Appendix A

Notice of Preparation documents
(released March 2018;
Re-released August 2018) and
Comments on the NOPs

Notice of Preparation

OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE RECOLOGY HAY ROAD LANDFILL

CONDITIONAL USE PERMIT U-11-09 AMENDMENT NO. 2

GENERAL INFORMATION

To: Interested Agencies, Organizations, and Parties

Project Title: Recology Hay Road Landfill Conditional Use Permit Amendment No. 2

Review Period: March 12, 2018 to April 12, 2018

Lead Agency: Solano County
Department of Resource Management
675 Texas Street
Suite 5500
Fairfield, CA 94533
Contact: Nedzlene Ferrario, Senior Planner, (707) 784-6765

Purpose of Notice: In accordance with provisions of the California Environmental Quality Act (CEQA), the County of Solano is distributing a Notice of Preparation (NOP) to solicit comments on the scope of a Subsequent Environmental Impact Report (SEIR) in accordance with CEQA Guidelines Section 15162 to address changes to Conditional Use Permit (CUP) U-11-09 for the Recology Hay Road (RHR) landfill. This NOP provides a summary of the project background, a brief description of existing landfill operations, the proposed changes to the CUP, general background information on the scoping process, the environmental issues to be addressed in the SEIR, and the anticipated uses of the SEIR. This NOP is intended to satisfy the requirements of CEQA (Public Resources Code, Division 13, Section 21000-21177) and CEQA Guidelines (California Code of Regulations, Title 14, Section 15000-15387).

Project Location: The project site is located on a 640-acre property at 6426 Hay Road, immediately west of State Route 113 and south of Hay Road, in the unincorporated area of Solano County. The site is approximately 8 miles southeast of the City of Vacaville and 8 miles south of the City of Dixon (Exhibit 1). The RHR Landfill consists of Assessor's parcel numbers 042-020-060, 042-020-280, and 042-020-020.

PROJECT BACKGROUND

The 640-acre project site includes the active RHR Landfill (approximately 256 acres) with specific subareas, also known as disposal modules, for solid waste disposal and an 80-acre borrow pit area; the approximately 11-acre Recology Vacaville-Solano fleet maintenance shop (Vacaville Shop); an 18-acre Bird Sanctuary Pond

(BSP); 95 acres of undeveloped open space; approximately 180 acres of mitigation area (Eastern and Western). The Jepson Prairie Organics (JPO) composting operation is located on approximately 54 acres within the 256-acre permitted landfill boundary. A proposal to reduce the JPO footprint to 39 acres is currently in progress and handled by County Local Enforcement Agency in a separate application. Exhibit 2, Project Site Plan, shows the entire RHR property with the above-mentioned operations labeled. The project site is owned and operated by Recology, an integrated resource recovery company. The RHR landfill provides solid waste disposal services to both municipal and commercial customers in the San Francisco Bay Area and the Sacramento Valley. The site primarily serves San Francisco as well as Solano County, specifically the cities of Vacaville and Dixon.

The landfill is a Class II and Class III waste management facility that is authorized by its Solid Waste Facility Permit (SWFP) and CUP to accept a maximum of 2,400 tons per day (tpd) of municipal solid waste (MSW) for disposal and 2,500 tons of friable asbestos per month. In 2016, the landfill received a total of 603,636 tons of MSW. Within that period, the landfill received a 7-day average peak of 1,898 tpd of MSW and a monthly peak of 1,041 tons of friable asbestos. On several occasions within the last few years, the MSW tonnage received by the landfill has reached the 2,400-tpd limit established within the SWFP and CUP. On such days, haulers are instructed to proceed to other disposal locations that have daily throughput capacity for that day.

The JPO compost facility is located within the permitted boundary of the Hay Road Landfill. JPO operates under the same CUP as the RHR landfill but has a Compostable Materials Handling Permit (CMHP) that is separate from the landfill's SWFP. The County complies with legislative mandates from the State of California requiring more diversion from landfills, which results in a higher demand for resource recovery, recycling, and composting. The JPO compost facility is permitted to accept an average of 600 tpd of compostable green material, agricultural material, and food wastes, with a peak daily total tonnage of 750 tpd. In 2016, JPO compost facility received an average of 275 tpd of compost feedstock with a peak daily total tonnage of 641 on June 1, 2017.

PROJECT DESCRIPTION

The County is considering amending the existing CUP to reflect changes requested by Recology. These changes constitute the project to be analyzed in the SEIR and are summarized below. Construction of the landfill changes are anticipated to begin in 2020 and become operational in 2021.

Disposal Area Expansion

Lateral expansion of the RHR landfill disposal area would occur within an approximately 24-acre triangular area (Triangle) located south of the JPO compost facility (as shown on Exhibit 2). The Triangle is currently undeveloped open space and would be included within the permitted landfill boundary for landfill disposal uses. Inclusion of this area would increase the landfill's total disposal capacity by approximately 8.8 million cubic yards and extend the estimated life of the landfill by approximately 9 years. The landfill's existing groundwater and landfill gas monitoring network, as well as its leachate collection system, would be modified to include the proposed expansion. Because the JPO compost facility does not generate solid waste for disposal but reduces the amount of solid waste disposed of at the RHR Landfill, the proposed capacity increase of the landfill would also extend the potential life of the compost facility by nine years.

Correction to Disposal Limits of Disposal Module-1

Recent test borings conducted at RHR Landfill show that Disposal Module-1 (DM-1), as delineated in Exhibit 2, extends beyond the geographic limits originally identified for disposal of waste in the CUP and SWFP. Historical disposal of waste within DM-1 occurred in a 0.3-acre area near the northeast corner of DM-1 not captured by the existing disposal limit (for location, see the red area identified in Exhibit 2). As part of the project, the CUP would be modified to acknowledge that DM-1 extends beyond its originally defined disposal limits and the permitted disposal limit would be adjusted to reconcile the newly understood disposal footprint.

Modification to Landfill Peak Tonnage Limit

The project includes a revision of the existing daily tonnage limit for the RHR Landfill and establishment of a new peak limit of tpd, as well as an average limit of tpd. The existing CUP allows for 2,400 tpd of landfill disposal. Occasionally, the landfill has received more than 2,400 tons of MSW; on a peak day in 2016, the landfill received 2,446 tons of MSW, requiring Recology to turn away trucks so as not to exceed the existing peak limit of the CUP. As part of the project, the CUP would be amended to allow for a peak day limit of 2,750 tpd with a 7-day-average limit of 2,400 tpd of disposal. The inclusion of a peak tonnage limit higher than the existing 2,400 tpd limit would allow the facility to accept additional waste on peak days without having to divert haulers to other facilities while in route. The yearly tonnage limit at the landfill would not change with implementation of the project.

Construction and Demolition (C&D) Sorting Operation

The project includes a modification of existing on-site operations to include a designated area for the sorting, separation, and processing of construction and demolition (C&D) materials. The RHR Landfill is already permitted to receive C&D waste stream. However, the proposed CUP modification would authorize the sorting of this waste stream, which would allow for greater recovery of recyclable materials and greater diversion of materials from landfill disposal. Incoming C&D waste streams would be processed using portable equipment, primarily screens, sort lines, and a shredder, which could be moved around the site as the disposal area shifts within the landfill property. The footprint of the C&D sorting operation would be approximately 150 feet by 300 feet and would include all equipment and stockpiled materials.

Disposal of Friable Asbestos

Currently, the landfill is permitted to receive up to 2,500 tons per month of friable asbestos. However, within the landfill property, disposal of this material is currently limited to DM-1, which is anticipated to reach its capacity and close in 2021. As part of permit modifications and except for DM-2.1, friable asbestos disposal is proposed within all existing disposal modules. No modification of the monthly tonnage limit on friable asbestos disposal would occur; rather, the onsite location would change.

Modification of the Existing Soil Borrow Pit

As part of the proposed CUP modifications, the limits of the existing soil borrow pit would be deepened and widened to accommodate the increased need for soil at the landfill. The existing borrow pit measures 80 acres with a current maximum excavation depth of 60 feet below ground surface (bgs). A modification to the B&J Drop Box Company Borrow Pit Plan would be required to allow the RHR Landfill to increase the footprint of the borrow pit by approximately 6 acres and deepen the borrow pit by an additional 88 feet bgs to provide an additional 3.6 million cubic yards of soil for use in landfill construction and operation activities. Proposed expansion of the borrow pit would not extend past an existing topsoil berm located adjacent to the Western Mitigation Area.

PROJECT OBJECTIVES

Consistent with CEQA Guidelines Section 15124(b), a clear statement of the basic objectives of the project, including its purpose, shall be presented. The applicant has identified the following project objectives for the purposes of the SEIR:

- increase the landfill's disposal capacity by approximately 8.8 million cubic yards;
- extend the estimated RHR Landfill life by approximately 9 years;
- extend the ability of JPO to compost Solano County organics by approximately 9 years;
- correct the permitted RHR Landfill boundary to reflect existing conditions at the site;
- allow the RHR Landfill more flexibility in how it balances high-volume and low-volume days;

- achieve higher solid waste diversion at RHR with better sorting of construction and demolition materials;
- allow for the continued disposal of friable asbestos in Solano County past the filling and closure of the existing permitted monofill (DM-1), projected to be 2021; and
- increase the area and depth of the landfill borrow site for excavation of soil necessary to provide cover for the landfill and avoid the import of soil.

PREVIOUS ENVIRONMENTAL DOCUMENTS

Previous environmental analyses conducted for the project site include the 1993 Final EIR for the B&J Landfill Master Development Plan (SCH #92063112), the 2005 Subsequent EIR (SEIR) for the NORCAL Waste Systems, Inc. Hay Road Landfill Project (SCH #2004032138), and the 2012 Initial Study/Mitigated Negative Declaration for the Recology Hay Road Land Use Permit Application No. U-11-09. These documents analyzed previous modifications to the Solano County CUP No. U-91-28 for the RHR Landfill and will be utilized to the extent feasible to describe site characteristics.

POTENTIAL ENVIRONMENTAL EFFECTS

Solano County has reviewed the project application, as required by Section 15060 of the CEQA Guidelines, and has determined that the proposed project may result in significant impacts to the environment. Pursuant to Public Resources Code 21166 and CEQA Guidelines Section 15162, when the lead agency concludes that a project may have the potential to result in new significant adverse effects that were not analyzed in previous EIRs, an SEIR should be prepared. The SEIR will analyze the potential environmental impacts that may result from the proposed revisions to the SWFP and CUP that were not addressed by the previously prepared EIRs for the Landfill Master Plan Development (1993) and the Hay Road Landfill Project (2005).

As required by CEQA, the SEIR will describe existing conditions and evaluate the potential environmental effects of the proposed project and a reasonable range of alternatives, including the no-project alternative. It will address direct, indirect, and cumulative effects. The SEIR will identify feasible mitigation measures, if available, to reduce potentially significant impacts. The SEIR will also discuss potential growth-inducing impacts and summarize significant and unavoidable environmental effects, if any. Solano County has determined that the SEIR will evaluate the following environmental impacts:

- **Aesthetics and Visual Resources.** The SEIR analysis will describe how implementation of the project could alter views of the site from State Route (SR) 113, Hay Road, and nearby viewpoints, and describe any light- and glare-related impacts that could result from project implementation.
- **Air Quality and Greenhouse Gas Emissions.** This project is located within the Yolo-Solano Air Quality Management District's (YSAQMD's) jurisdiction. The SEIR analysis will evaluate the potential increases in criteria air pollutants, toxic air contaminants, and greenhouse gas emissions, as a result of project implementation. The SEIR will include a qualitative evaluation of odors based on current and historic odor complaints.
- **Biological Resources.** The biological resources chapter will summarize the results of previous studies conducted at the project site, as well as recent observations, local biological inventories, and California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS) databases for local/regional sensitive species.
- **Cultural Resources, Tribal Cultural Resources, and Paleontological Resources.** This chapter will summarize the results of previous cultural resources studies at the project site. The SEIR will evaluate the potential effects to archaeological resources and tribal cultural resources, if any, from implementation of the proposed project. Native American tribes, who have traditional lands or cultural

places located within area, will be consulted. In addition, the chapter will include an assessment of potential impacts to paleontological resources as a result of project implementation.

- **Geology, Soils, and Mineral Resources**. The SEIR will analyze potential project-related environmental impacts related to soil stability, landslides, seismicity, and soil erosion, including proposed modifications to the landfill's existing groundwater monitoring system as part of its analysis. Potential impacts related to mineral resources will be evaluated as part of this chapter of the SEIR.

- **Hazards and Hazardous Materials.** The SEIR will identify and analyze the potential for impacts associated with the proposed landfill modifications, including continued disposal of asbestos in other areas of the active landfill, and the project's consistency with the Travis Air Force Base Land Use Compatibility Zone. No schools are located proximate to the project site.

- **Hydrology and Water Quality.** The SEIR will describe the existing hydrologic setting of the site and surrounding area. Local drainage conditions will be discussed, as well as the regulatory context for both drainage control and water quality. The existing drainage facilities that could be affected by the proposed project will be identified.

  This chapter will include an assessment of the water quality effects of implementing the proposed modifications. The SEIR will also describe any modifications to the landfills existing leachate and surface water monitoring systems as part of its analysis. Potential water quality degradation and soil erosion within the site's drainage system associated with site construction and operations will be qualitatively described.

- **Noise and Vibration**. The SEIR will assess noise generated by the construction and operation of new facilities on the project site will describe estimated resultant levels of noise exposure at the closest off-site noise-sensitive uses. Noise-generating activities will include the deepening and widening of the soil borrow pit, equipment operated as part of the new processing of C&D materials, operations associated with the friable asbestos disposal area, construction of new structures, and demolition of existing structures. The analysis will also evaluate traffic noise levels associated with project-related vehicle trips.

- **Transportation and Circulation**. This chapter will evaluate the potential transportation and circulation impacts associated with the proposed increase in peak tonnage limit.

OTHER ENVIRONMENTAL ISSUES

Solano County has conducted preliminary review of the proposed modifications to CUP U-11-09, Amend. 2, and has determined it is not likely to result in significant environmental effects to the following resources, and/or would not substantially increase an impact already addressed in the certified 1993 EIR and other subsequent documentation. The SEIR will explain this determination in a section devoted to issues not evaluated further within the Draft SEIR. It is anticipated that, upon completion of review of the components of the project, the following issue areas will be deemed previously evaluated as part of the 1993 EIR and other subsequent documentation.

- **Agriculture and Forestry Resources.** No forest resources are in the project area. Agricultural lands border the RHR property on all sides; however, no agricultural land that was not previously evaluated would be converted as part of the project and project components would not impact surrounding agricultural operations.

- **Land Use and Planning.** The proposed modifications would not conflict with existing planning efforts or physically divide an established community, because improvements would occur within the existing landfill and RHR property.

- **Population, Employment, and Housing.** The project could result in a small number of new jobs at the landfill. These new positions would be too few to induce substantial population growth in the area.

Proposed expansion of the landfill's capacity would not accelerate population growth and/or projected housing needs beyond that which is described in the Solano County General Plan. The project would occur within RHR property boundaries and does not include construction of houses or the displacement of existing homes.

- **Recreation.** The project provides no recreational opportunities and expansion of the landfill capacity would not create a substantial number of jobs or otherwise encourage population growth beyond that which is described in the Solano County General Plan.

- **Public Services and Utilities.** The proposed modifications would not involve a change in type or intensity of use such that public services and/or utilities would be affect. The site is not connected to a municipal wastewater treatment system. Therefore, no change or potentially significant impacts to service or utility systems is anticipated.

ALTERNATIVES TO BE EVALUATED IN THE SUBSEQUENT EIR

The SEIR will include an evaluation of a reasonable range of potentially feasible alternatives to the project, as well as a No Project Alternative. The alternatives analysis will recognize that the project site is already used as a landfill. Consistent with CEQA requirements, alternatives evaluated in the SEIR will be based on their potential to reduce the significant environmental impacts of the project. Potential alternatives could include mitigated design and/or an off-site alternative. If it is determined that an off-site alternative is not feasible, the SEIR will include a discussion describing why this conclusion was reached.

OPPORTUNITY FOR PUBLIC COMMENT

Interested individuals, groups, and agencies may provide Solano County with written and/or email comments regarding topics to be addressed in the SEIR as described in this NOP. In accordance with time limits mandated by State law, which mandates a minimum 30-day public review period for a NOP, comments must be received by **5:00 p.m. on April 12, 2018**. Comments provided by email should include the name and mailing address of the commenter in the body of the email. Please send all comments to:

Solano County
Department of Resource Management
Attn: Nedzlene Ferrario
675 Texas Street, Suite 5500
Fairfield, CA 94533
E-mail: NNFerrario@SolanoCounty.com

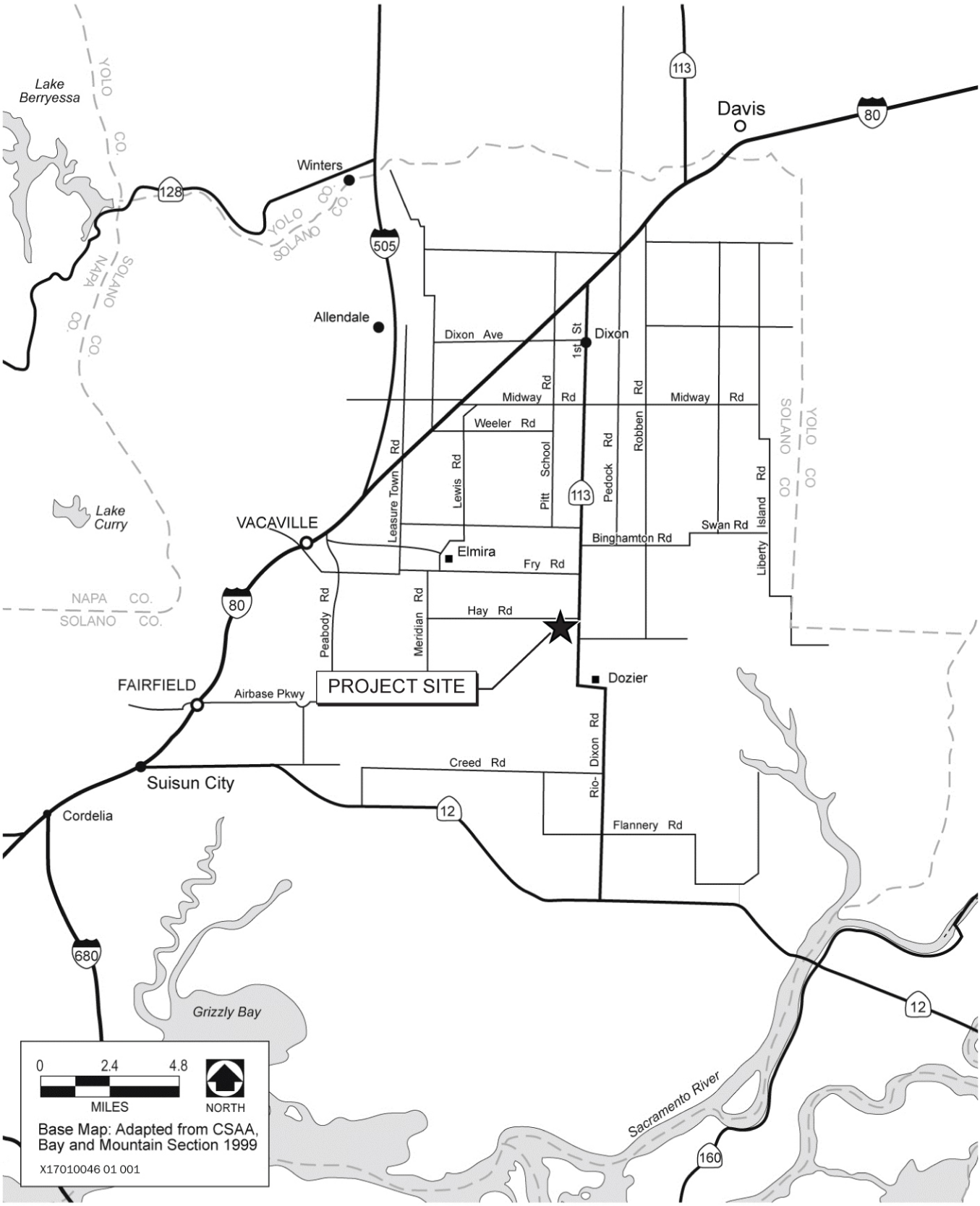
During the public review period, a copy of environmental documents related to the proposed project are available for public review at the Solano County Government Center (675 Texas Street, Suite 5500, Fairfield, CA 94533).

PUBLIC SCOPING MEETING

Two public scoping meetings will be held by the County to inform interested parties about the project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the SEIR. The meeting times and locations are as follows:

Date: Tuesday, March 27, 2018
Time: 2 – 4 pm
Location: County Administration Building
675 Texas Street, Room 5015
Fairfield, CA 94533

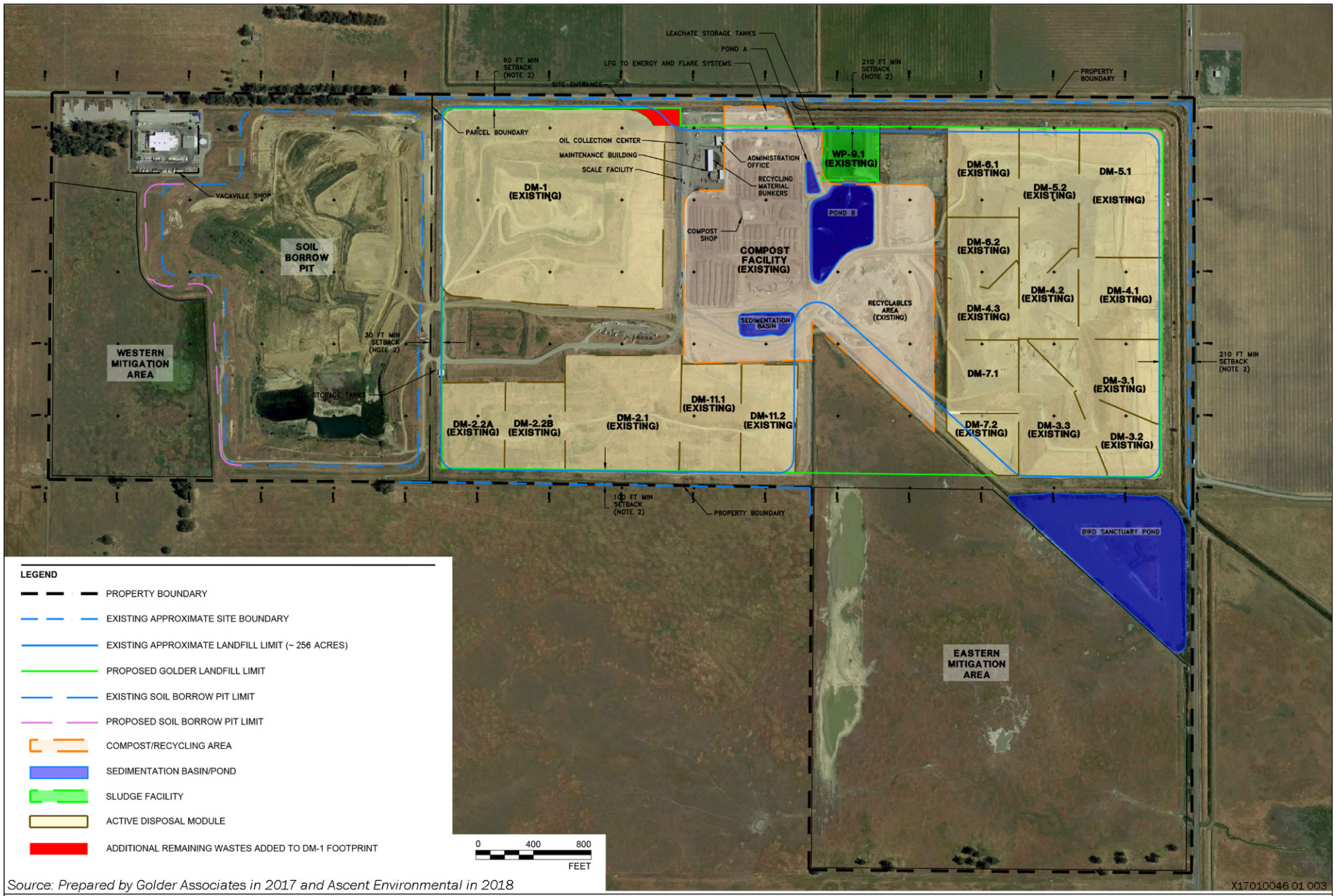
Date: Tuesday March 27, 2018
Time: 6 – 8 pm
Location: Elmira Fire Station
6080 A Street
Elmira, CA 95625



Source: Doug Brown 2012

Exhibit 1 **Project Vicinity**

ASCENT ENVIRONMENTAL



Source: Prepared by Golder Associates in 2017 and Ascent Environmental in 2018

Exhibit 2

Project Site Plan

ASCENT ENVIRONMENTAL

From: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Sent: Thursday, March 15, 2018 10:56 AM
To: Chris Mundhenk; Kristen Stoner
Subject: FW: Dixon land fill

fyi

-----Original Message-----
From: Ferrario, Nedzlene N.
Sent: Thursday, March 15, 2018 10:55 AM
To: 'Jose'
Subject: RE: Dixon land fill

OK, thanks for the clarification.

-----Original Message-----
From: Jose [mailto:jose.botello12@yahoo.com]
Sent: Wednesday, March 14, 2018 7:17 PM
To: Ferrario, Nedzlene N.
Subject: Re: Dixon land fill

Sir, I utilize a combination of roads between Dixon and Travis AFB depending on traffic and where in town I need to run errands on my way back. I utilize any of the following roads on any given week: fry, hay, Lewis, dally meridian mcrory etc. should also go to note there are garbage trucks operating on all the roads and I have had a few close calls because they pose a danger on windy or rainy days.

> On Mar 14, 2018, at 2:51 PM, Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com> wrote:
>
> Thank you for reaching out to me. The decision to expand the landfill is made by the Planning Commission. At this time, we are collecting comments and concerns of the nearby residents.
>
> I'm not clear what type of damage and which road you are referring to. Recology pays a road damage fee which funds the road repair and the County anticipates Hay Road repair in May. Highway 113 is maintained by Caltrans.
>
> I hope to see you at the scoping meeting on March 27 as noticed.
>
> Kind regards,
> Ned
>
> -----Original Message-----
> From: Jose [mailto:jose.botello12@yahoo.com]
> Sent: Tuesday, March 13, 2018 7:10 PM
> To: Ferrario, Nedzlene N.
> Subject: Dixon land fill
>
> Please do not allow additional garbage from other areas to utilize the Dixon land fill. I drive that road to work regularly and the extra trucks have caused a ton of damage to my car, not to mention the additional garbage on the road. Thank you

From: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Sent: Wednesday, March 14, 2018 7:45 AM
To: Chris Mundhenk; Kristen Stoner
Subject: Fwd: Dixon land fill

Sent from my iPhone

Begin forwarded message:

> **From:** Jose <jose.botello12@yahoo.com>
> **Date:** March 13, 2018 at 7:10:03 PM PDT
> **To:** nnferrario@Solanocounty.com
> **Subject: Dixon land fill**
>
> Please do not allow additional garbage from other areas to utilize the Dixon land fill. I drive that road to work regularly and the extra trucks have caused a ton of damage to my car, not to mention the additional garbage on the road. Thank you

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life

April 12, 2018

GTS # 04-SOL-2018-00070
GTS ID: 9882
SOL – 113 – 9.851

Nedzlene Ferrario
Solano County Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

Recology Hay Road Landfill – Notice of Preparation (NOP) for an Environmental Impact Report (EIR)

Dear Ms. Ferrario:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Recology Hay Road Landfill project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the NOP.

Project Understanding

The project site, adjacent to State Route (SR) 113, is owned and operated by Recology, an integrated resource recovery company. The Recology Hay Road (RHR) landfill provides solid waste disposal services to both municipal and commercial customers in the San Francisco Bay Area and the Sacramento Valley. The site primarily serves San Francisco as well as Solano County, specifically the cities of Vacaville and Dixon. The County is considering amending the existing Conditional Use Permit (CUP) to reflect changes requested by Recology. These changes constitute the project to be analyzed in the Subsequent Environmental Impact Report (SEIR) and are summarized below. Construction of the landfill changes are anticipated to begin in 2020 and become operational in 2021. The project will:

• increase the landfill's disposal capacity by approximately 8.8 million cubic yards;
• extend the estimated RHR Landfill life by approximately 9 years;
• extend the ability of Jepson Prairie Organics (composting operation) to compost Solano County organics by approximately 9 years;
• correct the permitted RHR Landfill boundary to reflect existing conditions at the site;

• allow the RHR Landfill more flexibility in how it balances high-volume and low-volume days;
• achieve higher solid waste diversion at RHR with better sorting of construction and demolition materials;
• allow for the continued disposal of friable asbestos in Solano County past the filling and closure of the existing permitted monofill (DM-1), projected to be 2021; and
• increase the area and depth of the landfill borrow site for excavation of soil necessary to provide cover for the landfill and avoid the import of soil.

Grading and Drainage
The project site and SR 113 are in Zone A of FEMA FIRM Panel No. 060631 in an unincorporated area of Solano County. Changes in post-project grading and onsite drainage should not surcharge 100-year (base), 50-year and 25-year flood elevations in the channel running parallel west of SR 113.

Encroachment Permit
Please be advised that any work or traffic control that encroaches onto the state Right-of-Way (ROW) requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating state ROW must be submitted to: Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. For more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/

Lead Agency
As the Lead Agency, the Solano County Department of Resource Management is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jerry Cheung at 510-286-5562 or jerry.cheung@dot.ca.gov.

Sincerely,

for Jannette Ramirez

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

CalRecycle

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

April 11, 2018

Ms. Nedzlene Ferrario
Solano County
675 Texas Street
Fairfield, CA 94553
NNFerrario@solanocounty.com

Subject: **SCH No. 2018032031** –Notice of Preparation of a Draft Subsequent Environmental Impact Report for Recology Hay Road Landfill – (Facility No. 48-AA-0002) – Solano County

Dear Ms. Ferrario:

The Department of Resources Recycling and Recovery (CalRecycle) staff offer the following comments for this proposed project as part of the California Environmental Quality Act (CEQA) process. If the proposed project description below varies substantially from the project as understood by the Lead Agency, CalRecycle staff requests that any significant differences be clarified and included in the Environmental Impact Report.

PROJECT DESCRIPTION

The Solano County Planning Department, acting as Lead Agency, has prepared and circulated a Notice of Preparation (NOP) in preparing a Subsequent Environmental Impact Report (SEIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

This proposed project would expand the landfill disposal area to include an additional 24-acre area located within the project site. This would increase the landfill's total disposal capacity by approximately 8.8 million cubic yards and extend the estimated life of the landfill by approximately nine years. The landfills existing groundwater and landfill gas monitoring network, as well as its leachate collection system, would also be modified to include the additional disposal areas. The Conditional Use Permit (CUP) would also be amended to allow for a peak daily limit of 2,750 tons per day (tpd) with a seven day average limit of 2,400 tons per day of disposal as well as the addition of a construction and demolition sorting line, disposal of friable asbestos within additional areas of the landfill, and deepening of the existing soil borrow pit.

The project site is located on a 640-acre property at 6426 Hay Road, immediately west of State Route 113, and south of Hay Road, in the unincorporated area of Solano County.

The proposed project would request the following modifications to CUP No. 3141:

(1) increasing the existing maximum permitted daily tons of MSW from 2,400 tpd to 2,750 tpd with a seven day average limit of 2,400 tpd of disposal;

(2) change the 2050 closure date to 2059;
(3) change in design capacity to 45,800,000 cubic yards;
(4) increase the disposal footprint form 256 acres to 280 acres;
(5) addition of 0.3 acres to the disposal acreage in Disposal Module 1;
(6) modify the existing soil borrow pit from 80 acres to 86 acres and increase depth of pit from 60 feet below ground surface to 88 feet below ground surface (bgs); and
(7) a designated area for construction and demolition materials and relocation of portable construction and demolition sorting line.

Solid Waste Facility Permit (SWFP) Entitlements for the Recology Hay Road Landfill

	Current Entitlements	Proposed Entitlement
Correction to Disposal Module -1 (DM-1)	As noted in the SWFP	0.3 acre adjustment to disposal footprint
Disposal Acreage 'Footprint'	256 acres	280 acres
Design Capacity	37,000,000 cubic yards	45,800,000 cubic yards
Construction and Demolition Sorting line	none	Portable outdoor sorting Equipment
Peak Daily Permitted Solid Waste	2,400 tons per day	2,750 tons per day with a 7 day avg of 2,400 TPD
Disposal of friable asbestos	Currently allowed only DM-1	ACW would be allowed in all Modules except DM-2.1
Modification of the Existing soil borrow pit	80 acres	86 acres
Estimated Closure Year	2050	2059

COMMENTS

CalRecycle staff's comments on the proposed project are included below. Please ensure the comments will be addressed throughout all sections of the SEIR.

Acreage

The area identified in the NOP as the triangle of 24 acres is not in any operating permit and is currently part of the eastern mitigation area. If this land was set aside as mitigation for previous landfill approvals, what is the justification for being able to remove it from mitigation and now used for disposal? The NOP states 39 acres will be removed from the compost facility's permitted 54 acres. Will the remaining 15 acres be enough operating area to accommodate it separately from the permitted tonnage? Additionally, is the 0.3 acres of fill that extend beyond the permitted waste footprint, included in the total acreage proposed? The SEIR should clarify

the total acreage being encumbered and where the landfill cells will be located.

Elevation

A maximum design elevation is not indicated. Is the elevation changing from the currently permitted maximum of 215' MSL?

Additional Resources

The following internet link accesses checklists developed by CalRecycle staff as a guide to Lead Agencies in the preparation of environmental documents, such as for landfills:

http://www.calrecycle.ca.gov/SWFacilities/Permitting/CEQA/Documents/Guidance/Disposal.htm

Solid Waste Regulatory Oversight

The Solano County Department of Resource Management is the solid waste Local Enforcement Agency (LEA) and is responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact the LEA, Marcy Hannum at (707) 784-3303 to discuss the regulatory requirements for the proposed project.

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the NOP and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is certified during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is certified without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the certification and proposed project approval by the decision making body.

If you have any questions regarding these comments, please contact me at (916) 341-6344 or by e-mail at Reinhard.Hohlwein@calrecycle.ca.gov.

Sincerely,

Reinhard Hohlwein, Environmental Scientist
Permitting & Assistance Branch – North Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Diane Vlach, Supervisor
Permitting & Assistance Branch – North Unit

Sahota, Jagjinder
Program Manager
JSSahota@solanocounty.com

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., *Governor*
CHARLTON H. BONHAM, *Director*

April 10, 2018

Mr. Nedzlene Ferrario, Senior Planner
Solano County Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

Dear Mr. Ferrario:

Subject: Recology Hay Road Landfill Conditional Use Permit Amendment No. 2, Notice of Preparation of a Draft Environmental Impact Report, SCH #2018032031, Solano County

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) provided for the Recology Hay Road Landfill Conditional Use Permit Amendment No. 2 (Project) located at 6426 Hay Road, Solano County. The NOP was received in our office on March 14, 2018.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA) and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

The Project includes expanding the existing Recology Landfill located at 6426 Hay Road, Solano County, by 24 acres to increase overall size capacity by 8.8 million cubic yards of material over 9 years. The existing groundwater and landfill gas monitoring network, and leachate collection system will be modified with an additional disposal area.

The site already includes an 18-acre Bird Sanctuary Pond, 95 acres of undeveloped open space, and an approximately 180-acre mitigation area (Eastern and Western).

The CEQA Guidelines (§§15124 and 15378) require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the project's environmental impact. Please include a complete description of the following Project components in the Project description:

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes;
- Permanent or temporary impacts into riparian habitats, wetlands or other sensitive areas, including impacts to hydrology;

- Area and plans for ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise and greenhouse gas generation, traffic generation, and other features
- Construction schedule, activities, equipment and crew sizes

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project's, and its alternative's (if applicable), significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- California tiger salamander (CTS; *Ambystoma californiense*)
- Swainson's hawk (*Buteo swainsoni*)
- burrowing owl (*Athene cunicularia*)
- tricolored blackbird (*Agelaius tricolor*)

Swainson's hawk and CTS are designated as threatened under CESA pursuant to Fish and Game Code Section 2050 *et seq*. Tricolored blackbird (TRBL) is designated as a State Species of Special Concern and Candidate Species. During this time period, "take" as defined in the Fish and Game Code §86 shall be prohibited unless authorized by CDFW pursuant to §§ 2080.1, 2091(a), or 2081(b) of CESA. Burrowing owl, is designated as State Species of Special Concern. It is unlawful to "take", possess, or destroy the nest or eggs of any bird pursuant to Fish and Game Code Section 3503. Birds in the Order Falconiformes and Strigiformes and their nests are also protected under Fish and Game Code Section 3503.5.

Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Based on the data and information from the habitat assessment, the CEQA document can then adequately assess which special-status species are likely to occur in the Project vicinity.

CTS is endemic to California and numerous populations have been extirpated. Upland habitat destruction from urban and agriculture uses are indicated as a major cause of population decline, which is also attributed to breeding habitat destruction, habitat fragmentation, effects of introduced non-native species, and artificial migration barriers (CDFG 2009).

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), must be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate that the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for "take" of special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The CEQA document also should identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a listed species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the project, the CEQA Guidelines (§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370) direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and/or mitigate significant impacts of the Project on the environment. This includes a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable project conditions to reduce potential impacts to biological resources to less than significant levels.

Based on previous meetings regarding this project, the draft EIR should outline any previously required mitigation and conserved lands on the property. CDFW does have a Policy for Mitigation on Publicly Owned, Department Owned, and Conserved Lands (see Department Bulletin No. 2012-02, dated March 1, 2012).

Fully protected species may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the draft EIR is advised to include measures to ensure complete take avoidance of these fully protected species.

California Tiger Salamander
CDFW is concerned that the proposed Project has the potential to impact CTS, a state-threatened species. The draft EIR should determine and quantify what the impacts are to CTS, and then present biological measures, such as take avoidance and minimization measures, and mitigation for any impacts to potential breeding and/or upland habitat, to conclude that the impacts have been mitigated to less-than-significant levels. This should include any impacts to hydrology on-site and next to the site for breeding ponds. In addition, because CTS is a federally-listed species, we recommend contacting USFWS regarding impacts to this species.

Swainson's hawk
CDFW recommends conducting protocol-level surveys for Swainson's hawk nest sites to determine the appropriate mitigation to reduce impacts to less-than-significant. CDFW recommends using the Swainson's Hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (TAC Report) available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocols.

To mitigate for the loss of Swainson's hawk foraging habitat in a method consistent with the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California,* CDFW 1994, (SWH Staff Report), CDFW recommends the MND update Mitigation Measure (MM) BIO 3 to incorporate the following language:

- For projects within one-mile of an active nest tree (the SWH Staff Report defines an active nest as used during one or more of the last five years), provide one-acre of land for each acre of development authorized (1:1 ratio).
- For projects within five miles of an active nest tree, but greater than one-mile from the nest tree, provide 0.75 acres of land for each acre of development authorized (0.75:1 ratio).
- For projects within 10 miles of an active nest tree, but greater than 5 miles from an active nest tree, provide 0.5 acres of land for each acre of development authorized (0.5:1 ratio).

CDFW recommends that Project-related disturbance within a minimum of 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of active Swainson's hawk nest site should be reduced or eliminated during the critical phases of the nesting cycle (March 1 through September 15) in order to avoid significant impacts to the hawk. If Project activities must be conducted during this critical phase, then appropriate buffers should be established by a qualified biologist. MM Bio 1 should be updated to extend nesting season for Swainson's hawk until September 15 (or until the young have fully fledged and are feeding independently).

Burrowing Owl
Burrowing owl surveys should be conducted by a qualified CDFW-approved biologist. Consistent with the CDFW *Appendix D: Breeding and Non-breeding Season Surveys* of the

CDFW *Staff Report on Burrowing Owl Mitigation* (Staff Report), a minimum of four survey visits should be conducted within 500 feet of the Project area during the owl breeding season which is typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, should be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Pre-construction surveys should be conducted no-less-than 14 days prior to the start of construction activities with a final survey conducted within 24 hours prior to ground disturbance.

If suitable burrowing owl nest sites are present within or adjacent to the Project area, then the draft EIR should include "take" avoidance and minimization measures for the owl. Please refer to the Staff Report, section on *Mitigation Methods*, on avoiding disturbance of occupied burrows through establishment of exclusion zones. Please be advised that CDFW does not consider exclusion of burrowing owls or "passive relocation" as a "take" avoidance, minimization or mitigation method, and considers exclusion as a significant impact. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of evicted or excluded owls is unknown. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented in order to avoid "take."

The draft EIR for the Project should also include measures to avoid or minimize loss of burrowing owl foraging habitat. Any permanent impacts to owl foraging habitat should be effectively mitigated, and the draft EIR should outline the mitigation. Mitigation lands for owls should include presence of burrows, burrow surrogates, presence of fossorial mammal dens, well-drained soils, abundant and available prey within close proximity to burrows, as well as foraging, wintering, and dispersal areas. The location of mitigation areas for burrowing owls should be approved by CDFW prior to the start of Project-related activities. Mitigation may be partially or fully accomplished in conjunction with mitigation associated with loss of Swainson's hawk foraging habitat.

Tricolored Blackbird

In December 2014, the California Fish and Game Commission granted emergency endangered species protection to the Tricolored Blackbird (TRBL) under CESA. The draft EIR should reflect TRBL's current status under CESA. CDFW recommends that the document include measures to avoid or minimize loss of TRBL nesting and foraging habitat, and full mitigation to offset any unavoidable losses. Loss of nesting habitat is considered a significant impact; therefore, mitigation should be identified and included in the draft EIR.

If suitable TRBL habitat is present, then vegetation removal, grading, and other ground disturbing activities shall be carried out during the non-breeding season. CDFW defines the breeding season as February 15- August 31. For any Project activity that would occur during the nesting season (February 15-August 31), the Project applicant shall conduct pre-construction surveys. The pre-construction survey shall be conducted by a qualified biologist prior to the commencement of Project activities. The surveys shall be appropriately timed to maximize the potential to detect nesting birds, such as the start of the nesting season, and due to the life history of TRBL, the survey shall be repeated within 10 days before Project activity begins.

REGULATORY REQUIREMENTS

California Endangered Species Act
Please be advised that a CESA permit must be obtained if the project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code § 2080.

Lake and Streambed Alteration Agreement
CDFW will require an LSAA, pursuant to Fish and Game Code §§ 1600 et. seq. for Project-related activities within any 1600-jurisdictional waters within the proposed Project area. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSAA until it has complied with CEQA (Public Resources Code § 21000 et seq.) as the responsible agency.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

If you have any questions, please contact Ms. Karen Weiss, at (707) 944-5525 or Karen.Weiss@wildlife.ca.gov; or Mr. Craig Weightman, Environmental Program Manager, at (707) 944-5577.

Sincerely,

Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

Chris Mundhenk

From: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Sent: Thursday, March 15, 2018 1:59 PM
To: Chris Mundhenk; Kristen Stoner
Subject: FW: SF garbage dumping

-----Original Message-----
From: Michelle Cooley [mailto:mjc2kids22@yahoo.com]
Sent: Thursday, March 15, 2018 1:15 PM
To: Ferrario, Nedzlene N.
Subject: SF garbage dumping

Ned,
I'm very concerned about our Solano County landfills taking trash from SF. I don't understand how this came about but clearly the driving of all garbage trucks to our landfills needs to stop! SF needs to look into getting a place to put their own trash— and obviously as long as they can dump it outside their city they are not going to be in any rush to solve the problem. Is Recology that desperate to oblige the big city? No amount of money is worth it in my opinion. Let them figure something out and let's put a stop to this insanity.

Sincerely,
Michelle Cooley

Sent from my iPhone

CALIFORNIA
Water Boards

Edmund G. Brown Jr.
GOVERNOR

Matthew Rodriquez
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

6 April 2018

Nedzlene Ferrario
Solano County
Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

CERTIFIED MAIL
91 7199 9991 7036 7028 5592

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, RECOLOGY HAY ROAD LANDFILL CONDITIONAL USE PERMIT U-11-09 AMENDMENT NO.2 PROJECT, SOLANO COUNTY

Pursuant to the Solano County Department of Resource Management's 12 March 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation of a Draft Subsequent Environment Impact Report* for the Recology Hay Road Landfill Conditional Use Permit U-11-09 Amendment No.2 Project, located in Solano County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin

Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

> *Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*
>
> *This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to

restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)
R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100**. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water*

(Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.

Stephanie Tadlock

Stephanie Tadlock
Environmental Scientist

Chris Mundhenk

From: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Sent: Wednesday, March 14, 2018 7:44 AM
To: Kristen Stoner; Chris Mundhenk
Subject: Fwd: Dixon Landfill

Sent from my iPhone

Begin forwarded message:

> **From:** Debby <rsrtl@att.net>
> **Date:** March 13, 2018 at 4:19:38 PM PDT
> **To:** "nnferrario@Solanocounty.com" <nnferrario@Solanocounty.com>
> **Subject: Dixon Landfill**
> **Reply-To:** Debby <rsrtl@att.net>
>
> As a tax payer and a Dixon resident I am not only concerned with the estimated 350 tons of waste but also with the big trucks that utilize Hwy 113 and Midway in transporting the waste. I travel these roads I can testify these roads already have enough damage and cannot take much more abuse. Besides the damage to the roads the garbage that comes off these truck and are littering the roadside and the irrigation ditch canal is disgusting. Recology is not cleaning this litter up nor do they pay to fix our roads they are abusing.
>
> I not only question why San Francisco is dumping here but seek to know when it will stop. I am concern with Dixon and our ability to sub-stain the residents of Dixon. The health and well being of our citizens should be your number one concern.
>
> Sincerely Concerned,
> Debby Gabriel
>
> ***Hope Keeps Us Going,***
> ***Love Binds Us!***
>
> ***Gods Test Will Be Your Testimony!***

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov
Twitter: @CA_NAHC

Edmund G. Brown Jr., Governor

RECEIVED
MAY 10 2018
COUNTY OF SOLANO
RESOURCE MANAGEMENT

April 30, 2018

Nedzlene Ferrario
Solano County
675 Texas Street, Suite 5500
Fairfield, CA 94533

RE: SCH#2018032031, Recology Hay Road Landfill Conditional Use Permit Amendment No. 2, Solano County

Dear Mr. Ferrario:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If **there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared**. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws**.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or

tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

a. A brief description of the project.
b. The lead agency contact information.
c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
   a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
   a. Alternatives to the project.
   b. Recommended mitigation measures.
   c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
   a. Type of environmental review necessary.
   b. Significance of the tribal cultural resources.
   c. Significance of the project's impacts on tribal cultural resources.
   d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
   a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
   b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
   a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
   b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
    a. Avoidance and preservation of the resources in place, including, but not limited to:
        i. Planning and construction to avoid the resources and protect the cultural and natural context.
        ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
    b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
        i. Protecting the cultural character and integrity of the resource.
        ii. Protecting the traditional use of the resource.
        iii. Protecting the confidentiality of the resource.
    c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
    d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
    e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
    f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
    a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
    b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
    c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have been already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
    a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: sharaya.souza@nahc.ca.gov.

Sincerely,

Sharaya Souza
Staff Services Analyst
(916) 573-0168

cc: State Clearinghouse

Chris Mundhenk

From: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Sent: Wednesday, March 14, 2018 7:45 AM
To: Chris Mundhenk; Kristen Stoner
Subject: Fwd: Recology Trucks

Sent from my iPhone

Begin forwarded message:

> **From:** Jason Petersen <jpetersen10@gmail.com>
> **Date:** March 13, 2018 at 8:20:48 PM PDT
> **To:** nnferrario@solanocounty.com
> **Subject: Recology Trucks**
>
> Good evening Mrs. Ferrari,
>
> I'm writing in regards to the Recology trucks and the possible increase of additional trucks and loads. I'm not sure its a great idea to increase more trucks, 113 is already in bad shape. I know its not all from Recology, but I know the extra trash on the sides of the road is. I drive to base everyday and have for the last 5 years. I have found myself behind those Recology trucks quite a few times. The amount of trash coming out of those trucks is horrible, try to call Recology and your calls go unreturned. I'm not sure the economic benefit to Solano County, but I hope you consider the citizens that have deal with the trucks and trash. Thanks for your time.
>
> Jason Petersen

Chris Mundhenk

From: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Sent: Tuesday, March 13, 2018 3:25 PM
To: Kristen Stoner; Chris Mundhenk
Subject: FW: Hay Road NOP

FYI

-----Original Message-----
From: Matt Randall [mailto:mrandall@jimnirentals.com]
Sent: Tuesday, March 13, 2018 3:15 PM
To: Ferrario, Nedzlene N.
Cc: mmalone@syar.com
Subject: Hay Road NOP

Mrs Ferrario,
I'm against expanding Recology permit. First, our roads, specifically Hwy 113 and Midway Road are falling apart due to the truck traffic currently using it. Now you want to add another 350 tons a day to these roads. Who's going to pay to fix them? The hop scotched paving improvements that have been done in the past are useless after six months. Second, this added trash isn't even from Solano county. Recology is making a ton of money hauling trash in from the Bay Area. With Recology help San Francisco can be a green city because they shove all their trash down our throat. Plus we get to enjoy their trucks pulling out in front of us and cutting us off, they must pay by the load not the hour. Pretty soon Recology mountain of trash will block our view of mount Diablo. Who's getting the kickback from Recology, not any residents in Solano county.
Thanks

Jim-n-I Rentals
Matt Randall
Phone: 707 569-1600
Fax: 707 569-1700
Cell: 707 495-8525
www.jimnirentals.com

Chris Mundhenk

From: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Sent: Thursday, March 15, 2018 1:58 PM
To: Chris Mundhenk; Kristen Stoner
Subject: FW: Dixon Landfill

From: Molly Randall [mailto:murkat3@live.com]
Sent: Thursday, March 15, 2018 10:26 AM
To: Ferrario, Nedzlene N.
Subject: Dixon Landfill

Good morning.

I wanted to put into writing that as a resident of Dixon, I am 100% against allowing an additional 350 tons of garbage being unloaded at our local landfill.

The truck traffic causing the wear and tear on Midway and down Hwy. 113 is evasive. These drivers are careless. The way they drive - speeding, passing, makes one think they are paid by the load and time is money.

Whatever the kick back is from Recology to Solano County is NOT enough. The damage to our roads is deplorable. The garbage littering our roadway and water canals is a disgrace. We have bags hanging from trees! If the water canals were drained, I can only imagine the polluted bottom of these waterways.

I realize Hwy. 113 is Caltrans but Solano County is the one responsible for the havoc to our roads and environment because of the agreement the County has with Recology.

Please hear our voice and our concerns. Enough is enough.

Regards,
Molly Randall
13 year resident of Dixon

Chris Mundhenk

From: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Sent: Tuesday, March 13, 2018 4:11 PM
To: Kristen Stoner; Chris Mundhenk
Subject: FW: Hay Road NOP

My response via email.

-----Original Message-----
From: Ferrario, Nedzlene N.
Sent: Tuesday, March 13, 2018 4:09 PM
To: 'Matt Randall'
Cc: mmalone@syar.com
Subject: RE: Hay Road NOP

Mr. Randall - I appreciate your comments and concerns. I assume you live on Hay Road.

According to the Public Works Division, Hay Road repair is up for bid soon and they anticipate construction in May, between Lewis and Dally. Recology pays a road damage fee to the County, according to their tonnage they bring in to the gates.

I hope you are able to attend the scoping meeting on March 27. The meeting at Elmira Fire Station is convenient for the residents, starts at 6 pm.

Please let me know if you have any additional concerns.

Thanks
Ned

-----Original Message-----
From: Matt Randall [mailto:mrandall@jimnirentals.com]
Sent: Tuesday, March 13, 2018 3:15 PM
To: Ferrario, Nedzlene N.
Cc: mmalone@syar.com
Subject: Hay Road NOP

Mrs Ferrario,
I'm against expanding Recology permit. First, our roads, specifically Hwy 113 and Midway Road are falling apart due to the truck traffic currently using it. Now you want to add another 350 tons a day to these roads. Who's going to pay to fix them? The hop scotched paving improvements that have been done in the past are useless after six months. Second, this added trash isn't even from Solano county. Recology is making a ton of money hauling trash in from the Bay Area. With Recology help San Francisco can be a green city because they shove all their trash down our throat. Plus we get to enjoy their trucks pulling out in front of us and cutting us off, they must pay by the load not the hour. Pretty soon Recology mountain of trash will block our view of mount Diablo. Who's getting the kickback from Recology, not any residents in Solano county.
Thanks

Jim-n-I Rentals
Matt Randall

Phone: 707 569-1600
Fax: 707 569-1700
Cell: 707 495-8525
www.jimnirentals.com

Chris Mundhenk

From: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Sent: Monday, March 19, 2018 11:17 AM
To: Chris Mundhenk; Kristen Stoner
Subject: FW: Landfill concern

-----Original Message-----
From: Britteni Wratten [mailto:wrattenbritteni2@gmail.com]
Sent: Saturday, March 17, 2018 11:09 AM
To: Ferrario, Nedzlene N.
Subject: Landfill concern

Hello , I am simply voicing my concern about the 350 tons of waste a day that may be added to our landfill off highway 113 . I was a Dixon resident for 6 years an took midway / highway 113 daily to an from work . The highway is in terrible condition due to the heavy trucks that travel also there is always waste and garbage scattered on 113 . Please do not allow anymore waste than we already accept from other cities . Or hold recology responsible to clean up an repair roads that they are destroying . Thank you .

Concerned resident ,
Britteni Wratten

Sent from my iPhone

Revised

Notice of Preparation

OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE RECOLOGY HAY ROAD LANDFILL

CONDITIONAL USE PERMIT U-11-09 AMENDMENT NO. 2

GENERAL INFORMATION

To: Interested Agencies, Organizations, and Parties

Project Title: Recology Hay Road Landfill Conditional Use Permit Amendment No. 2

Review Period: August 31, 2018 to October 2, 2018

Lead Agency:
Solano County
Department of Resource Management
675 Texas Street
Suite 5500
Fairfield, CA 94533
Contact: Nedzlene Ferrario, Senior Planner, (707) 784-6765

Purpose of Notice: In accordance with provisions of the California Environmental Quality Act (CEQA), the County of Solano is distributing a Notice of Preparation (NOP) to solicit comments on the scope of a Subsequent Environmental Impact Report (SEIR) in accordance with CEQA Guidelines Section 15162 to address changes to Conditional Use Permit (CUP) U-11-09 for the Recology Hay Road (RHR) landfill. This NOP provides a summary of the project background, a brief description of existing landfill operations, the proposed changes to the CUP, general background information on the scoping process, the environmental issues to be addressed in the SEIR, and the anticipated uses of the SEIR. This NOP is intended to satisfy the requirements of CEQA (Public Resources Code, Division 13, Section 21000-21177) and CEQA Guidelines (California Code of Regulations, Title 14, Section 15000-15387). An NOP was previously circulated for the project, but pursuant to CEQA Guidelines section 15082, the County has elected to revise and recirculate the NOP due to changes to project components.

Project Location: The project site is located on a 640-acre property at 6426 Hay Road, immediately west of State Route (SR) 113 and south of Hay Road, in the unincorporated area of Solano County. The site is approximately 8 miles southeast of the City of Vacaville and 8 miles south of the City of Dixon (Exhibit 1). The RHR Landfill consists of Assessor's parcel numbers 042-020-060, 042-020-280, and 042-020-020.

PROJECT BACKGROUND

The 640-acre project site includes the active RHR Landfill (approximately 256 acres) with specific subareas, also known as disposal modules, for solid waste disposal and an 80-acre borrow pit area; the approximately 11-acre Recology Vacaville-Solano fleet maintenance shop (Vacaville Shop); an 18-acre Bird Sanctuary Pond (BSP); 95 acres of undeveloped open space; approximately 180 acres of mitigation area (Eastern and

Western Conservation Areas). The Jepson Prairie Organics (JPO) composting operation is located on approximately 54 acres within the 256-acre permitted landfill boundary. A proposal to reduce the JPO footprint to 39 acres is currently in progress and handled by County Local Enforcement Agency in a separate application. Exhibit 2, Project Site Plan, shows the entire RHR property with the above-mentioned operations labeled. The project site is owned and operated by Recology, an integrated resource recovery company. The RHR landfill provides solid waste disposal services to both municipal and commercial customers in the San Francisco Bay Area and the Sacramento Valley. The site primarily serves San Francisco as well as Solano County, specifically the cities of Vacaville and Dixon and portions of the unincorporated County.

The landfill is a Class II and Class III waste management facility that is authorized by its Solid Waste Facility Permit (SWFP) and CUP to accept a maximum of 2,400 tons per day (tpd) of municipal solid waste (MSW) for disposal and 2,500 tons of friable asbestos per month. In 2016, the landfill received a total of 603,636 tons of MSW. Within that period, the landfill received a 7-day average peak of 1,898 tpd of MSW and a monthly peak of 1,041 tons of friable asbestos. On several occasions within the last few years, the MSW tonnage received by the landfill has reached the 2,400-tpd limit established within the SWFP and CUP. On such days, haulers are instructed to proceed to other disposal locations that have daily throughput capacity for that day.

The JPO compost facility is located within the permitted boundary of the Hay Road Landfill. JPO operates under the same CUP as the RHR landfill but has a Compostable Materials Handling Facility Permit (CMHFP) that is separate from the landfill's SWFP. The County complies with legislative mandates from the State of California requiring more diversion from landfills, which results in a higher demand for resource recovery, recycling, and composting. The JPO compost facility is permitted to accept an average of 600 tpd of compostable green material, agricultural material, and food wastes, with a peak daily total tonnage of 750 tpd. In 2016, JPO compost facility received an average of 275 tpd of compost feedstock with a peak daily total tonnage of 641 on June 1, 2017.

PROJECT DESCRIPTION

The County is considering amending the existing CUP to reflect changes requested by Recology. These changes constitute the project to be analyzed in the SEIR and are summarized below. Construction of the disposal area expansion is anticipated to begin in 2020 and would become operational in 2021. All other project components are anticipated to become operational in 2020.

Disposal Area Expansion

Lateral expansion of the RHR landfill disposal area would occur within an approximately 24-acre triangular area (Triangle) located south of the JPO compost facility (as shown on Exhibit 2). The 24-acre Triangle site consists of an approximately 8-acre existing setback area located within the existing JPO and permitted landfill boundary and approximately 16 acres of undeveloped open space located outside of the existing permitted landfill boundary. Within the aforementioned setback area, an existing perimeter ditch would be filled, and a new ditch would be constructed along the southern boundary of the Triangle, where it would connect to the landfill's existing perimeter ditches to both the east and west.

The 16-acres of undeveloped open space within the Triangle would be included within the permitted landfill boundary for landfill disposal uses and the 8-acre setback area already included within the permitted landfill boundary would be designated for landfill disposal use. The landfill's existing groundwater and landfill gas monitoring network, as well as its leachate collection system, would be modified to include the proposed expansion. Expansion of the landfill disposal area into the Triangle would increase the landfill's total disposal capacity by approximately 8.8 million cubic yards and extend the estimated life of the landfill by at least 5 years. The proposed capacity increase would extend the potential life of the compost facility by at least 4 years[1].

[1] Expansion into the Triangle would push back future construction of other disposal modules at the Landfill by at least four years. Final cover activities at the top of the Landfill, after the full footprint of the Landfill is built out, would allow approximately one additional year of capacity for the Landfill.

It should be noted that the 16-acre undeveloped open space portion of the Triangle was originally included as an area to be placed under easement, pursuant to a Nationwide Permit issued in 1993 by the U.S. Army Corps of Engineers (USACE). Working with USACE, Recology negotiated the purchase of mitigation credits (2.04 acres of vernal pool credits from Elsie Gridley Mitigation Bank) to remove the easement requirement from the Triangle. The purchase of the required credits was completed on June 23, 2016, and USACE confirmed on July 8, 2016 that the purchase effectively removed the easement requirement from the Triangle.

Correction to Disposal Limits of Disposal Module-1

Recent test borings conducted at RHR Landfill show that Disposal Module-1 (DM-1), as delineated in Exhibit 2, extends beyond the geographic limits originally identified for disposal of waste in the CUP and SWFP. Historical disposal of waste within DM-1 occurred in a 0.3-acre area near the northeast corner of DM-1 not captured by the existing disposal limit (for location, see the red area identified in Exhibit 2). As part of the project, the CUP would be modified to acknowledge that DM-1 extends beyond its originally defined disposal limits and the permitted disposal limit would be adjusted to reconcile the newly understood disposal footprint.

Modification to Landfill Tonnage Limit

The project includes a revision of the existing daily tonnage limit for the RHR Landfill through the establishment of a new peak limit of tpd, as well as a new 7-day-average limit of tpd. The existing CUP allows for 2,400 tpd of landfill disposal. Occasionally, the landfill has received more than 2,400 tons of MSW; on a peak day in 2017, the landfill received 2,460 tons of MSW, requiring Recology to turn away trucks so as not to exceed the existing peak limit of the CUP. Additionally, when assisting in the disposal of fire debris from recent wildfires (e.g., 2017 fires in Sonoma County), the landfill has occasionally received more than 2,400 tons of MSW. As a result, and as part of the project, the CUP would be amended to allow for a peak day limit of 3,400 tpd with a 7-day-average limit of 3,200 tpd of disposal. The inclusion of a peak tonnage and a 7-day-average limit would allow the facility to accept additional waste on peak days without having to divert haulers to other facilities while en route.

Construction and Demolition (C&D) Sorting Operation

The project includes a modification of existing on-site operations to include a designated area for the sorting, separation, and processing of construction and demolition (C&D) materials. The RHR Landfill is already permitted to receive C&D waste stream. However, the proposed CUP modification would authorize the sorting of this waste stream, which would allow for greater recovery of recyclable materials and greater diversion of materials from landfill disposal. Incoming C&D waste streams would be processed using portable equipment, primarily screens, sort lines, and a shredder, which could be moved around the site as the disposal area shifts within the landfill property. The footprint of the C&D sorting operation would be approximately 150 feet by 300 feet and would include all equipment and stockpiled materials.

Disposal of Friable Asbestos

Currently, the landfill is permitted to receive up to 2,500 tons per month of friable asbestos. However, within the landfill property, disposal of this material is currently limited to DM-1, which is anticipated to reach its capacity and close in 2021. As part of permit modifications and except for DM-2.1, friable asbestos disposal is proposed within all existing disposal modules. No modification of the monthly tonnage limit on friable asbestos disposal would occur; rather, the onsite location would change.

Modification of the Existing Soil Borrow Pit

As part of the proposed CUP modifications, the limits of the existing soil borrow pit would be deepened and widened to accommodate the increased need for soil at the landfill. The existing borrow pit measures 80 acres with a current maximum excavation depth of 60 feet below ground surface (bgs). A modification to the B&J Drop Box Company Borrow Pit Plan would be required to allow the RHR Landfill to increase the footprint of the borrow pit by approximately 6 acres to the west and deepen the borrow pit by an additional 68 feet bgs to provide an additional 3.6 million cubic yards of soil for use in landfill construction and operation

activities. Proposed expansion of the borrow pit would not extend past an existing topsoil berm located adjacent to the Western Mitigation Area.

Temporary Storage of Baled Recycled Commodities

Due to recent import restrictions imposed by China on recyclable materials, Recology proposes to provide temporary storage of baled, single-stream recyclables on-site until processing capabilities are improved to meet the new requirements and/or new markets are developed to accept the material. Up to four bale stockpiles (up to approximately 3,680 bales) would be located near the existing administrative office for temporary storage. Each bale would be approximately 3 feet wide by 5 feet long by 3 feet high, and bale stockpiles would have a maximum allowable size of 40 feet wide by 105 feet long by 12 feet high. To minimize ground and storm water contact, bales would be stored on pallets and covered with tarps that would overlap a base tarp. The bales would be stored on-site for up to six months before being transported to off-site processing facilities.

PROJECT OBJECTIVES

Consistent with CEQA Guidelines Section 15124(b), a clear statement of the basic objectives of the project, including its purpose, shall be presented. The applicant has identified the following project objectives for the purposes of the SEIR:

- increase the landfill's disposal capacity by approximately 8.8 million cubic yards,
- extend the estimated RHR Landfill life by at least 5 years,
- extend the ability of JPO to compost Solano County organics by at least 4 years,
- correct the permitted RHR Landfill boundary to reflect existing conditions at the site,
- allow the RHR Landfill more flexibility in how it balances high-volume and low-volume days,
- achieve higher solid waste diversion at RHR with better sorting of construction and demolition materials,
- allow for the continued disposal of friable asbestos in Solano County past the filling and closure of the existing permitted monofill (DM-1), projected to be 2021, and
- To provide adequate soil cover for the landfill and avoid the import of soil.

PREVIOUS ENVIRONMENTAL DOCUMENTS

Previous environmental analyses conducted for the project site include the 1993 Final EIR for the B&J Landfill Master Development Plan (SCH #92063112), the 2005 Subsequent EIR (SEIR) for the NORCAL Waste Systems, Inc. Hay Road Landfill Project (SCH #2004032138), and the 2012 Initial Study/Mitigated Negative Declaration for the Recology Hay Road Land Use Permit Application No. U-11-09. These documents analyzed previous modifications to the Solano County CUP No. U-91-28 for the RHR Landfill and will be utilized to the extent feasible to describe site characteristics.

POTENTIAL ENVIRONMENTAL EFFECTS

Solano County has reviewed the project application, as required by Section 15060 of the CEQA Guidelines, and has determined that the proposed project may result in significant impacts to the environment. Pursuant to Public Resources Code 21166 and CEQA Guidelines Section 15162, when the lead agency concludes that a project may have the potential to result in new significant adverse effects that were not analyzed in previous EIRs, an SEIR should be prepared. The SEIR will analyze the potential environmental impacts that may result from the proposed revisions to the SWFP and CUP that were not addressed by the

previously prepared EIRs for the Landfill Master Plan Development (1993) and the Hay Road Landfill Project (2005).

As required by CEQA, the SEIR will describe existing conditions and evaluate the potential environmental effects of the proposed project and a reasonable range of alternatives, including the no-project alternative. It will address direct, indirect, and cumulative effects. The SEIR will identify feasible mitigation measures, if available, to reduce potentially significant impacts. The SEIR will also discuss potential growth-inducing impacts and summarize significant and unavoidable environmental effects, if any. Solano County has determined that the SEIR will evaluate the following environmental impacts:

- **Aesthetics and Visual Resources.** The SEIR analysis will describe how implementation of the project could alter views of the site from SR 113, Hay Road, and nearby viewpoints, and describe any light- and glare-related impacts that could result from project implementation.

- **Air Quality and Greenhouse Gas Emissions.** This project is located within the Yolo-Solano Air Quality Management District's (YSAQMD's) jurisdiction. The SEIR analysis will evaluate the potential increases in criteria air pollutants, toxic air contaminants, and greenhouse gas emissions, as a result of project implementation. The SEIR will include a qualitative evaluation of odors based on current and historic odor complaints.

- **Biological Resources.** The biological resources chapter will summarize the results of previous studies conducted at the project site, as well as recent observations, local biological inventories, and California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS) databases for local/regional sensitive species.

- **Cultural Resources, Tribal Cultural Resources, and Paleontological Resources.** This chapter will summarize the results of previous cultural resources studies at the project site. The SEIR will evaluate the potential effects to archaeological resources and tribal cultural resources, if any, from implementation of the proposed project. Native American tribes, who have traditional lands or cultural places located within area, will be consulted. In addition, the chapter will include an assessment of potential impacts to paleontological resources as a result of project implementation.

- **Geology, Soils, and Mineral Resources**. The SEIR will analyze potential project-related environmental impacts related to soil stability, landslides, seismicity, and soil erosion, including proposed modifications to the landfill's existing groundwater monitoring system as part of its analysis. Potential impacts related to mineral resources will be evaluated as part of this chapter of the SEIR.

- **Hazards and Hazardous Materials.** The SEIR will identify and analyze the potential for impacts associated with the proposed landfill modifications, including continued disposal of asbestos in other areas of the active landfill, and the project's consistency with the Travis Air Force Base Land Use Compatibility Zone. No schools are located proximate to the project site.

- **Hydrology and Water Quality.** The SEIR will describe the existing hydrologic setting of the site and surrounding area. Local drainage conditions will be discussed, as well as the regulatory context for both drainage control and water quality. The existing drainage facilities that could be affected by the proposed project will be identified.

  This chapter will include an assessment of the water quality effects of implementing the proposed modifications. The SEIR will also describe any modifications to the landfills existing leachate and surface water monitoring systems as part of its analysis. Potential water quality degradation and soil erosion within the site's drainage system associated with site construction and operations will be qualitatively described.

- **Noise and Vibration**. The SEIR will assess noise generated by the construction and operation of new facilities on the project site will describe estimated resultant levels of noise exposure at the closest off-site noise-sensitive uses. Noise-generating activities will include the deepening and widening of the soil

borrow pit, equipment operated as part of the new processing of C&D materials, operations associated with the friable asbestos disposal area, construction of new structures, and demolition of existing structures. The analysis will also evaluate traffic noise levels associated with project-related vehicle trips.

- **Transportation and Circulation**. This chapter will evaluate the potential transportation and circulation impacts associated with the proposed increase in peak tonnage limit.

OTHER ENVIRONMENTAL ISSUES

Solano County has conducted preliminary review of the proposed modifications to CUP U-11-09, Amend. 2, and has determined it is not likely to result in significant environmental effects to the following resources, and/or would not substantially increase an impact already addressed in the certified 1993 EIR and other subsequent documentation. The SEIR will explain this determination in a section devoted to issues not evaluated further within the Draft SEIR. It is anticipated that, upon completion of review of the components of the project, the following issue areas will be deemed previously evaluated as part of the 1993 EIR and other subsequent documentation.

- **Agriculture and Forestry Resources.** No forest resources are in the project area. Agricultural lands border the RHR property on all sides; however, no agricultural land that was not previously evaluated would be converted as part of the project and project components would not impact surrounding agricultural operations.

- **Land Use and Planning.** The proposed modifications would not conflict with existing planning efforts or physically divide an established community, because improvements would occur within the existing landfill and RHR property.

- **Population, Employment, and Housing.** The project could result in a small number of new jobs at the landfill. These new positions would be too few to induce substantial population growth in the area. Proposed expansion of the landfill's capacity would not accelerate population growth and/or projected housing needs beyond that which is described in the Solano County General Plan. The project would occur within RHR property boundaries and does not include construction of houses or the displacement of existing homes.

- **Recreation.** The project provides no recreational opportunities and expansion of the landfill capacity would not create a substantial number of jobs or otherwise encourage population growth beyond that which is described in the Solano County General Plan.

- **Public Services and Utilities.** The proposed modifications would not involve a change in type or intensity of use such that public services and/or utilities would be affected. The site is not connected to a municipal wastewater treatment system. Therefore, no change or potentially significant impacts to service or utility systems is anticipated.

ALTERNATIVES TO BE EVALUATED IN THE SUBSEQUENT EIR

The SEIR will include an evaluation of a reasonable range of potentially feasible alternatives to the project, as well as a No Project Alternative. The alternatives analysis will recognize that the project site is already used as a landfill. Consistent with CEQA requirements, alternatives evaluated in the SEIR will be based on their potential to reduce the significant environmental impacts of the project. Potential alternatives could include mitigated design and/or an off-site alternative. If it is determined that an off-site alternative is not feasible, the SEIR will include a discussion describing why this conclusion was reached.

OPPORTUNITY FOR PUBLIC COMMENT

Interested individuals, groups, and agencies may provide Solano County with written and/or email comments regarding topics to be addressed in the SEIR as described in this NOP. In accordance with time limits mandated by State law, which mandates a minimum 30-day public review period for a NOP, comments must be received by **5:00 p.m. on October 2, 2018**. Comments provided by email should include the name and mailing address of the commenter in the body of the email. Please send all comments to:

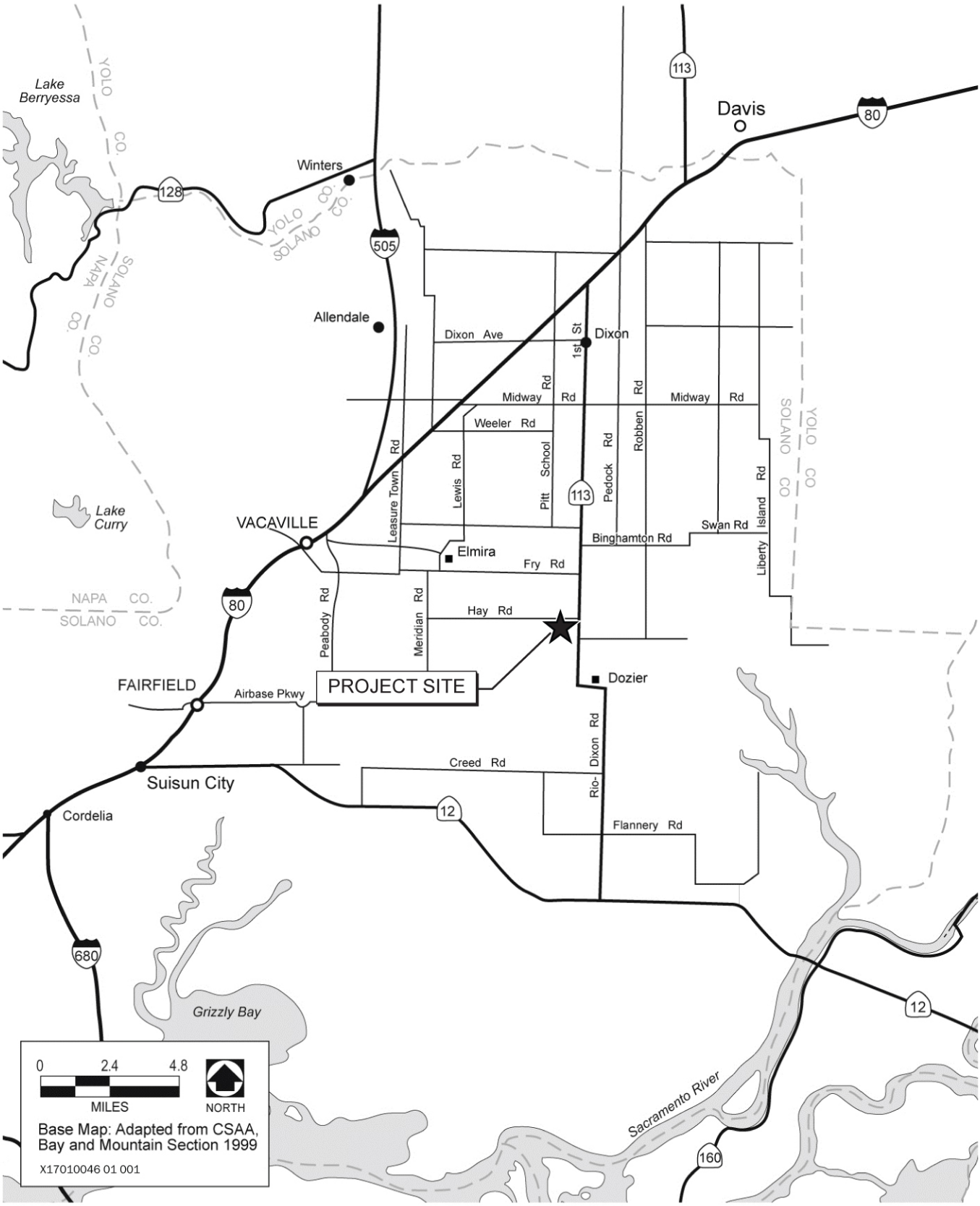
Solano County
Department of Resource Management
Attn: Nedzlene Ferrario
675 Texas Street, Suite 5500
Fairfield, CA 94533
E-mail: NNFerrario@SolanoCounty.com

During the public review period, a copy of environmental documents related to the proposed project are available for public review at the Solano County Government Center (675 Texas Street, Suite 5500, Fairfield, CA 94533).

PUBLIC SCOPING MEETING

A public scoping meeting will be held by the County to inform interested parties about the project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the SEIR. The meeting time and location are as follows:

Date: Tuesday, September 25, 2018
Time: 6 – 8 pm
Location: Elmira Fire Station
6080 A Street
Elmira, CA 95625



Source: Doug Brown 2012

Exhibit 1 **Project Vicinity**

ASCENT ENVIRONMENTAL

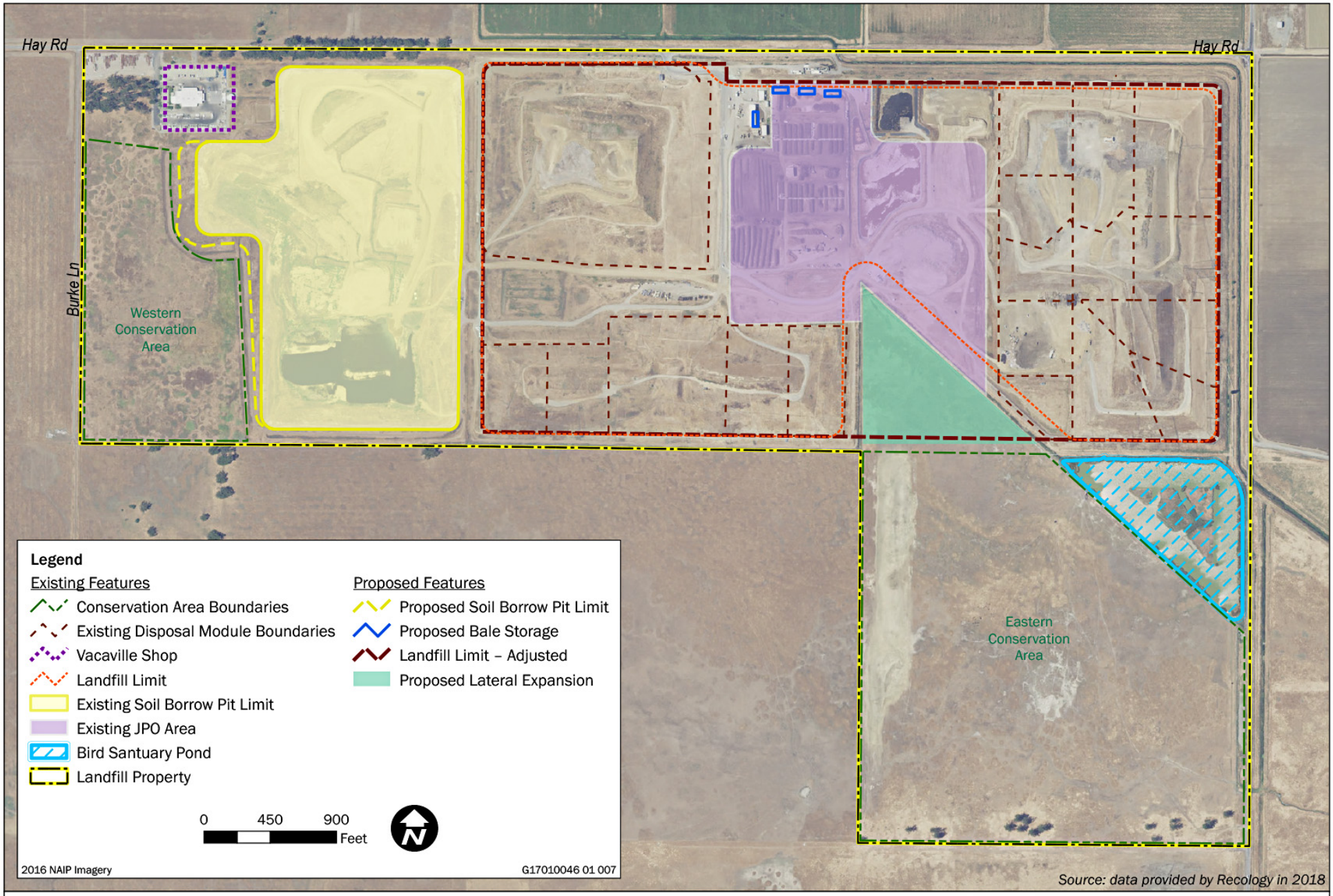


Exhibit 2

Project Site Plan

ASCENT ENVIRONMENTAL

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Chris Mundhenk

From: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Sent: Monday, October 1, 2018 8:34 AM
To: Chris Mundhenk; Kristen Stoner
Subject: FW: regarding the Recology Hay Road Landfill Notice of Preparation of an Environmental Impact Report.
Attachments: 04-SOL-2018-00070_Solano_Recology_Hay_Road_Landfill_NOP_2018-Apr-12.pdf

For you

From: Meloy, Michael@DOT <Michael.Meloy@dot.ca.gov>
Sent: Monday, October 1, 2018 7:39 AM
To: Ferrario, Nedzlene N. <NNFerrario@SolanoCounty.com>
Subject: regarding the Recology Hay Road Landfill Notice of Preparation of an Environmental Impact Report.

Ms. Ferrario:

I hope this finds you well. Please find attached a PDF copy of the April 12, 2018 Caltrans comment letter regarding the Recology Hay Road Landfill Notice of Preparation (NOP) of an Environmental Impact Report. We have no new comments regarding this NOP, but the issues raised
in the April 12 letter are still of concern to Caltrans.

Thank you for including Caltrans in the environmental review process. Should you have any questions regarding our letter or require any additional information, please feel free to contact me with a reply email or at (510) 286-5433.

All the best,

Michael Meloy
Associate Environmental Planner
Local Development- Intergovernmental Review
Caltrans District 4

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Memorandum

Date: September 12, 2018

To: All Reviewing Agencies

From: Scott Morgan, Director

Re: **SCH # 2018082071**

Recology Hay Road Landfill Conditional Use Permit Amendment No. 2

The State Clearinghouse distributed the above-referenced **Notice of Preparation** on **August 31, 2018** to your agency for review and comment. It has come to our attention that the document was issued a new State Clearinghouse Number in error. For all future correspondence regarding this project, please use the original State Clearinghouse Number **2018032031.** We apologize for any inconvenience this may have caused. All other project information remains the same.

RECEIVED
SEP 17 2018
COUNTY OF SOLANO
RESOURCE MANAGEMENT

cc: Nedzlene Rerrarior
Solano County
675 Texas Street, Suite 5500
Fairfield, CA 94533

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Notice of Preparation

September 12, 2018

To: Reviewing Agencies

Re: Recology Hay Road Landfill Conditional Use Permit amendment No. 2
SCH# 2018032031

Attached for your review and comment is the Notice of Preparation (NOP) for the Recology Hay Road Landfill Conditional Use Permit amendment No. 2 draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Nedzlene Ferrario
Solano County
675 Texas Street, Suite 5500
Fairfield, CA 94533

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2018032031
Project Title Recology Hay Road Landfill Conditional Use Permit amendment No. 2
Lead Agency Solano County

Type NOP Notice of Preparation

Description The project would expand the landfill disposal area to include an additional 24-acre area located within the project site. This would increase the landfill's total disposal capacity by approximately 8.8. million cubic yards and extend the estimated life of the landfill by at least 5 years. The landfill's existing groundwater and landfill gas monitoring network, as well as its leachate collection system, would also be modified to include the additional disposal area. The CUP would also be amended to allow for a peak day limit of 3,400 tons per day with a seven-day average limit of 3,200 tpd of disposal; additional of construction and demolition sorting line, temporary on-site storage of baled single stream recyclables (up to approx.. 3,680 bales), disposal of friable asbestos within additional areas of landfill, and deepening of the existing soil borrow pit.

Lead Agency Contact

Name Nedzlene Ferrario
Agency Solano County
Phone 707-784-6765 **Fax**
email
Address 675 Texas Street, Suite 5500
City Fairfield **State** CA **Zip** 94533

Project Location

County Solano
City Vacaville
Region
Cross Streets SR 113 to the east; Burke Lane to the west
Lat / Long 38° 18' 53.6" N / 121° 49' 41.1" W
Parcel No.
Township 5N **Range** 1E **Section** 2 **Base** MD

Proximity to:

Highways SR 113
Airports
Railways CA Northern RR
Waterways Barker Slough; Ulatis Creek
Schools
Land Use Solid Waste Facility/ A-80 and A-160 Exclusive: Agricultural Zoning District/Extensive Agricultural and Intensive Agric.

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 3; Delta Protection Commission; Delta Stewardship Council; Native American Heritage Commission; Caltrans, District 4; Resources, Recycling and Recovery; Department of Toxic Substances Control; Department of Pesticide Regulation; Regional Water Quality Control Bd., Region 5 (Sacramento)

Date Received 08/31/2018 **Start of Review** 08/31/2018 **End of Review** 10/01/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

NOP Distribution List

County: Solano

SCH# ~~2018082071~~ 2018032031

Resources Agency

- [x] **Resources Agency**
  Nadell Gayou
- [ ] **Dept. of Boating & Waterways**
  Denise Peterson
- [ ] **California Coastal Commission**
  Allyson Hitt
- [ ] **Colorado River Board**
  Elsa Contreras
- [ ] **Dept. of Conservation**
  Crina Chan
- [ ] **Cal Fire**
  Dan Foster
- [x] **Central Valley Flood Protection Board**
  James Herota
- [ ] **Office of Historic Preservation**
  Ron Parsons

Dept of Parks & Recreation
Environmental Stewardship Section

- [ ] **S.F. Bay Conservation & Dev't. Comm.**
  Steve Goldbeck
- [x] **Dept. of Water Resources**
  Resources Agency
  Nadell Gayou

Fish and Game

- [ ] **Depart. of Fish & Wildlife**
  Scott Flint
  Environmental Services Division
- [ ] **Fish & Wildlife Region 1**
  Curt Babcock
- [ ] **Fish & Wildlife Region 1E**
  Laurie Harnsberger
- [ ] **Fish & Wildlife Region 2**
  Jeff Drongesen
- [x] **Fish & Wildlife Region 3**
  Craig Weightman
- [ ] **Fish & Wildlife Region 4**
  Julie Vance
- [ ] **Fish & Wildlife Region 5**
  Leslie Newton-Reed
  Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6**
  Tiffany Ellis
  Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6 I/M**
  Heidi Calvert
  Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Wildlife M**
  William Paznokas
  Marine Region

Other Departments

- [ ] **California Department of Education**
  Lesley Taylor
- [ ] **OES (Office of Emergency Services)**
  Monique Wilber
- [ ] **Food & Agriculture**
  Sandra Schubert
  Dept. of Food and Agriculture
- [ ] **Dept. of General Services**
  Cathy Buck
  Environmental Services Section
- [ ] **Housing & Comm. Dev.**
  CEQA Coordinator
  Housing Policy Division

Independent Commissions,Boards

- [x] **Delta Protection Commission**
  Erik Vink
- [x] **Delta Stewardship Council**
  Anthony Navasero
- [ ] **California Energy Commission**
  Eric Knight
- [x] **Native American Heritage Comm.**
  Debbie Treadway
- [ ] **Public Utilities Commission**
  Supervisor
- [ ] **Santa Monica Bay Restoration**
  Guangyu Wang
- [ ] **State Lands Commission**
  Jennifer Deleong
- [ ] **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Cal State Transportation Agency CalSTA

- [ ] **Caltrans - Division of Aeronautics**
  Philip Crimmins
- [ ] **Caltrans – Planning HQ LD-IGR**
  Christian Bushong
- [ ] **California Highway Patrol**
  Suzann Ikeuchi
  Office of Special Projects

Dept. of Transportation

- [ ] **Caltrans, District 1**
  Rex Jackman
- [ ] **Caltrans, District 2**
  Marcelino Gonzalez
- [ ] **Caltrans, District 3**
  Susan Zanchi - North
- [x] **Caltrans, District 4**
  Patricia Maurice
- [ ] **Caltrans, District 5**
  Larry Newland
- [ ] **Caltrans, District 6**
  Michael Navarro
- [ ] **Caltrans, District 7**
  Dianna Watson
- [ ] **Caltrans, District 8**
  Mark Roberts
- [ ] **Caltrans, District 9**
  Gayle Rosander
- [ ] **Caltrans, District 10**
  Tom Dumas
- [ ] **Caltrans, District 11**
  Jacob Armstrong
- [ ] **Caltrans, District 12**
  Maureen El Harake

Cal EPA

Air Resources Board

- [ ] **Airport & Freight**
  Jack Wursten
  - [ ] **Transportation Projects**
    Nesamani Kalandiyur
  - [ ] **Industrial/Energy Projects**
    Mike Tollstrup
- [x] **California Department of Resources, Recycling & Recovery**
  Kevin Taylor/Jeff Esquivel
- [ ] **State Water Resources Control Board**
  Regional Programs Unit
  Division of Financial Assistance
- [ ] **State Water Resources Control Board**
  Cindy Forbes – Asst Deputy
  Division of Drinking Water
- [ ] **State Water Resources Control Board**
  Div. Drinking Water #_____
- [ ] **State Water Resources Control Board**
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [ ] **State Water Resouces Control Board**
  Phil Crader
  Division of Water Rights
- [x] **Dept. of Toxic Substances Control Reg. #_____**
  CEQA Tracking Center
- [x] **Department of Pesticide Regulation**
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] **RWQCB 1**
  Cathleen Hudson
  North Coast Region (1)
- [ ] **RWQCB 2**
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [ ] **RWQCB 3**
  Central Coast Region (3)
- [ ] **RWQCB 4**
  Teresa Rodgers
  Los Angeles Region (4)
- [x] **RWQCB 5S**
  Central Valley Region (5)
  - [ ] **RWQCB 5F**
    Central Valley Region (5)
    Fresno Branch Office
  - [ ] **RWQCB 5R**
    Central Valley Region (5)
    Redding Branch Office
- [ ] **RWQCB 6**
  Lahontan Region (6)
  - [ ] **RWQCB 6V**
    Lahontan Region (6)
    Victorville Branch Office
- [ ] **RWQCB 7**
  Colorado River Basin Region (7)
- [ ] **RWQCB 8**
  Santa Ana Region (8)
- [ ] **RWQCB 9**
  San Diego Region (9)

- [ ] **Other** _____
  _____
  _____
- [ ] _____
  Conservancy

Last Updated 5/22/18

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

October 3, 2018

Ms. Nedzlene Ferrario, Senior Planner
Solano County Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

Dear Ms. Ferrario:

Subject: Recology Hay Road Landfill Conditional Use Permit Amendment No. 2, Notice of Preparation of a Draft Environmental Impact Report, SCH #2018082071, Solano County

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) provided for the Recology Hay Road Landfill Conditional Use Permit Amendment No. 2 (Project) located at 6426 Hay Road, Solano County. The NOP was received in our office on September 4, 2018.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA) and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

The Project includes expanding the existing Recology Landfill located at 6426 Hay Road, Solano County, by 24 acres to increase overall size capacity by 8.8 million cubic yards of material over 9 years. The existing groundwater and landfill gas monitoring network, and leachate collection system will be modified with an additional disposal area.

The site already includes an 18-acre Bird Sanctuary Pond, 95 acres of undeveloped open space, and an approximately 180-acre mitigation area (Eastern and Western).

The CEQA Guidelines (§§15124 and 15378) require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description:

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes;
- Permanent or temporary impacts into riparian habitats, wetlands or other sensitive areas, including impacts to hydrology;

- Area and plans for ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems;
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise and greenhouse gas generation, traffic generation, and other features;
- Construction schedule, activities, equipment and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project's, and its alternative's (if applicable), significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- California tiger salamander (CTS; *Ambystoma californiense*)
- Swainson's hawk (*Buteo swainsoni)*
- burrowing owl (*Athene cunicularia*)
- tricolored blackbird (*Agelaius tricolor*)

Swainson's hawk and CTS are designated as threatened under pursuant to Fish and Game Code Section 2050 *et seq.* Tricolored blackbird (TRBL) is designated as a State Species of Special Concern and Candidate Species. During this time period, "take" as defined in the Fish and Game Code §86 shall be prohibited unless authorized by CDFW pursuant to §§ 2080.1, 2091(a), or 2081(b) of CESA. Burrowing owl, is designated as State Species of Special Concern. It is unlawful to "take", possess, or destroy the nest or eggs of any bird pursuant to Fish and Game Code Section 3503. Birds in the Order Falconiformes and Strigiformes and their nests are also protected under Fish and Game Code Section 3503.5.

Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Based on the data and information from the habitat assessment, the CEQA document can then adequately assess which special-status species are likely to occur in the Project vicinity.

CTS is endemic to California and numerous populations have been extirpated. Upland habitat destruction from urban and agriculture uses are indicated as a major cause of population decline, which is also attributed to breeding habitat destruction, habitat fragmentation, effects of introduced non-native species, and artificial migration barriers (CDFG 2009).

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available.

Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), must be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate that the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for "take" of special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The CEQA document also should identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a listed species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the project, the CEQA Guidelines (§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370) direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and/or mitigate significant impacts of the Project on the environment. This includes a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Based on previous meetings regarding this Project, the draft EIR should outline any previously required mitigation and conserved lands on the property. CDFW does have a Policy for Mitigation on Publicly Owned, Department Owned, and Conserved Lands (see Department Bulletin No. 2012-02, dated March 1, 2012).

Fully protected species may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the draft EIR is advised to include measures to ensure complete take avoidance of these fully protected species.

California Tiger Salamander
CDFW is concerned that the proposed Project has the potential to impact CTS, a state-threatened species. The draft EIR should determine and quantify what the impacts are to CTS, and then present biological measures, such as take avoidance and minimization measures, and mitigation for any impacts to potential breeding and/or upland habitat, to conclude that the impacts have been mitigated to less-than-significant levels. This should include any impacts to hydrology on-site and next to the site for breeding ponds. In addition, because CTS is a federally-listed species, we recommend contacting USFWS regarding impacts to this species.

Swainson's hawk
CDFW recommends conducting protocol-level surveys for Swainson's hawk nest sites to determine the appropriate mitigation to reduce impacts to less-than-significant. CDFW recommends using the Swainson's Hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (TAC Report) available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocols.
To mitigate for the loss of Swainson's hawk foraging habitat in a method consistent with the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California,* CDFW 1994, (SWH Staff Report), CDFW recommends the draft EIR update Mitigation Measure (MM) BIO 3 to incorporate the following language:

- For projects within one-mile of an active nest tree (the SWH Staff Report defines an active nest as used during one or more of the last five years), provide one-acre of land for each acre of development authorized (1:1 ratio).
- For projects within five miles of an active nest tree, but greater than one-mile from the nest tree, provide 0.75 acres of land for each acre of development authorized (0.75:1 ratio).
- For projects within 10 miles of an active nest tree, but greater than 5 miles from an active nest tree, provide 0.5 acres of land for each acre of development authorized (0.5:1 ratio).

CDFW recommends that Project-related disturbance within a minimum of 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of active Swainson's hawk nest site should be reduced or eliminated during the critical phases of the nesting cycle (March 1 through September 15) in order to avoid significant impacts to the hawk. If Project activities must be conducted during this critical phase, then appropriate buffers should be established by a qualified biologist. MM Bio 1 should be updated to extend nesting season for Swainson's hawk until September 15 (or until the young have fully fledged and are feeding independently).

Burrowing Owl
Burrowing owl surveys should be conducted by a qualified CDFW-approved biologist. Consistent with the CDFW *Appendix D: Breeding and Non-breeding Season Surveys* of the CDFW *Staff Report on Burrowing Owl Mitigation* (Staff Report), a minimum of four survey visits

should be conducted within 500 feet of the Project area during the owl breeding season which is typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, should be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Pre-construction surveys should be conducted no-less-than 14 days prior to the start of construction activities with a final survey conducted within 24 hours prior to ground disturbance.

If suitable burrowing owl nest sites are present within or adjacent to the Project area, then the draft EIR should include "take" avoidance and minimization measures for the owl. Please refer to the Staff Report, section on *Mitigation Methods*, on avoiding disturbance of occupied burrows through establishment of exclusion zones. Please be advised that CDFW does not consider exclusion of burrowing owls or "passive relocation" as a "take" avoidance, minimization or mitigation method, and considers exclusion as a significant impact. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of evicted or excluded owls is unknown. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented in order to avoid "take."

The draft EIR for the Project should also include measures to avoid or minimize loss of burrowing owl foraging habitat. Any permanent impacts to owl foraging habitat should be effectively mitigated, and the draft EIR should outline the mitigation. Mitigation lands for owls should include presence of burrows, burrow surrogates, presence of fossorial mammal dens, well-drained soils, abundant and available prey within close proximity to burrows, as well as foraging, wintering, and dispersal areas. The location of mitigation areas for burrowing owls should be approved by CDFW prior to the start of Project-related activities. Mitigation may be partially or fully accomplished in conjunction with mitigation associated with loss of Swainson's hawk foraging habitat.

Tricolored Blackbird
In December 2014, the California Fish and Game Commission granted emergency endangered species protection to TRBL under CESA. The draft EIR should reflect the TRBL's current status under CESA. CDFW recommends that the document include measures to avoid or minimize loss of TRBL nesting and foraging habitat, and full mitigation to offset any unavoidable losses. Loss of nesting habitat is considered a significant impact; therefore, mitigation should be identified and included in the draft EIR.

If suitable TRBL habitat is present, then vegetation removal, grading, and other ground disturbing activities shall be carried out during the non-breeding season. CDFW defines the breeding season as February 15- August 31. For any Project activity that would occur during the nesting season (February 15-August 31), the Project applicant shall conduct pre-construction surveys. The pre-construction survey shall be conducted by a qualified biologist prior to the commencement of Project activities. The surveys shall be appropriately timed to maximize the potential to detect nesting birds, such as the start of the nesting season, and due to the life history of TRBL, the survey shall be repeated within 10 (ten) days before Project activity begins.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code § 2080.

Lake and Streambed Alteration Agreement

CDFW will require an LSAA, pursuant to Fish and Game Code §§ 1600 et. seq. for Project-related activities within any 1600-jurisdictional waters within the proposed Project area. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSAA until it has complied with CEQA (Public Resources Code § 21000 et seq.) as the responsible agency.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

If you have any questions, please contact Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 944-5525 or karen.weiss@wildlife.ca.gov; or Mr. Craig Weightman, Environmental Program Manager, at (707) 944-5577.

Sincerely,

Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

CalRecycle

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

September 28, 2018

Governor's Office of Planning & Research

SEP 28 2018

STATE CLEARINGHOUSE

Ms. Nedzlene Ferrario
Solano County
675 Texas Street, Suite 5500
Fairfield, CA 94553
NNFerrario@solanocounty.com

Subject: **SCH No.** 2018032031 –Notice of Preparation of a Draft Subsequent Environmental Impact Report for the Recology Hay Road Landfill– (Facility No. 48-AA-0002) – Solano County

Dear Ms. Ferrario:

The Department of Resources Recycling and Recovery (CalRecycle) staff offer the following comments for this proposed project as part of the California Environmental Quality Act (CEQA) process. If the proposed project description below varies substantially from the project as understood by the Lead Agency, CalRecycle staff requests that any significant differences be clarified and included in the Environmental Impact Report.

PROJECT DESCRIPTION

The Solano County Planning Department (SCPD), acting as Lead Agency, previously circulated a Notice of Preparation (NOP) for the proposed project, but pursuant to CEQA Guidelines section 15082, the County has elected to revise and recirculate the NOP due to changes to project components. CalRecycle did comment on the previous version of the NOP. The SCPD has prepared and is recirculating a Notice of Preparation (NOP) in preparing a Subsequent Environmental Impact Report (SEIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The project site is located on a 640-acre property at 6426 Hay Road, immediately west of State Route (SR) 113 and south of Hay Road, in the unincorporated area of Solano County. The site is approximately 8 miles southeast of the City of Vacaville and 8 miles south of the City of Dixon (Exhibit 1). The RHR Landfill consists of Assessor's parcel numbers 042-020-060, 042-020-280, and 042-020-020.

Project Objectives:

- increase the landfill's disposal capacity by approximately 8.8 million cubic yards,
- extend the estimated RHR Landfill life by at least 5 years,
- extend the ability of JPO to compost Solano County organics by at least 4 years,
- correct the permitted RHR Landfill boundary to reflect existing conditions at the site,
- allow the RHR Landfill more flexibility in how it balances high-volume and low-volume days,

- achieve higher solid waste diversion at RHR with better sorting of construction and demolition materials,
- allow for the continued disposal of friable asbestos in Solano County past the filling and closure of the existing permitted monofill (DM-1), projected to be 2021, and
- to provide adequate soil cover for the landfill and avoid the import of soil.

COMMENTS

CalRecycle staff's comments on the proposed project are included below. Please ensure the comments will be addressed throughout all sections of the SEIR.

Modification to Landfill Tonnage Limit

The proposed project includes amending the CUP to allow for a peak day limit of 3,400 tons per day (tpd) with a 7-day-average limit of 3,200 tpd of disposal. Why is the 7-day-average limit not based on the peak of 3,400 tpd? The difference would be 23,800 tons per week vs. 22,400 tons per week and would allow for more flexibility. Additionally, analysis should be included for how the 7-day-average period is defined (e.g. Monday-Sunday contiguously or any 7 consecutive day period).

Acreage

The area identified in the NOP as the triangle of 24 acres is not in any operating permit and is currently part of the eastern mitigation area. If this land was set aside as mitigation for previous landfill approvals, what is the justification for being able to remove it from mitigation and now used for disposal? The SEIR should clarify the total acreage being encumbered and where the landfill cells will be located.

Elevation

A maximum design elevation is not indicated. Is the elevation changing from the currently permitted maximum of 215' MSL?

Additional Resources

The following internet link accesses checklists developed by CalRecycle staff as a guide to Lead Agencies in the preparation of environmental documents, such as for landfills:

http://www.calrecycle.ca.gov/SWFacilities/Permitting/CEQA/Documents/Guidance/Disposal.htm

Solid Waste Regulatory Oversight

The Solano County Department of Resource Management is the solid waste Local Enforcement Agency (LEA) and is responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact the LEA, Marcy Hannum at (707) 784-3303 to discuss the regulatory requirements for the proposed project.

CONCLUSION

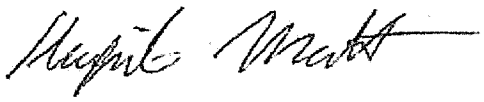
CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the SEIR and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is certified during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is certified without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the certification and proposed project approval by the decision making body.

If you have any questions regarding these comments, please contact me at (916) 341-6119 or by e-mail at Harprit.Mattu@calrecycle.ca.gov.

Sincerely,



Harprit Mattu, Environmental Scientist
Permitting & Assistance Branch – North Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Diane Vlach, Supervisor
Permitting & Assistance Branch – North Unit
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Nevin Yeates Manager,
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Sahota, Jagjinder
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YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT

September 28, 2018

Nedzlene Ferrario, Senior Planner
Solano County Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

Re: **Notice of Preparation of a Draft Subsequent Environmental Impact Report for the Recology Hay Road Landfill**

Dear Ms. Ferrario:

The Yolo-Solano Air Quality Management District (District) received the notice of preparation for the above-referenced project and is submitting comments.

According to the project description, the project would amend the facility's existing conditional use permit to modify the permit limits on municipal solid waste received at the Hay Road Landfill. The project would also increase the landfill's disposal capacity by approximately 8.8 million cubic yards.

The District has the following comments:

Increases in Maximum Daily Emissions of Criteria Pollutants:

Increases in daily maximum solid waste limits at the facility could result in more concentrated activity on certain days. This could be the result of activity at the facility itself, or the result of truck traffic traveling to and from the facility. The SEIR should evaluate whether these activity increases would have the ability to exceed any daily mass emission or concentration-based thresholds at any sensitive receptors. The applicant should be aware that several District rules, such as Rule 2.3 – Ringelmann Chart and Rule 2.11 – Particulate Matter Concentration, would also be applicable at all times.

Project Area to be Analyzed:

The Recology Hay Road facility is located mostly within the jurisdiction of the District. However, the District itself has been included by the Environmental Protection Agency (EPA) in the Sacramento Federal Nonattainment Area (SFNA) for ozone. Consequently, the District's ability to meet federal ozone standards is a function not just of ozone precursor emissions generated within the District, but within the entire SFNA. Since trucks transporting waste to the facility may travel from outside the District's boundaries, the SEIR should evaluate all potential emissions increases that would occur in the SFNA as a result of the project when assessing significance.

Increases in Ozone Precursors:

Increases in the overall amount of waste received at the facility will result in increased ozone precursor emissions. These precursors will be generated both on-site and off-site. The SEIR should evaluate whether these increases will exceed the District's thresholds of significance for reactive organic gases (ROG) or nitrogen oxides (NOx). As part of this analysis, the SEIR should evaluate whether the changes to daily and seven-day limits could result in a different mix of vehicles transporting waste to the facility. If the vehicle mix is estimated to change significantly, the SEIR should evaluate how these changes would affect the amount of ozone precursors generated within the District and the broader SFNA. The SEIR should assess how any increases in ozone precursors would affect the SFNA's ability to attain the federal ambient air quality standards for ozone by the appropriate deadlines.

District Permit Modifications

The District would like to note that if the facility seeks to modify maximum waste acceptance limits, this would require modifications to the facility's District permit(s). The facility should contact the District to discuss these permit modifications.

In conclusion, the District appreciates receiving the notice of preparation for this project. If you would like to discuss the comments in this letter or require any additional information, please contact me at (530) 757-3668.

Sincerely,

Matthew R. Jones
Supervising Air Quality Planner