

Appendix A – Notice of Preparation and Scoping Comments

Contains:

- Notice of Preparation
- Scoping Period Comments

County of Santa Clara

Department of Planning and Development
Planning Division

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE Z-BEST COMPOSTING FACILITY MODIFICATIONS PROJECT

Date: October 15, 2018

Project Applicant: Zanker Road Resource Management LTD

File Number: 6498-17P

Assessor's Parcel Numbers: 841-37-028, 841-37-029, and 841-37-010

As the Lead Agency, the County of Santa Clara will prepare an Environmental Impact Report (EIR) for the Z-Best Compost Facility Modifications Project (proposed project). The proposed project site is the existing Z-Best Composting Facility at 980 Highway 25, which currently operates under a County-issued Use Permit. The proposed project includes modification of Z-Best's existing composting process from the current windrow method to an aerated static pile process, as well as associated changes in operations and site design. The proposed new process, which is described on pages 2-3, would occur within the already developed area of the existing composting facility. The proposed new process would result in a throughput increase from the current maximum of 1,500 tons to 2,750 tons per day, which would require an additional 59 trucks per day. The project proponent has proposed that the increased truck trips be confined to the hours of 8 p.m. to 4 a.m.

The County is soliciting guidance from your agency on the scope and content of the environmental information to be included in the EIR that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. The project description summary and probable environmental effects that will be analyzed in the EIR are attached.

A Public Scoping Session to solicit comments for the Notice of Preparation will be held at the Gilroy Library, 350 W. 6th Street, Gilroy on Tuesday, October 30 from 6:30 p.m. to 8:00 p.m. In accordance with the California Environmental Quality Act (CEQA), comments on the Notice of Preparation (NOP) must be received within 30 days of receipt of this notice. Written and/or email comments on the NOP should be provided to the County at the earliest possible date, but must be received by 5 p.m. on November 16, 2018. Agencies that will need to consider the final EIR when deciding whether to issue permits or other approvals for the project should provide the name of a contact person. Please address comments to:

County of Santa Clara
Department of Planning and Development
Attention: David Rader
County Government Center
70 West Hedding Street, San Jose, CA 95110
Email: david.rader@pln.sccgov.org

Prepared by:

David M. Rader

Approved by:

Maurisa Sandhu

INTRODUCTION

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to (a) evaluate a proposed project and the potential for significant impacts on the environment, (b) to examine methods of reducing adverse impacts, and (c) to consider alternatives to the project. In accordance with the requirements of CEQA, the EIR for the Z-Best Composting Process Conversion Project will include the following:

A project description;

A description of existing environmental setting, potential project-level and cumulative environmental impacts, and mitigation measures;

Alternatives to the proposed project; and

CEQA-required environmental findings, including (a) significant environmental effects that cannot be avoided if the project is implemented; (b) significant irreversible and irretrievable commitments of resources; (c) growth-inducing impacts; and (d) effects found not to be significant.

PROJECT LOCATION

The project site is located at 980 Highway 25, southeast of the city of Gilroy and northwest of the city of Hollister, in unincorporated Santa Clara County. Figure 1 shows the regional location. Figure 2 shows the project site boundaries and vicinity. The project site encompasses assessor's parcels 841-37-029 (approximately 137 acres) and 841-37-010 (approximately 99 acres). Both parcels are designated Agricultural Large Scale under the County of Santa Clara General Plan and zoned Exclusive Agriculture with a 40 acre combining district (A-40Ac).

PROJECT DESCRIPTION

The proposed project includes modifications to the existing composting facility Use Permit to convert the current composting process from a windrow composting system to a static aerated pile composting system using technology from Engineered Compost Systems. Composting is the transformation of raw organic materials (e.g., yard trimmings) into biologically-stable, humus-rich substances suitable for growing plants. The existing windrow composting system at Z-Best requires that the windrows (long piles of raw organic material in bags) be periodically turned to improve porosity and oxygen content. Aerated static pile composting, on the other hand, would biodegrade organic material without physical manipulation during primary composting as it would use a ventilation system to circulate air within compost piles.

Composting Process

The proposed aerated composting process would be installed within southwest quadrant of the developed area of the existing composting facility, west of Area 1, as shown on Figure 3 (Site Plan). The proposed new composting process would occur in two stages:

Primary Composting. In the first stage, pre-processed feedstocks (organic material) would be stacked in piles within rows of attached cement bunkers, approximately 10 feet in height. The bunkers would be grouped in zones, and each zone would have a ventilation system with an electrically powered fan and a series of ducts connected to each bunker. A front-end loader would build up the piles to a height of approximately nine feet. Each pile would be covered with a six-inch bio-layer (clean cover material) intended to provide insulation to ensure adequate pathogen control and temperatures, and to function as an in-situ biofilter layer to reduce odors from volatile organic chemical released from the top of the pile.

At the primary composting stage, the ventilation system would provide negative aeration, drawing air down through the compost piles, which would be purified in a temperature controlled biofilter before

release. An irrigation system mounted on the bunker walls would provide automatic top watering of the piles to add moisture before pile break-down or to increase the moisture in the bio-layer for additional absorption of emissions. The proposed process is designed to operate with a 17-day retention of material in the primary composting stage.

Secondary Composting. After completing the primary composting process, the material would be moved by a front-end loader to a secondary composting zone (labeled as "Extended Bed CASP" on Figure 3) and piled to a maximum height of 9.5 feet. Secondary composting would take place in an extended bed aerated static pile with positive aeration, where air would be blown up through each compost pile. According to the project proponent, positive aeration can be used at this stage because it is expected that the primary composting process would have substantially deodorized and stabilized the material. Also, according to the project proponent, the material would not be covered with an insulating bio-layer at this stage because it is expected that it will have already met all pathogen reduction requirements during the primary composting stage.

Operations

The proposed new process would result in an increase in throughput of finished compost from the current maximum of 1,500 tons allowed under the existing Use Permit, to 2,750 tons per day. This increase would require an additional 59 truck trips per day, which the project proponent has proposed be confined to the hours of 8 p.m. to 4 a.m. The proposal includes a request to modify the use permit to allow a maximum of 90 employees to be on site, which would be an increase of 32 employees above current conditions.

Grading and Drainage

Changes to the composting area would involve replacing approximately 180,000 square feet of existing impervious surfaces (sidewalks, equipment pads, etc.). The proposed project would not result in a net change to total impervious or pervious surfaces. Grading would be required to establish pads for the new composting system and to provide on-site drainage and stormwater detention. The project proponent anticipates that the current site can accommodate all required stormwater detention, with primary on-site detention occurring in the modified Detention Basin 1, with additional flood storage capacity provided on-site to the north of Area 1, as shown on Figure 3. However, in the event this proves infeasible, additional stormwater retention would be provided by a 98.8-acre North Flood Storage Basin (assessor's parcel number 841-37-010), which is shown on Figure 4. This parcel is located immediately north/northeast of the existing operations site and the highway.

Site Access

Access to the project site is provided via one existing entrance, which intersects with SR 25 on the south side approximately 700 feet west of the intersection of Bolsa Road and SR 25. The project proponent is not proposing to change this access but is proposing adjacent construction of deceleration / acceleration lanes on SR 25. The project site entrance is located within the area of a Caltrans-approved Hollister to Gilroy State Route 25 Route Adoption project, which would involve potential widening and realignment of SR 25 from San Felipe Road (in Hollister) to the end of SR 25 at US 101 in Santa Clara County. Truck traffic originating from and bound for the project site is currently restricted from using Bolsa Road. All new truck and vehicular traffic originating from and bound for the project site would continue to be restricted to the use of only SR 25 to SR 156 and US 101. However, if the Caltrans project is constructed, it is anticipated that Bolsa intersection with SR 25 would shift east, and project traffic bound for and originating from the Z-Best facility would utilize the new Bolsa Road intersection with the realigned SR 25.

Permitting

The proposed project would require a major use permit and architecture and site approval modification and grading approval from the County of Santa Clara. Additional permits or permit modifications may be required from the County Local Enforcement Agency / CalRecycle (revised Solid Waste Facility Permit), the Central Coast Regional Water Quality Control Board, the Bay Area Air Quality Management District, and Caltrans (District 4).

POTENTIAL ENVIRONMENTAL IMPACTS

The EIR will include a discussion of the environmental setting/baseline for the proposed project, a summary of applicable regulations (federal, state, regional, and local), and an analysis of the potential impacts of the project. Mitigation will be recommended to reduce or eliminate project impacts, where feasible. The specific potential environmental impacts evaluated in detail in the EIR will be determined based on evaluation of the proposed project using an Initial Study environmental checklist (to be included in the Draft EIR) and on the comments received on this NOP. At this time, it is anticipated that the EIR will focus on the following topics.

Aesthetics. The EIR will evaluate the significance of changes to public views of the project site and changes to the character of the project site as seen from public roadways in the vicinity. Light and glare impacts will also be evaluated.

Agricultural Resources. The EIR will evaluate impacts to important farmland from development of the North Flood Storage Basin option, if pursued by the project proponent.

Air Quality and Greenhouse Gas Emissions. Construction-related emissions would be evaluated for installation of the new composting system and other site improvements. Emissions from operations, including from increased truck trips and employee vehicle trips would be quantified against Bay Area Air Quality Management District thresholds. The air quality analysis would also evaluate odor impacts from the proposed new composting operations.

Biological Resources. The portion of the proposed project south of State Route 25 would take place within the existing developed footprint. Therefore, the environmental analysis would analyze potential biological impacts from development and operation of the North Flood Storage Basin option, if pursued by the project proponent.

Tribal and Other Cultural Resources. Any tribal or other cultural resources that are known or have the potential to occur on the project site will be assessed, and the potential impacts that may occur to known and unanticipated resources as a result of project implementation will be evaluated.

Hydrology and Water Quality. The potential impacts of implementation of the proposed project with respect to modification of existing drainage patterns, decreased water quality, runoff, and flooding will be evaluated.

Noise. Existing noise and vibration conditions on the project site and the nearby vicinity will be described, including information on the location of existing sensitive receptors and major noise sources, ambient noise levels, and natural factors that relate to the attenuation thereof. Construction-related noise and ground vibration will be analyzed using published reference noise and vibration levels for typical construction equipment. The project's potential to generate operations-related noise increases from the modified composting process and additional truck trips traffic will also be evaluated to determine whether noise standards could be exceeded.

Transportation and Circulation. The EIR will evaluate site access and circulation with a focus on impacts to SR 25 from the additional truck trips. The traffic assessment would evaluate intersection levels of service for existing and projected peak-hour traffic volumes with the proposed facility expansion at the project driveway and at Bolsa Road intersection, with and without the SR realignment. An analysis of Vehicle Miles Traveled will be included for informational purposes.

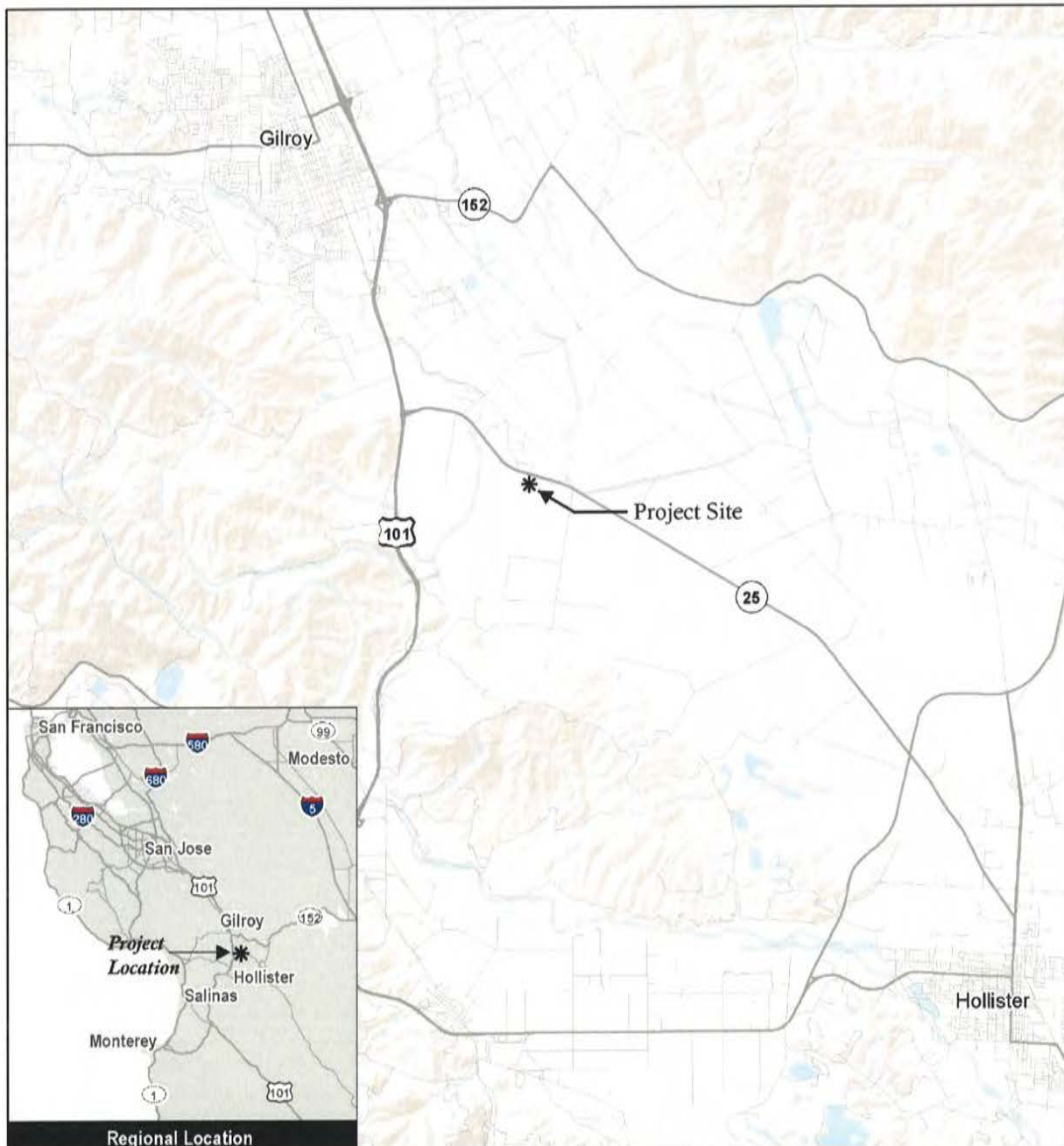
Utilities and Energy. Potential future demand from the proposed project will be compared to estimates of existing use on the site and regional planning documents to determine if the project would result in significant increases in demand for water, water treatment, natural gas, and electricity.

In addition to the evaluation of potential impacts, the following analyses will be included in the EIR.

Cumulative Impacts. This section of the EIR will discuss, issue by issue, the potential for the proposed project, when combined with other development identified in the cumulative setting, to either result in new, or contribute to existing, cumulatively considerable adverse effects on the environment.

Alternatives. CEQA requires that an EIR describe a range of reasonable alternatives to a project (or project location) that feasibly attain most of the objectives, but could avoid or reduce at least one environmental impact (see CEQA Guidelines Section 15126.6).

Growth Inducement. This section will qualitatively evaluate the project's potential to induce growth and any subsequent environmental impacts that would occur (pursuant to CEQA Guidelines Section 15126[d]).



Source: EMC Planning, ESRI 2018

Figure 1 - Project Site Location



Source: EMC Planning, ESRI 2018

Figure 2 - Project Site Vicinity

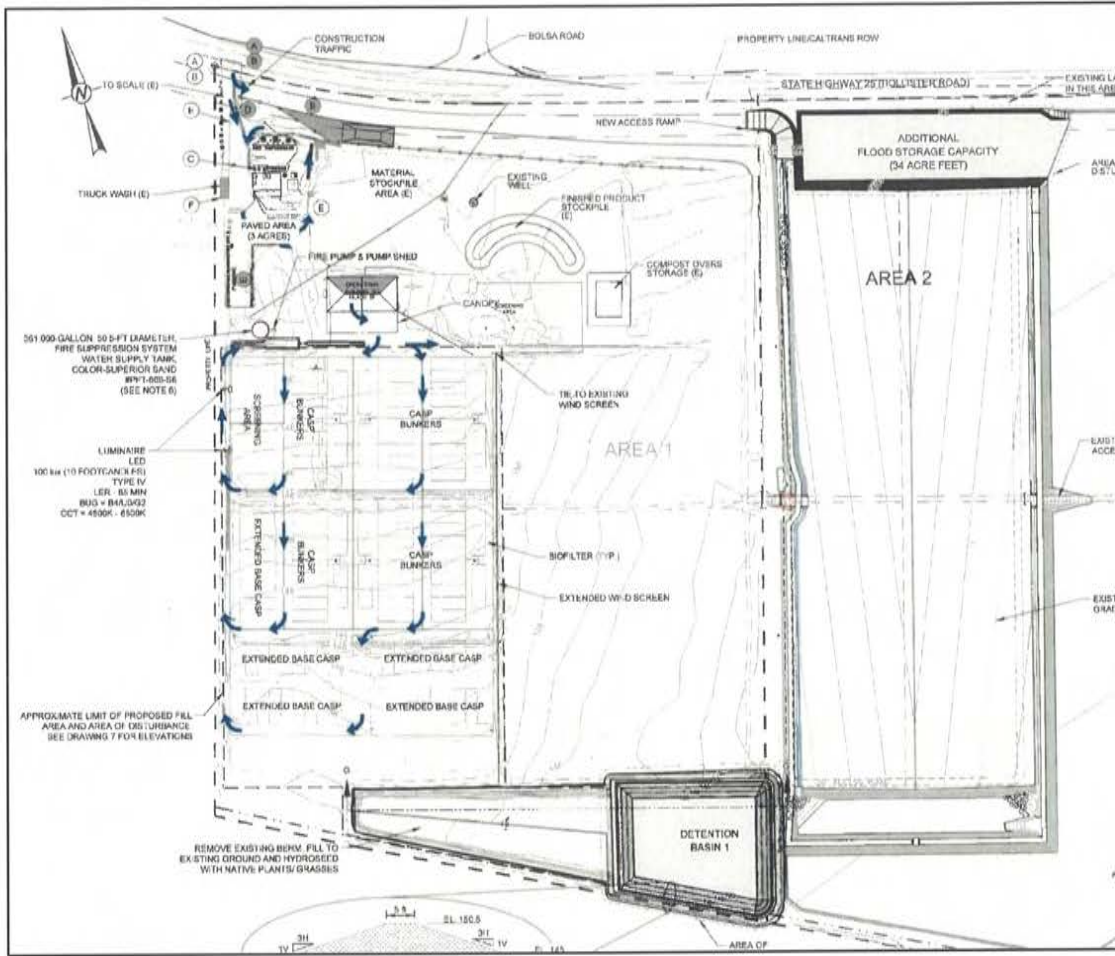


Figure 3 - Site Plan



Figure 4 - North Storage Flood Basin Option



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH



EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Notice of Preparation

October 16, 2018

To: Reviewing Agencies
Re: Z-Best Composting Facility Modifications Project
SCH# 2018102041

Attached for your review and comment is the Notice of Preparation (NOP) for the Z-Best Composting Facility Modifications Project 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:

David Rader
Santa Clara County
70 W. Hedding Street
7th Floor, East Wing
San Jose, CA 95112

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# 2018102041
Project Title Z-Best Composting Facility Modifications Project
Lead Agency Santa Clara County

Type NOP Notice of Preparation
Description The proposed project site is the existing Z-Best Composting Facility at 980 Highway 25, which currently operates under a County-issued Use Permit. The proposed project includes modification of Z-Best's existing composting process from the current windrow method to an aerated static pile process, and associated changes in operations and site design. The proposed new composting process would occur within the already developed area of the existing composting facility. The proposed new process would result in a throughput increase from the current max of 1,500 tons to 2,750 tons per day, which would require an additional 59 trucks per day. The project proponent has proposed that the increased truck trips be confined to the hours of 8 pm to 4 am.

Lead Agency Contact

Name David Rader
Agency Santa Clara County
Phone 408-299-5779 **Fax**
email
Address 70 W. Hedding Street
7th Floor, East Wing
City San Jose **State** CA **Zip** 95112

Project Location

County Santa Clara
City Gilroy
Region
Cross Streets Bolsa Rd and Hwy 25
Lat / Long
Parcel No. 841-37-029
Township **Range** **Section** **Base**

Proximity to:

Highways 25
Airports
Railways
Waterways Pajaro River
Schools
Land Use Ag large scale/A-40Ac

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Noise; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 3; Native American Heritage Commission; California Highway Patrol; Caltrans, District 4; California Energy Commission; Air Resources Board, Major Industrial Projects; Resources, Recycling and Recovery; State Water Resources Control Board, Division of Drinking Water; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 3; Department of Pesticide Regulation; Department of Food and Agriculture

Date Received 10/16/2018 **Start of Review** 10/16/2018 **End of Review** 11/14/2018

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

2018#8102041

Project Title: Z-Best Composting Facility Modifications Project
Lead Agency: County of Santa Clara
Mailing Address: 70 W. Hedding Street, East Wing, 7th Floor
City: San Jose Zip: 95110 County: Santa Clara
Contact Person: David Rader
Phone: (408) 299-5779

Project Location: County: Santa Clara City/Nearest Community: Gilroy
Cross Streets: Bolsa Road and Highway 25 Zip Code: 95020
Longitude/Latitude (degrees, minutes and seconds):
Assessor's Parcel No.: 841-37-029 Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: 25 Waterways: Pajaro River
Airports: Railways: Schools:

Document Type:
CEQA: [X] NOP [] Draft EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] EA [] Final Document
[] Neg Dec (Prior SCH No.) [] Draft EIS [] Other:
[] Mit Neg Dec Other:

Local Action Type:
[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [X] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Other: Grading approval
Governor's Office of Planning & Research
OCT 16 2018
STATE CLEARINGHOUSE

Development Type:
[] Residential: Units Acres
[] Office: Sq.ft. Acres Employees
[] Commercial: Sq.ft. Acres Employees
[] Industrial: Sq.ft. Acres Employees
[] Educational:
[] Recreational:
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[X] Other: Modification of an existing composting facility

Project Issues Discussed in Document:
[X] Aesthetic/Visual [] Fiscal [] Recreation/Parks [] Vegetation
[X] Agricultural Land [X] Flood Plain/Flooding [] Schools/Universities [X] Water Quality
[X] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[X] Archeological/Historical [] Geologic/Seismic [] Sewer Capacity [] Wetland/Riparian
[X] Biological Resources [] Minerals [X] Soil Erosion/Compaction/Grading [] Growth Inducement
[] Coastal Zone [X] Noise [X] Solid Waste [] Land Use
[X] Drainage/Absorption [] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[] Economic/Jobs [] Public Services/Facilities [X] Traffic/Circulation [X] Other: Energy

Present Land Use/Zoning/General Plan Designation:
Agriculture Large Scale / A-40Ac

Project Description: (please use a separate page if necessary)
The proposed project site is the existing Z-Best Composting Facility at 980 Highway 25, which currently operates under a County-issued Use Permit. The proposed project includes modification of Z-Best's existing composting process from the current windrow method to an aerated static pile process, and associated changes in operations and site design. The proposed new composting process would occur within the already developed area of the existing composting facility. The proposed new process would result in a throughput increase from the current maximum of 1,500 tons to 2,750 tons per day, which would require an additional 59 trucks per day. The project proponent has proposed that the increased truck trips be confined to the hours of 8 p.m. to 4 a.m.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.
Revised 2010

NOP Distribution List

County: Santa Clara *af*

SCH# 2018102041

Regional Water Quality Control Board (RWQCB)

Resources Agency

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

Central Valley Flood Protection Board
James Herota

Office of Historic Preservation
Ron P

Dept of Pan Environment Section

S.F. Bay Dev't. Com
Steve Gold

Dept. of Water Resources
Resources Agency
Nadell Gayou

Fish and Game

Depart. of Fish
Scott Flint
Environmental Services Division

Fish & Wildlife Region
Curt Babcock

Fish & Wildlife Region 1E
Laurie Harnsberger

Fish & Wildlife Region 2
Jeff Drongesen

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 Marine Region
William Paznokas

Other Department

*Make 17 copies
(1 copy goes in file)*

Delta Protection Commission
Erik Vink

Delta Stewardship Council
Anthony Navasero

California Energy Commission
Eric Knight

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

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

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 Resources Control Board
Phil Crader
Division of Water Rights

Dept. of Toxic Substances Control Reg. # _____
CEQA Tracking Center

Department of Pesticide Regulation
CEQA Coordinator

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)

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 DWSC-pesticides

Conservancy

From: [Anna Montes](#)
To: [Rader, David](#)
Subject: File#6498-17P Z-Best Composting Facility
Date: Tuesday, October 23, 2018 4:06:28 PM

Thank you for your letter dated October 15, 2018, we own one of the impacted properties regarding this proposed Use Permit. Our main concern is for the heavy traffic flow and the back up already present on Highway 25. This use permit would increase the back up and be detrimental to all, not only those on Highway 25, but those who commute using Highway 25. The smell is horrific as well and already is an issue. Why increase all this negativity?

Thank you

Jose and Anna Montes

Managing members of AMG ENTERPRISE LLC

From: kevingconant
To: Rader, David
Cc: Wasserman, Mike; roland.velasco@cityofgilroy.org
Subject: I object to Z-Best's application for expansion
Date: Sunday, October 28, 2018 9:57:18 PM

As a resident and property owner in the unincorporated area of Gilroy, directly affected by this application, I wish to express my objection to Z-Best's application to expand their facility and change their processing of compost, thereby increasing the number of diesel trucks in my community.

One need only to breath deep and smell the air near Alviso and Milpitas to ask whether there is an offensive odor of a water pollution control plant, a dump, and a Z-Best composting facility nearby. Most likely, because the prevailing winds never make it to the Supervisor's office or San Jose city hall in downtown San Jose, Willow Glen, Almaden Valley, Saratoga or Los Gatos, does anyone of any political consequence ever get any traction in the current situation of the reduction/conversion of waste in Santa Clara County.

You are currently considering allowing Z-Best to expand their current facility and a change of process in south Santa Clara County. One would only have to live downwind from this facility to know that this request is ludicrous, offensive and potentially harmful to our health, environment and property values.

What has BAAQMD said regarding the offensive smell from any expansion of this facility, let alone, a new process and additional commercial vehicle traffic? What are the mitigations?

Where is the empirical data that this will not further create more odor of rotting/composting material downwind?

I have complained numerous times to the BAAQMD of the odor from Z-Best and the facility on Prunedale Avenue in east Gilroy, that was once the dump east of Gilroy, now a composting facility as well.

I object, wholeheartedly to this proposal and desire you to enter my objection into the record, as I cannot attend the public meeting regarding this application.

Please reply to me that you have received this correspondence and assure me in writing that my objection has been entered into the public record.

I expect an answer to my questions in writing and desire to be contacted.

Kevin Conant

3330 Leavesley Road

Gilroy, CA 95020-9000

(408) 391-7992

NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental 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



October 26, 2018

David Rader
Santa Clara County
70 W. Hedding Street, 7th Floor, East Wing
San Jose, CA 95112

RE: SCH# 2018102041 Z-Best Composting Facility Modifications Project, Santa Clara County

Dear Mr. Rader:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a 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 §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, § 5064 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 within the area of potential 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, a notice of negative declaration, or a 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 §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 §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 §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 §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 §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 non-federally 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 §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §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 §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 §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 §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 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, §15064.5(f) (CEQA Guidelines §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 §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §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 or need additional information, please contact me at my email address: Debbie.Treadway@nahc.ca.gov.

Sincerely,



for

Debbie Treadway
Environmental Scientist

cc: State Clearinghouse

Public Scoping Meeting for the Environmental Impact Report on the Z-Best Composting Facility Modifications Project

SCOPING COMMENTS (Please print clearly and legibly)

Please hand in during the meeting or mail (address on back) or email by **November 16, 2018**.

Name: Jason Retterer

Organization (if any): Johnson, Rovella, Retterer, Rosenthal + Gilles, LLP

Address (optional): 318 Cayuga St.

City, State, Zip: Solinas, CA 93901

E-mail: jason@jrgattorneys.com

This comment form is being furnished to obtain suggestions and information from the public on the scope of issues and alternatives that will be addressed in the EIR. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Comments (Please print clearly and legibly)

The Draft EIR must address the potential direct and indirect impacts on agricultural resources. Accordingly, the Draft EIR must address potential impacts of the expanded throughput on adjacent agricultural land, including the potential for pathogens to be transferred to off-site ag land by wind or through underlying groundwater. The EIR should specifically address whether and to what extent buffers are required to preserve the integrity of the row crops and farmland offsite. Currently, based on food safety requirements, the farmer to the south must maintain a 20-40 foot wide buffer due to the existence

(More space on reverse side)

existence of 2-Best. This land has been taken out of production. Of specific concern is an activity that is being placed closer to the adjacent farmlands. The Draft EIR should also explore whether other mitigation like perimeter fencing is required to prevent air borne transport of debris and potential pathogens to adjacent farm land.

Thank you.

Send comments to:

David Rader

County Government Center, East Wing, 7th Floor

70 W. Hedding Street, San Jose 95110

david.rader@pln.sccgov.org

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

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P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

November 14, 2018

David Rader
County of Santa Clara
Department of Planning and Development
70 West Hedding Street
San Jose, CA 95112

Subject: SCH No. 2018102041 –Notice of Preparation of an Environmental Impact Report for the Z-Best Composting Facility Modifications Project. Facility No. 43-AA-0015, Santa Clara County.

Dear Mr. Rader:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

County of Santa Clara Department of Planning and Development, acting as Lead Agency, has prepared and circulated a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) 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 proposed project site is the existing Z-Best Composting Facility at 980 Highway 25, which currently operates under a County-issued Use Permit. The proposed project includes modification of Z-Best's existing composting process from the current windrow method to an aerated static pile process, and associated changes in operations and site design. The proposed new composting process would occur within the already developed area of the existing composting facility. The proposed new process would result in a throughput increase from the current max of 1,500 tons to 2,750 tons per day, which would require an additional 59 trucks per day. The project proponent has proposed that the increased truck trips be confined to the hours of 8 p.m. to 4 a.m.

COMMENTS**Composting Process**

The proposed project description states that the "primary composting" process will utilize "a six-inch bio-layer (clean cover material) intended to provide insulation to ensure adequate pathogen control and temperatures, and to function as an in-situ biofilter layer to reduce odors from volatile organic chemical released from the top of the pile." Staff requests a description of the



"clean cover material" to be used as the biofilter layer, as well a description of the periodic maintenance of the biofilter to ensure efficiency in reducing potential odor emissions.

Pursuant to Title 14 California Code of Regulations (14 CCR), section 17863.4, the facility's Odor Impact Minimization Plan (OIMP) will also need to be revised accordingly to reflect the proposed changes in composting process and incoming waste tonnage.

Operations

The project description states that the proposed new composting process will result in an increase in throughput of finished compost from the current maximum of 1,500 tons per day to 2,750 tons per day. Staff requests a description of estimated quantities of feedstock and additives that will be processed as a result of the proposed daily tonnage increase. The project description also needs to clarify that the proposed increase in daily tonnage from 1,500 tons per day to 2,750 tons per day pertains to incoming feedstock (to be processed into compost) and not the amount of finished compost (after undergoing the composting process and meeting environmental sampling standards). The current Solid Waste Facilities Permit allows the facility to receive a maximum of 1,500 tons per day of composting feedstock through the gate.

The project description further states that the proposed waste tonnage increase would require an additional 59 truck trips per day. In the interest of clarity, staff requests the inclusion of the total number of vehicles per day allowed at the facility with the approval of this project.

Solid Waste Regulatory Oversight

The Santa Clara County, Environmental Health Division is the Local Enforcement Agency (LEA) and is responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact the LEA, Jaji Murage, at 408.918.3405 to discuss the regulatory requirements for the proposed project.

Prior to implementation of the proposed project, the operator shall submit an application package to the LEA in order to revise their current Solid Waste Facilities Permit pursuant to Title 27 California Code of Regulations (27 CCR), section 21570, which shall be processed by the LEA pursuant to 27 CCR, section 21650.

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 EIR 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 916.341.6427 or by e-mail at eric.kiruja@calrecycle.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Eric Kiruja".

Eric Kiruja
Permitting & Assistance Branch – North Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Patrick Snider, Supervisor: Permitting & Assistance Branch – North Unit
Jaji Murage, County of Santa Clara LEA



November 15, 2018

**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

David Rader
Department of Planning and Development
County Government Center
70 West Hedding Street
San Jose, CA 95110

RE: NOP on Z-Best Composting Modifications

ALAMEDA COUNTY

John J. Bauters
Pauline Russo Cutter
Scott Haggerty
Nate Miley

CONTRA COSTA COUNTY

John Gioia
David Hudson
(Chair)
Karen Mitchoff
Mark Ross

MARIN COUNTY

Katie Rice
(Vice Chair)

NAPA COUNTY

Brad Wagenknecht

SAN FRANCISCO COUNTY

Rafael Mandelman
Hillary Ronen
Tyrone Jue
(SF Mayor's Appointee)

SAN MATEO COUNTY

David Canepa
Carole Groom
Doug Kim

SANTA CLARA COUNTY

Margaret Abe-Koga
Cindy Chavez
Liz Kniss
Rod G. Sinks
(Secretary)

SOLANO COUNTY

Pete Sanchez
James Sperring

SONOMA COUNTY

Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Dear Mr. Rader,

Bay Area Air Quality Management District (Air District) staff has reviewed the notice of preparation (NOP) for a draft environmental impact report (DEIR) on the Z-Best Composting Facility Modifications (Project). This DEIR will examine the potential impacts from conversion of an existing composting operation using windrows-based composting methods to one using aerated static piles. The planned modification includes an increase in maximum daily throughput from 1,500 to 2,750 tons per day (tpd), an estimated doubling in truck trips per day, and a proposal to restrict truck trips to between 8pm to 4am. The Project will be required to obtain an authority to construct and a permit to operate from the Air District for its composting operation. We recommend that the project proponent initiate the permit application as soon as practicable.

While the NOP contains many details about the project, the project description does not identify some critical information about the project, such as (i) the parts of the existing facility that are being expanded and/or replaced, (ii) the materials being brought in for processing, and (iii) the anticipated products and their markets. Air District staff recommends that the project description in the DEIR include this information and the air quality analysis consider it within the impact discussion.

Air District staff recommends that the following information be provided in the DEIR:

- An evaluation of proximity of nearby receptors including schools, residential areas and businesses, and potential impacts of air pollutant emissions and odors.
- An estimate of construction-related emissions of particulate matter, ozone precursors (NOx/ROG), and greenhouse gases in pounds per day and tons per year.
- An estimate of daily and annual emissions of particulate matter, ozone precursors (NOx/ROG), and greenhouse gases in pounds per day and tons per year from all on-road and off-road mobile sources of emissions.

Connect with the
Bay Area Air District:



-
- A cumulative emission estimate of all on-road and off-road mobile sources of emissions for particulate matter, ozone precursors (NO_x/ROG), and greenhouse gases associated with the existing operations and the proposed Project.
 - An estimate of total vehicle miles traveled (VMT) by vehicle class. This VMT assessment should be based on where the material to be composted will be coming from and where the finished products will be transported once the composting is completed. This analysis should not be limited to just VMT in the Bay Area Air Basin (Air Basin). All vehicle miles traveled within or outside the Air Basin should be estimated and used in the emission estimate for on-road air quality impacts.
 - A project-alone and a cumulative health risk analysis to assess the potential health impacts associated with any increase in emissions at the facility on nearby sensitive receptors or sensitive receptors along State Route 25.
 - Identification of all emission sources at the existing facility by source name (including the permitted source number, where available). If the proposed aerated composting process retires and/or replaces current processes, the DEIR should be explicit about sources being retained and those being replaced.
 - An estimate of the potential air emissions associated with any new or modified transfer station (e.g., the tipping building), whether off-site or on-site.
 - An estimate of current actual air emissions, the current permitted air emissions, and the air emissions for the proposed project from both new or modified sources. If the proposed aerated composting process retires and/or replaces current processes, any associated emissions reductions associated with their retirement and replacement should be clearly detailed.
 - The emission factors used to estimate emissions, the emission calculation formulas, parameters, assumptions and bases (such as throughputs), particularly for emissions associated with the existing windrows and with the proposed aerated static piles. If any parameter and/or emission factor is different than from current source permitting (see Engineering Evaluation for 2017 Permit Application 28251), a detailed explanation and justification for the difference should be provided. If the project will include emissions testing, please describe the testing method and protocol that will be used.
 - All emission estimates should be clearly associated with its source name and permitted source number. Throughput for each emission source should detail feedstock material type and rate. The DEIR should clearly describe any Best Available Control Technology emissions controls included in the project. If biofilters will be used, please supply information about their design and maintenance schedule.
 - Details about the handling and storing of feedstock, product, and byproduct materials, such as pile design characteristics (e.g., height and length, among others) and pile management methods (e.g., limits on residence time, pile tagging, etc).
 - An assessment of available land and alternative configurations that can buffer management of feedstock piles and of product and/or byproduct piles against shocks in inflows and outflows. The goal should be to prevent disruptions to best practices in material handling and storage.
 - The impact of the proposed material delivery schedule between 8pm and 4am on the storage of materials, either on-site or off-site, given that organic materials may be collected by scavengers outside the hours of 8pm to 4am.
 - Operational changes that may occur due to the planned expansion from 1,500 to 2,750 tpd, with a focus on how the expansion will impact permitted operations. The current air permit limits operation to

this facility to 10 hours per calendar day and 56 hours per calendar week, and we encourage the EIR to reconcile these limits with the proposal for delivery between 8pm-4 am.

Air District staff is available to assist the County in addressing these comments, and we recommend that the County and its consultants meet with Air District staff to discuss them. For such discussion or for assistance with any questions that arise, please contact Chad White, Senior Environmental Planner, at 415-749-8619 or cwhite@baaqmd.gov.

Sincerely,



Greg Nudd
Deputy Air Pollution Control Officer

cc: BAAQMD Director Margaret Abe-Koga
BAAQMD Director Cindy Chavez
BAAQMD Director Liz Kniss
BAAQMD Director Rod Sinks



SBCOG

*Council of
San Benito
County Governments*

P: 831-637-7665

F: 831-636-4160

www.sanbenitocog.org

November 15, 2018

David Rader
Santa Clara County
Department of Planning and Development
70 West Hedding Street, East Wing, 7th Floor
San Jose, CA 95110

RE: Z- Best Composting Facility Modifications Project; File Number 6498-17P

Dear Mr. Rader:

The Council of San Benito County Governments (COG) is the Regional Transportation Planning Agency for San Benito County. One of our priority highway corridors in San Benito County is State Route 25. In 2016, COG completed a study of State Route 25 and identified needed safety and operational improvements to the area near the intersection of Bolsa Road and the entrance to the Z-Best facility. A copy of the Highway 25 Widening Design Alternatives Analysis Study is available online at www.sanbenitocog.org.

In May 2017, COG reviewed the Traffic Operations and Site Access Analysis prepared for the Z-Best Composting Major Use Permit Modification application. The COG Board of Directors voted unanimously to send a letter opposing any expansion of operations at Z-Best due to traffic constraints, safety concerns and the overall impact to local residents using Highway 25 as the primary route to/from Santa Clara County.

In response to the Notice of Preparation dated October 15, 2018, San Benito COG submits the following comments for consideration when preparing the Environmental Impact Report for the proposed Project.

1. **Impacts of Ingress/Egress at SR 25:** COG is concerned that traffic entering and exiting the project area onto State Route 25 will adversely impact the flow of traffic on the highway, including vehicles that are stopped making a left turn into the facility. The traffic analysis should fully evaluate the proposed construction of acceleration and deceleration lanes on SR 25 for the driveway, as well as the opportunity to consolidate access with other commercial properties adjacent to the Z-best property. In addition, the EIR should consider improvements needed to better address visibility of the project driveway along State Route 25.

*Council of San Benito County Governments
330 Tres Pinos Rd, Suite C7
Hollister, CA 95023*



SBCOG

*Council of
San Benito
County Governments*

*P: 831-637-7665
F: 831-636-4160
www.sanbenitocog.org*

2. **Proposed Highway Improvements:** COG coordinated with Caltrans and Santa Clara Valley Transportation Authority to prepare an EIR for the Highway 25 Safety and Operational Enhancements Project. The EIR was certified in 2005. That project identified intersection improvements and other safety measures in the project area, including access to both the Z-Best property and its neighboring farm to the north, Uesugi Farms. COG recommends that the EIR for the Z-Best project evaluate the alternatives outlined in the 2005 Highway 25 Safety and Operational Enhancements Project EIR and more recently reviewed and recommended in COG's 2016 Highway 25 Widening Design Alternatives Analysis.
3. **Peak Traffic Periods:** COG recommends that the hours of 5 a.m. to 9 a.m. be evaluated as the A.M. peak period, as the roadway is used by long-distance commuters traveling earlier in the day. In the P.M. peak, COG recommends that the hours of 2 p.m. to 8 p.m. be evaluated.
4. **Employee Traffic:** the Traffic and Circulation element of the EIR should evaluate site access and circulation with a focus on impacts to SR 25 both from additional truck trips as well as for additional employee trips to and from the facility.
5. COG also recommends that the elimination of left turns from the facility to Northbound SR 25 be evaluated in the traffic and circulation element of the EIR.
6. **Aesthetics:** the facility is located at the gateway to San Benito County and as such its aesthetics and odor-production should be evaluated in this context within the EIR.
7. The EIR should evaluate impacts to State Route 25 operations related to construction.

Should you have any questions, please contact Mary Gilbert, Executive Director, at (831) 637-7665, extension 207.

Sincerely,

Jaime De La Cruz

*Council of San Benito County Governments
330 Tres Pinos Rd, Suite C7
Hollister, CA 95023*

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

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FAX (510) 286-5559

TTY 711

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November 16, 2018

SCH # 2018102041

GTS # 04-SCL-2016-00487

GTS ID: 2423

PM: SCL – 25 – 0.63

David Rader
Santa Clara County
70 W. Hedding Street
7th Floor, East Wing
San Jose, CA 95112

Z-Best Composting Facility Modifications Project – Notice of Preparation (NOP)

Dear David Rader:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced 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) in part, by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the October 15, 2018 NOP.

Project Understanding

The proposed project site is the existing Z-Best Composting Facility at 980 State Route (SR) 25, which currently operates under a County-issued Use Permit. The proposed project includes modification of Z-Best's existing composting process from the current windrow method to an aerated static pile process, and associated changes in operations and site design. The proposed new composting process would occur within the already developed area of the existing composting facility. The proposed new process would result in a throughput increase from the current maximum of 1,500 tons to 2,750 tons per day, which would require an additional 59 trucks per day. The project proponent has proposed that the increased truck trips be confined to the hours of 8 pm to 4 am. The interchange of US Route (US) 101 and SR 25 is approximately two miles driving distance to the west of the project site.

State Highway Access

Any proposed access improvements, including the proposed southbound left-turn lane on SR 25, must conform with the latest *Caltrans Highway Design Manual*. This project proposes a northbound left-turn lane on SR 25 into the project driveway; please make sure the storage length can accommodate all projected trucks arriving per cycle without impacting SR 25, if not,

a longer storage lane is required. Regarding the proposed northbound SR 25 “Lane Reduction Arrows” and “Length of a Lane Reduction Transition”, we recommend using distances shown in the latest *California Manual of Uniform Traffic Control Devices* (CA MUTCD), Figure 3B-14. Any deviations from those distances will require review and approval from Caltrans. Plans should show State right-of-way (ROW), dimensions and configuration of both project access and State ROW, number of lanes, shoulder widths, existing obstructions including trees, and sufficient detail of proposed improvements to ensure that they are feasible and that sufficient ROW exists to complete the improvements as envisioned in the analysis.

Freight Mobility

Please analyze the Average Annual Daily Truck Trips (AADTT) entering and exiting the Z-Best facility and the potential impacts to the SR 25 and US 101 corridors as well as surrounding local streets and roads in both Santa Clara County and neighboring counties. An analysis of proposed truck weights, types, and configurations and potential impacts to pavement conditions for the previously mentioned highways and local roads is also advised. All analyses should measure the impacts of trucks both entering and exiting the proposed facility during the construction phase of the proposed project and during normal facility operating conditions.

Any considerations on how the proposed facility can help improve freight sustainability, operations and efficiency in California is welcomed. Caltrans is dedicated to moving freight on a modern, safe, integrated, and resilient system that supports the economy, jobs, and healthy, livable communities. In the Caltrans *Strategic Management Plan* (2015-2020), Caltrans has established an objective to improve economic prosperity of the State and local communities through a resilient and integrated transportation system. Freight system competitiveness, transportation system efficiency, and a return on transportation investments are key performance measures established for freight in support of the Caltrans *Strategic Management Plan*.

Hydraulics

The project is located within the 100-year floodplain and between Uvas Creek and Pajaro River. Any impact to the base floodplain and natural flow of the creeks due to the development and site geographical modifications shall be evaluated. Site drainage plans shall be submitted to Caltrans for review to ensure that there is no adverse impact to the state highway and its drainage facilities.

Lead Agency

As the Lead Agency, the County of Santa Clara 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.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, and six (6) sets of

David Rader, County of Santa Clara

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plans clearly indicating the State ROW, and six (6) copies of signed and stamped traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jake Freedman at 510-286-5518 or jake.freedman@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pat", followed by a period.

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse



City of Hollister Development Services

339 Fifth Street, Hollister, CA. 95023 Telephone (831) 636-4360 • Fax (831) 634-4913

November 16, 2018

To: County of Santa Clara
Department of Planning and Development
Attn: David Rader
County Government Center
70 West Hedding Street
San Jose, California 95110

From: City of Hollister Development Services Department
339 Fifth Street
Hollister, California 95023

RE: Notice of Preparation of an Environmental Impact Report for the Z-Best Composting Facility Modifications Project

Dear Mr. Rader,

The City of Hollister received a Notice of Preparation for the preparation of an Environmental Impact Report for the Z-Best Composting Facility Modifications Project on October 16, 2018. The City of Hollister Development Review Committee reviewed the Notice of Preparation in order to prepare a written response to the Notice of Preparation.

The City of Hollister appreciates the opportunity to respond to the Notice of Preparation for the Z-Best Composting Facility Modifications Project. The City of Hollister recognizes that the facility is several miles from the corporate limits of the City, but the facility does have an effect on our businesses and residents. Since the 1970's an increasing number of residents living in City of Hollister commute on Highway 25 to jobs in the Santa Clara Valley due primarily to the long-standing lack of housing production in relation to job generation. The corridor Z-Best operation is located close to the boundary between Santa Clara and San Benito Counties on the primary commute corridor to the Santa Clara Valley. The City of Hollister requests that the Environmental Impact Report address the following:

1. Project Description:
 - a. Include maps that clearly illustration the location, length and design of the proposed acceleration and deceleration lanes and the timing for the improvement. When will the improvements be completed?
2. Aesthetics
 - a. The Z-Best operation is close to the end of Santa Clara County but is near the Gateway to San Benito County. The combination of odor and appearance of the existing operations detract from the aesthetics leading to San Benito County. This affects the perception of prospective businesses, travelers visiting Pinnacles National Park, Hollister Hills State Vehicular Recreation Areas and our wine trails. It is recognized that the operation exists and CEQA analysis is limited to evaluating the existing plus project conditions. Careful consideration of the aesthetics of the operation on one of the primary corridors leading to the City of Hollister would be greatly appreciated.
3. Air Quality/Project Description
 - a. The project proposes to convert the composting process from a windrow composting system to a state aerated pile composting system using technology from Engineered Compost Systems. The odors at the existing facility affect drivers with allergies driving to and from the City of Hollister and there have been ongoing complaints in the community about the objectionable smell from the existing operation. Describe in the EIR the consistency of the existing operation with air quality standards for odor and the existing

plus project impact of odor and the health effects of the concentrated emissions/odors to drivers that use the corridor daily to commute that have allergic reactions to the facility. Describe in the EIR the effectiveness of the proposed system with the proposed scale of the operation. Evaluate other alternative compost strategies.

- b. What type of monitoring and remediation will be used if odor impacts and allergic reactions remain/increase?

4. Traffic and Circulation

- a. The project proposes to limit truck traffic from the hours of 8pm to 4am. How will this be monitored and enforced? A large number of commuters use the corridor to travel to work early in the morning. 24-hour traffic counts at the intersection should be used to establish whether there are peak hours besides the typical 7-9am and 4-6pm.
- b. Debris on Highway 25 near the Z-Best operations has posed safety hazards to residents in our community, especially on a motorcycle. Please describe the measures to limit transport of debris onto the highway and safety impacts and mitigation measures.

The City of Hollister appreciates the opportunity to submit comments on the Notice of Preparation. Please contact the City Development Services Department at (831) 636-4360 should you have any questions regarding this letter.

Sincerely,



Eva Kelly
City of Hollister Development Services Department