas of the site to those with hydrocarbon fuels equipped with spark arresters and states these engines must be maintained in effective working order to help prevent fire. Additionally, CCR Title 14, Division 1.5, Chapter 7, Subchapter 2, *SRA/VHFHSZ Fire Safe Regulations*, requires that buildings be set back from the center of the roadway by 30 feet, and with defensible space requirements. Finally, open space would be maintained with equipment that complies with PRC Section 4442 to help prevent fire. Compliance with these State and local regulations would further minimize the risk of wildfire on or surrounding the project site from the ongoing maintenance of the project infrastructure. Additionally, no spark producing or hot works of any kind would be performed on red flag days. For these reasons, the installation and maintenance of the new infrastructure and utility/service systems would not exacerbate wildfire risks, and impacts would be less than significant with mitigation.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less-Than-Significant Impact. The project site is relatively flat, and the preliminary geotechnical investigation report found no landslides in the site vicinity (LOR Geotechnical Group Inc. 2021). As mentioned under impact discussion 3.7b, the type of soils found on the project site are susceptible to erosion by running water, therefore the preliminary geotechnical investigation report recommends measures to prevent surface water from flowing over slope faces (e.g., plant deep-rooted ground cover and prevent over watering on slopes). In addition, the earthwork operations recommended to be conducted during the development of the site (e.g., fill slopes shall be overfilled during construction and then cut back to expose fully compacted soil) would mitigate any near surface loose soil conditions (LOR Geotechnical Group Inc. 2021). These recommended erosion control measures would help to minimize potential impacts due to slope instability.

The project site is also not designated by FEMA as being in a 100-year flood hazard zone (FEMA 2009). Additionally, described in Section 3.10, Hydrology and Water Quality, the proposed project would be required to prepare and submit a grading plan and erosion control plan for City review in addition to complying with erosion control measures in CALGreen. Development of the project site would not involve the alteration of any natural drainage channel or watercourse. To reduce impacts to water quality and drainage, the project site design would implement a Modular Wetland Unit and gravel layer water storage BMPs. Therefore, the proposed

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project would not increase stormwater runoff or change drainage patterns in a manner that would impact downslope or downstream properties.

The project applicant would be required to submit a site-specific final geotechnical report prepared by a registered geotechnical engineer for City review and approval before project development. The final geotechnical report would contain, at a minimum, a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant must implement the recommendations in the approved report during project design and construction. Implementation of the BMPs and approved geotechnical report requirements would reduce potential for slope instability landslide movement.

Furthermore, as discussed in impact discussion 3.20b, the proposed project would be required to comply with the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards of the City and NBFD. These regulations would ensure fire and landslide resilient construction, and therefore would reduce the potential for post-wildfire flooding or landslides downstream or downslope. Management of stormwater and erosion controls during construction and operation would prevent downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes. Therefore, the proposed project would not expose people or structures to significant risks related to runoff, slope instability, or drainage changes, and impacts would be less than significant.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

- a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Less-Than-Significant Impact with Mitigation Incorporated. The project site is a flat, paved lot, containing existing county flares, a blower station, 65-foot cell towers, and associated generators inside a 12-foot perimeter wall. The project site does not contain any special-status vegetation or animal species or corridors for wildlife movement. As mentioned in Section 3.4(a), project development would take place within the boundaries of the project site, except for the secondary laydown area within the landfill and the removal of 28 trees around the perimeter of the project site. Mitigation Measures **BIO-1** through **BIO-7** would ensure impacts from these activities would be less than significant.

As substantiated in Section 3.5, Cultural Resources, the project area does not contain any historic resources and the on-site structures to be demolished have no historic value. Mitigation Measure **CUL-1** was included to reduce potential impacts related to adverse change in archaeological resources to a less-than-significant level. In Section 3.7, Geology and Soils, impacts to paleontological resources were deemed less than significant and in Section 3.18, Tribal Cultural Resources, impacts to tribal cultural resources were deemed to be less than significant.

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With implementation of the above mitigation measures, project development would not degrade the quality of the environment; reduce the population, range, or habitat of a species of fish or wildlife or a rare or endangered plant or animal species; or eliminate an important example of the major periods of California history or prehistory. Impacts to all categories are less than significant or have been mitigated to a level of less than significant, and therefore no additional mitigation measures are required.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

Less-Than-Significant Impact with Mitigation Incorporated. Cumulative impacts can occur as a result of the interactions of environmental changes from multiple projects that affect the same resources, which include but are not limited to potential impacts to the transportation network, watershed, air basin, noise environment, or other environmental conditions. Such impacts could be short-term and temporary from overlapping construction impacts, or long-term due to permanent land use changes. There are future pending projects within the vicinity of the project site, including the Sage Hill Middle School and Gymnasium Building Project (SCH Number 2023120397), AT&T Telecom Gazebo Project (SCH Number 2023060095), and Coyote Canyon Regrading and Header Project. However, as discussed in Sections 3.1 through 3.20, the impacts of the proposed project would be less than significant with mitigation measures incorporated and would not combine with other projects to create a significant effect.

The project site has been previously developed with uses that extended within the same footprint of the proposed project so cumulative impacts to agricultural and mineral resources would not change from existing conditions. With implementation of Mitigation Measures **BIO-1** through **BIO-7**, impacts to sensitive species would be mitigated to less than significant and would result in no cumulative impacts. The proposed project would also implement specific features to ensure that impacts to wildfire and hydrology and water quality are less than significant, resulting in less-than-significant cumulative impacts. Impacts related to archaeological resources, paleontological resources, and hazards and hazardous materials are generally confined to a specific site and do not affect off-site areas. As such, impacts would also be less than significant.

Furthermore, the evaluation of air quality and GHG impacts considered the proposed project’s cumulative contribution to federal or state nonattainment pollutants within the SoCAB and the proposed project has very minimal traffic impacts. Through the analyses, no significant cumulative impacts were identified for the proposed project. Implementation of the proposed project would not require the construction of new or expansion of existing utility infrastructure and services. The proposed project would also have no impact on recreation and housing.

In consideration of the preceding factors, the proposed project’s contribution to cumulative impacts would be rendered less than significant; therefore, project impacts would not be cumulatively considerable.

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- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less-Than-Significant Impact with Mitigation Incorporated. As discussed in the respective topical sections of this IS/MND, implementation of the proposed project would not result in significant impacts or substantial adverse effects on human beings in the areas of air quality, GHG, noise, . Mitigation measures would be incorporated to reduce impacts to biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and soils, public services, transportation, and wildfire. Therefore, impacts related to these environmental effects are less than significant with mitigation incorporated.

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5. List of Preparers and Organizations and Persons Consulted

LIST OF PREPARERS

Lead Agency

Joselyn Perez, Senior Planner and Project Manager

PlaceWorks

JoAnn Hadfield, Principal

Dina El Chammas Gass, Senior Engineer/Project Manager

Nicole Vermilion, Principal/Technical Team Manager

Tony Chung, Associate Principal/Noise and Vibration

Steve Bush, Senior Engineer Health Risk Assessment

Scott Ashlock, Associate Principal Visual Simulations

John Vang, Senior Associate II AQ/GHG/Energy

Alex Reyes, Associate/Visual Simulations

Emily Parks, Associate/General CEQA

Lexie Zimny, Associate

ORGANIZATIONS AND PERSONS CONSULTED

Archaea Energy

Baffour Ennin, Director of Project Development/Project Manager

Nick Bauer, Director of Project Development/Assistant Project Manager

Nevin Edwards, Air Permitting Manager Environmental and Permitting Oversight

5. List of Preparers and Organizations and Persons Consulted

Newport Beach Fire Department

James Gillespie, Fire Marshal

Raymi Wun, Deputy Fire Chief

Newport Beach Police Department

Gary Clemente, Lieutenant

Orange County Waste & Recycling

Leila Barker, Senior Environmental Planner

Aimee Halligan, CEQA & Habitat Program Manager

Shawn Samia, Civil Engineer

Farrokh Shoaie, Civil Engineer & Project Manager

South Coast Air Quality Management District

Barbara Radlein, Planning and Rules Manager

Sam Wang, Program Supervisor

Sahar Ghandimi, Air Quality Specialist

SCS Engineers

Gabrielle Stephens, Project Director Permitting Support

Maria Bowen, Project Manager Permitting Support