

# **Final Environmental Impact Report**

## **Z-Best Composting Facility Modifications**

SCH 2018102041

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## Acronyms and Abbreviations

AADT	Average Annual Daily Traffic
ADA	American Disabilities Act
BAAQMD	Bay Area Air Quality Management District
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CEQA	California Environmental Quality Act
CASP	covered aerated static pile
CHP	California Highway Patrol
CLOMR	Conditional Letter of Map Revision
Composting General Order	General Waste Discharge Requirements for Composting Operations contained in Order No. WQ 2015-0121-DWQ adopted on August 4, 2015, and amendments under Order WQ 2020-0012-DWQ, adopted on April 7, 2020.
County	County of Santa Clara
CTI	Compost Technologies, Inc.
DSDD	Design Standard Decision Document
ECS	Engineered Compost Systems
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
FEMA	Federal Emergency Management Agency
Final EIR	Final Environmental Impact Report
General Order	Composting General Order
GHG	greenhouse gas
HDPE	high-density polyethylene
ICE	Intersection Control Evaluation
Lead agency	County of Santa Clara
LOS	Level of Service
MA	Maintenance Agreement
MGS	Midwest Guardrail System
MSW	municipal solid waste

NAVD 88	North American Vertical Datum of 1988
NOAA	National Oceanic and Atmospheric Administration
NOP	Notice of Preparation
NOx	nitrogen oxides
OPR	California Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PAED	Project Approval and Environmental Document
RDEIR	Recirculated Draft Environmental Impact Report
ROG	reactive organic gases
ROW	right-of-way
RWQCB	Regional Water Quality Control Board (Central Coast)
SB	southbound
SCAQMD	South Coast Air Quality Management District
SCH	State Clearinghouse
SJVAPCD	San Joaquin Valley Air Pollution Control District
SR	State Route
STN	State Transportation Network
SWRCB	State Water Resources Control Board
TACs	toxic air contaminants
TDM	Travel Demand Model
TMP	Transportation Management Plan
VMT	vehicle miles traveled
VOC	volatile organic compounds
VW	Valley Water (Santa Clara Valley Water District)

# 1 Introduction

## 1.1 CEQA Process

On April 20, 2023, the County of Santa Clara (lead agency) released for public review a Recirculated Draft Environmental Impact Report (RDEIR) for the proposed Z-Best Composting Facility Modifications (SCH# 2018102041) pursuant to the requirements of the California Environmental Quality Act (CEQA). The 60-day public review and comment period (which was extended beyond the minimum 45-day review period required by CEQA) on the RDEIR began on April 20, 2023, and closed on June 19, 2023.

Section 15088(a) of the CEQA Guidelines states that:

*The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.*

In accordance with CEQA Guidelines Section 15088.5(f)(1), and as advised in the Notice of Availability and in Section 1.2.3 of the RDEIR, although the previous comments on the original Draft Environmental Impact Report (original Draft EIR) are still part of the administrative record and were taken into consideration during preparation of the RDEIR, those comments do not require a written response in the Final Environmental Impact Report (Final EIR). **Therefore, this Final EIR only responds to comments submitted in response to the RDEIR.**

Accordingly, the County of Santa Clara (County) has evaluated the comments received on the RDEIR for the Z-Best Facility Modifications (the Project) and prepared written responses to those comments. CEQA does not require the lead agency to respond to comments about the merits of the proposed project unless they involve the EIR's analysis of its environmental issues.

This response to comments document, together with the RDEIR as published, and the Mitigation Monitoring and Reporting Program attached as Appendix A, constitute the Final EIR for the Project.

Certification of the Final EIR as adequate and complete must take place before the County can approve the Project. Certification of the Final EIR does not constitute approval of the Project; certification is required for ultimate project approval, but the approval would be a separate action by the County.

## 1.2 Document Organization

Pursuant to Section 15132 of the CEQA Guidelines, a Final EIR shall consist of:

- a) The Draft EIR or a revision of the draft;

- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

This Final EIR is divided into the following sections and appendices:

- Section 1, “Introduction,” describes the CEQA process and the organization of this document.
- Section 2, “Agencies, Organizations and Persons Commenting on the Recirculated Draft EIR,” lists all agencies, organizations and persons that submitted written or oral comments on the RDEIR during the public review and comment period. The list also indicates the receipt date of each written correspondence and the comment code assigned to each commenter.
- Section 3, “Responses to Comments Received on the Recirculated Draft EIR,” details the specific comments received during the public review period and provides the County’s response to each comment. Each substantive comment within a particular comment letter is assigned a unique number along with the comment code for that commenter, with corresponding responses similarly numbered. Verbal comments received during the public meeting held during the review period are summarized and responded to in turn.
- Section 4, “Changes to the Recirculated Draft EIR,” contains text changes to the RDEIR made in response to comments received on the RDEIR or initiated by County staff.

Appendix A contains full copies of the comment letters and emails received in their original format. Appendix B contains the Mitigation Monitoring and Reporting Program, which identifies mitigation measures and the responsible parties, tasks, and schedule for monitoring mitigation compliance. Appendix C contains updated tables and figures, and Appendix D contains additional appendices to the EIR added in response to comments received on the RDEIR.

## 2 Agencies, Organizations and Persons Commenting on the Recirculated Draft EIR

In accordance with CEQA Guidelines Section 15088, this document includes written responses to email and letter comments received by the County on the RDEIR during the public review period, as well as for two letters received following the close of public review. No verbal comments on the RDEIR were received at the public meeting held on May 30, 2023.

Table 2-1 below lists all written comments received on the RDEIR. Each commenter is given a unique commenter code, which is used in Section 3 of this document to identify individual subtopics raised by the commenters and the County's responses to those comments. Full copies of each written comment letter are contained in Appendix A.

**Table 2-1: List of Written Comments Received on the Recirculated Draft EIR**

<b>Code</b>	<b>Name of Commenter</b>	<b>Comment Type</b>	<b>Comment Date</b>
CALTRANS-A	Yunsheng Luo, California Department of Transportation	Agency	June 5, 2023
CALTRANS-B	Nick Saleh, California Department of Transportation	Agency	Sept 15, 2023
CHP	P. Cooper, California Highway Patrol	Agency	May 21, 2023
RWQCB	Ryan Lodge for Matthew T. Keeling, Central Coast Regional Water Quality Control Board	Agency	Sept 5, 2023
VW	Benjamin Hwang, Valley Water	Agency	June 20, 2023
DORADO	Dorado Leasing (via JRG Attorneys, with attached exhibits by Dr. Trevor Suslow)	Individual	June 20, 2023
OSHINS	Cary Oshins	Individual	May 24, 2023
ZBEST	John Doyle, GreenWaste (with attached exhibit from WSP USA, Inc.)	Project Applicant	May 31, 2023



# 3 Responses to Comments Received on the Recirculated Draft EIR

In accordance with CEQA Guidelines Section 15088, this document includes written responses to all comments received by the County on the RDEIR during the public review period. Written comments are presented in Section 3.1, each followed by the County's response. Within each section, comments and associated responses are organized by commenter type (agency, organization, or individual) and then alphabetically, by commenter code. See Section 2 of this document for a full list of all commenters, and Appendix A for full copies of all written comments received.

Six written comment letters were received during the public review period for the RDEIR, and two additional letters were received after the close of the review period. Each comment letter has been divided into individual comment topics requiring a response, e.g., the first topic raised in a letter is coded as [Commenter Code]-1, the second topic is coded as [Commenter Code]-2. The text or a summary of each comment topic is reproduced below, followed by the County's response to that comment topic, in turn. Where changes to the RDEIR are made in response to a comment, the response to the particular comment states this and explains which section of the RDEIR has been modified. All text changes to the RDEIR are presented in Section 4, "Changes to the Recirculated Draft EIR," of this Final EIR.

## 3.1 Written Comments and Responses to Comments

### 3.1.1 Agency Comments

#### ***CALTRANS-A: California Department of Transportation***

##### ***Comment CALTRANS-A-1:***

*The project vehicle miles traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per the recirculated DEIR, this project is found to have significant VMT impact. Please consider measures to mitigate the project's impact to VMT, including those listed in the following section.*

##### ***Response to Comment CALTRANS-A-1:***

This is an introductory comment requesting consideration of additional VMT mitigation measures as presented in comment CALTRANS-A-2. See Response to Comment CALTRANS-A-2 below.

**Comment CALTRANS-A-2:**

*Location efficiency factors, including community design and regional accessibility, influence a project's impact on the environment. Using Caltrans' Smart Mobility Framework Guide 2020 (link), the proposed project site is identified as a Suburban Community/Area where community design is moderate to weak and regional accessibility varies.*

*Given the place, type and size of the project, the recirculated DEIR should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. The measures listed below have been quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:*

*Suburban and Rural strategies*

- *Increased location efficiency;*
- *Orientation of Project towards non-auto corridor;*
- *Pedestrian network improvements;*
- *Discounted transit programs (rural);*
- *Provide local shuttles to increase transit outreach (rural);*
- *Employer-based vanpool;*
- *Telecommuting programs and alternative work schedules*

*Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets.*

*Please reach out to Caltrans for further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, refer to the CAPCOA Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (link).*

**Response to Comment CALTRANS-A-2:**

As described in a follow-up letter from Caltrans (see Comment CALTRANS-B-3 below), this comment's reference to "Suburban Community/Area" is an error, and the correct classification for the Project site is "Rural Area." The Smart Mobility Framework Guide acknowledges that opportunities to employ smart mobility principles in rural areas are largely concentrated in small town settings, and that challenges include limited opportunities for bicycle and pedestrian transportation, limited feasibility of transit systems, and few opportunities to increase location efficiency (Caltrans 2020).

The significant and unavoidable vehicle miles traveled (VMT) impact of the Project is predominantly due to the large increase in heavy truck traffic associated with the increased volume of municipal solid waste (MSW) that would be hauled from various material recovery facilities to the Project site, increased volume of non-compostable trash to various landfills, and increased volumes of finished product from the Project site to various markets. The Project would result in an estimated increase of 1,136 VMT per

day due to the increase in employees, compared to an estimated increase due to truck traffic of 7,712 VMT per day (normal operations) and up to 12,109 VMT per day (peak season operations). Therefore, the contribution to VMT impacts from employee vehicle trips would be comparatively minor. The majority of potential mitigation measures suggested by the commenter address only employee-related VMT, and therefore would have negligible impact on reducing overall VMT from the Project. Furthermore, due to the rural location of the Project site, the distribution of existing (and presumed future) employee residences per Table 2 of Appendix G-2 of the RDEIR, the lack of existing transit programs, staggered employee shift times, and the 24-hour operating conditions at the facility, any employer-based vanpool or discounted/supplemented transit programs are unlikely to substantially reduce even the employee-related VMT for the site. In addition, California law currently prohibits public agencies from requiring employers to implement employee trip-reduction programs unless federal law expressly requires such a program. (See Health & Safety Code § 40717.9.)

As discussed in Section 13.4.1 of the RDEIR, the estimated increase in truck-based VMT identified in the RDEIR is a conservative, “worst case” scenario, as no account has been taken for the associated reduction in VMT from the decreased number of trucks transporting MSW to landfills or other composting facilities compared to existing or No Project conditions. As discussed in Section 7.4.2 of the RDEIR, implementation of the proposed Project would enable Z-Best to compost up to 875 tons per day more MSW than is possible under existing conditions, which would result in a decrease in vehicle miles traveled from trucks transporting this waste to other landfills or to other composting facilities in the region. In other words, this waste would continue to be generated in the region and would need to be disposed in a landfill or an alternate composting facility. The 2020 greenhouse gas (GHG) evaluation in Appendix B-5 of the RDEIR included evaluation of a range of truck travel scenarios for informational purposes. The avoided VMT associated with these scenarios ranged from 4,833 VMT/day to 15,128 VMT/day, depending on the assumptions made regarding the avoided trips. Two of the four scenarios considered would avoid sufficient VMT/day to offset the Project’s truck-based 7,712 VMT/day for normal operations, and one of the scenarios would avoid sufficient VMT to offset the Project’s truck-based 12,109 VMT/day for peak season operations. However, as discussed in Section 13.4.1 of the RDEIR, due to the lack of available models for analyzing truck trip VMTs or quantitative thresholds for truck-based VMT impacts in rural areas, the EIR considered any increase in truck-based VMT as a potentially significant impact.

As detailed in Section 13.4.1.1 of the RDEIR, no feasible mitigation measures to reduce truck-based VMT have been identified; therefore, the conclusion of the EIR that VMT impacts would be significant and unavoidable is unchanged.

No changes to the RDEIR are recommended in response to this comment.

**Comment CALTRANS-A-3:**

*Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.*

**Response to Comment CALTRANS-A-3:**

As described in a follow-up letter from Caltrans (see Comment CALTRANS-B-4 below), this comment should be replaced with the text provided in that letter. Please see Response to Comment CALTRANS-B-4, below.

**Comment CALTRANS-A-4:**

*The expansion of the Z-Best facility is expected to increase the truck movement in and out of the facility at the intersection. These trips should be restricted to off peak times whenever possible. Since southbound (SB) SR-25 has only one lane at the Bolsa intersection, a merging lane should be provided for trucks turning right when leaving the facility. A storage lane should be provided for the vehicles turning left at the intersection towards Bolsa Road. The minimum length of the left and right turn lanes from SR-25 to Bolsa Road should be 486 feet plus the storage lane length. The approach taper length for both should be at least 660 feet within Caltrans' ROW.*

*Caltrans has documented operational benefits of a SB receiving lane from Bolsa Road and documented these benefits with the project sponsor in an Intersection Control Evaluation (ICE) report. Caltrans recommends that the project add a receiving lane in the SB median for traffic making a left from SB Bolsa Road onto SB SR-25. It should be noted that the proposed project uses all available Right-of-Way (ROW) making it a challenge for Caltrans to pursue the addition of a receiving lane as a standalone project. As stated previously, and as a condition of approval for any Caltrans encroachment permit, Caltrans requests that the appropriate ROW considerations are made as to not preclude future intersection improvements.*

*To adequately evaluate the potential impact of the truck turning patterns on SR-25, please provide more information, such as truck turning radius and center turning radius, for Caltrans to review.*

**Response to Comment CALTRANS-A-4:**

As discussed in Section 13.4.2.1 of the RDEIR, the Project already proposes to restrict new truck movements to off-peak hours and would also re-assign the timing of existing truck trips to result in a net decrease in peak-hour truck movements as compared to baseline conditions.

As discussed in Section 13.4.2.3 of the RDEIR, mitigation measure MM-TRA-2 (which incorporates MM-TRA-2-Alt3) is recommended, which would require either that the relocated driveway/Bolsa Road intersection be signalized (thereby avoiding the need for a merging lane for trucks turning right onto State Route (SR)-25 from the facility and requiring coordination with Caltrans to determine the appropriate signalized intersection layout as part of the encroachment agreement) or would alternatively require that the

driveway be retained in its existing location with several improvements including a merging lane for trucks turning right onto SR-25 from the facility.

Caltrans is already planning the installation of a storage lane (i.e., left turn lane) for vehicles turning left from SR-25 onto Bolsa Road and a southbound receiving lane from Bolsa Road, which was analyzed as a cumulative project (see Section 15 of the RDEIR). The analysis found that the cumulative impact of the Z-Best and Caltrans projects on traffic safety would be potentially significant, due to the complex intersection geometry that would be required to accommodate all of the proposed turning lanes. The proposed mitigation (MM-TRA-2) requires that either a traffic signal be installed to control traffic at the Bolsa Road intersection or that the driveway be retained in its existing location in accordance with mitigation measure MM-TRA-2-Alt3 so that it does not interfere with Caltrans' proposed installation of a receiving lane/storage lane at Bolsa Road. Figure 6 of Appendix G-3 (Traffic Safety Memorandum), reproduced as Figure 1 below, shows a conceptual layout for how addition of turning lanes at the existing driveway might be implemented in conjunction with Caltrans' proposed SR-25/Bolsa Road intersection improvements. The final design would need to be approved by Caltrans as part the encroachment permit.



**Figure 1: Conceptual Intersection Layout for Alternative 3 + Cumulative Scenario (not to scale)**

Truck turning radii for the proposed intersection layout are provided in Figure 4 of Appendix G-1 to the RDEIR; however, the proposed intersection layout shown in that figure would not be implemented, due to the requirements of mitigation measure MM-TRA-2 (which requires either signalization of the intersection or retention of the existing driveway location with additional improvements). Details of the mitigated driveway layout, including truck turning radii, would be provided by the Applicant to Caltrans for review and approval as part of the encroachment permit process.

No changes to the RDEIR are required in response to this comment.

**Comment CALTRANS-A-5:**

*There are plans for widening SR-25 from San Felipe Road within the Hollister City limits to US-101 near Gilroy. In 2016, a Project Approval and Environmental Document (PAED) was completed that generally set an outline of ROW needs for such a project. Before any approvals are given, it is important to confirm that the project modifications preserve enough ROW consistent with the final document. The ultimate project includes constructing a median barrier as part of the expressway conversion which will make the Z-Best facility driveway a right-in right-out scenario.*

**Response to Comment CALTRANS-A-5:**

The future plans for the SR-25 Expressway Conversion Project are identified as a cumulative project within the RDEIR (see item 15 in Table 15-1). The proposed Project does not include any reduction in right-of-way (ROW) width, and final design of the site access and associated improvements to SR-25 (either as a signalized Bolsa Road/Z-Best Driveway intersection, or as improvements at the existing driveway location) would be required to obtain an encroachment permit from Caltrans.

No changes to the RDEIR are required in response to this comment.

**Comment CALTRANS-A-6:**

*The proposed retaining walls on both sides of SR-25 are within the clear recovery zone. Please consider obtaining additional right of way to extend the side slope to match with the existing ground. Otherwise, the Midwest Guardrail System (MGS) is needed at the hinge point to prevent errant vehicles going over the retaining walls.*

**Response to Comment CALTRANS-A-6:**

As discussed previously in Response to Comment CALTRANS-A-4, mitigation measure MM-TRA-2 requires that the relocated driveway/Bolsa Road intersection be signalized or would alternatively require that the Z-Best driveway be retained in its existing location with several improvements such as acceleration and deceleration lanes added. The mitigation measure specifically states that whichever approach is ultimately taken, the Applicant shall obtain an encroachment permit from Caltrans to implement the modified design and shall comply with all conditions of the permit and/or modifications to the design requested by Caltrans as part of the permit review and approval process. This would include maintenance of a clear recovery zone in accordance with Caltrans standards.

No changes to the RDEIR are required in response to this comment.

**Comment CALTRANS-A-7:**

*The Applicant should provide calculations showing the pre-and post-project runoff to Caltrans facilities when submitting the encroachment permit application for the project work along SR-25.*

**Response to Comment CALTRANS-A-7:**

Section 11.4.1.2 of the RDEIR acknowledges that the proposed improvements within the SR-25 right of way must comply with the Caltrans NPDES Permit. Minor edits are proposed to Section 4.4.2, Section 11.4.1.2, and MM-TRA-2 in Section 13.4.2.3 of the RDEIR to further clarify that the Applicant must submit hydraulic calculations as part of the encroachment permit process and comply with Caltrans' stormwater management standards (see Section 4 below).

**Comment CALTRANS-A-8:**

*Project work that requires movement of oversized or excessive load vehicles on State roadways require a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).*

**Response to Comment CALTRANS-A-8:**

As discussed in Section 13.4.3 of the RDEIR, mitigation measure MM-TRA-3 requires the Applicant or their contractor to prepare a Construction Traffic Management Plan in accordance with MUTCD requirements and the Caltrans Transportation Management Plan Guidelines, which would require review and approval by Caltrans. Minor edits are proposed to Section 4.4.2 and MM-TRA-3 in Section 13.4.3 to clarify that a transportation permit from Caltrans would also be required if oversized or excessive load vehicles would be utilized (see Section 4 below).

**Comment CALTRANS-A-9:**

*Any utilities that are proposed, moved or modified within Caltrans' ROW shall be discussed. If utilities are impacted by the project, provide site plans that show the location of existing and/or proposed utilities. These modifications require a CALTRANS-issued encroachment permit.*

**Response to Comment CALTRANS-A-9:**

Utility plans would be submitted by the Applicant as part of the encroachment permit application required as part of mitigation measure MM-TRA-2. Minor edits are proposed to Section 4.4.2 of the RDEIR to clarify that Caltrans would review proposed utility modifications within SR-25 as part of the encroachment permit process (see Section 4 below).

**Comment CALTRANS-A-10:**

*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.*

**Response to Comment CALTRANS-A-10:**

Mitigation measure MM-TRA-2A requires the Applicant to contribute its fair share of the cost for installation of traffic controls at the Bolsa Road/SR-25/Project site driveway. Although the County will monitor compliance with this condition, the County does not have any information regarding the details or total cost of the installation of traffic controls and, therefore, cannot determine the Project's fair share contribution. This information will need to be determined by Caltrans when this information is available. Minor edits are proposed to this mitigation measure to clarify that the Applicant's funding contribution to the cost of all SR-25 improvements (not just the traffic controls) would be determined by Caltrans, and that the Project Applicant would be fully responsible for the cost of Project-related improvements and mitigation on the Project site. Similar edits are also proposed to MM-TRA-2B in Section 13.4.2.3 of the RDEIR with respect to the alternative site access via modification of the existing Project site driveway instead of signalization of the relocated driveway (see Section 4 below). See also Response to Comment CALTRANS-B-1.

**Comment CALTRANS-A-11:**

*If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.*

**Response to Comment CALTRANS-A-11:**

As discussed in Section 13 of the RDEIR, there are no existing bicycle or pedestrian access facilities in proximity to the Project site that would be impacted by the Project. Mitigation measure MM-TRA-3 requires the preparation and implementation of a Construction Traffic Management Plan during construction, which requires the repair and restoration of any impacted facilities to Caltrans requirements (which would include compliance with the Americans with Disabilities standards, if applicable). Minor edits are proposed to MM-TRA-3 in Section 13.4.3 of the RDEIR to specifically state that pedestrian and bicycle access through the SR-25 corridor shall be maintained throughout construction (see Section 4 below).

**Comment CALTRANS-A-12:**

*Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a CALTRANS-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).*

*To obtain information about the most current encroachment permit process and to download the permit application, please visit [Caltrans Encroachment Permits \(link\)](#). Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).*

**Response to Comment CALTRANS-A-12:**

The need for the Applicant to obtain an encroachment permit from Caltrans is acknowledged within Sections 4.4.2 and 13 of the RDEIR. See also responses to comments CALTRANS-A-7, CALTRANS-A-8, CALTRANS-A-9, and CALTRANS-A-11 above.

No additional changes to the RDEIR are required in response to this comment.



## **CALTRANS-B: California Department of Transportation**

### **Comment CALTRANS-B-1:**

*Under section “MM-TRA-2: Installation of Traffic Controls or Retention of Driveway in Existing Location”, please revise the sections A and B as recommended below:*

- A. The Applicant shall modify its proposed design for the SR-25 improvements and driveway relocation to include the installation of traffic signals at the intersection of SR-25/Bolsa Road/relocated driveway, if agreed to by Caltrans. The Applicant shall obtain an encroachment permit from Caltrans to implement the modified design and shall comply with all conditions of the permit and/or modifications to the design requested by Caltrans as part of the permit review and approval process, including maintenance of a clear recovery zone and compliance with Caltrans’ stormwater management standards. The Applicant is fully responsible of the proposed project cost and any mitigation impacts to traffic operations and safety. The Applicant’s funding contribution to the cost of the SR-25 improvements, either in full or in part, shall be determined by Caltrans.*
- B. The Applicant shall not increase processing capacity of the facility (and associated increase in haul-truck and employee traffic) at the site until either (1) the signalized intersection is operational in accordance with MM-TRA-2A above, or (2) alternative improvements are made to the existing project site driveway in accordance with Alternative 3 and mitigation measure MM-TRA-2-Alt 3 and no relocation of the project site driveway shall occur until the signalized intersection is operational in accordance with MM-TRA-2A. The Applicant shall obtain an encroachment permit from Caltrans to implement the modified design and shall comply with all conditions of the permit and/or modifications to the design requested by Caltrans as part of their permit review and approval process. The Applicant is fully responsible of the proposed project cost and any mitigation impacts to traffic operations and safety. The Applicant’s funding contribution to the cost of the SR-25 improvements, either in full or in part, shall be determined by Caltrans.*

### **Response to Comment CALTRANS-B-1:**

The commenter’s suggested revisions to mitigation measure MM-TRA-2 in Section 13.4.2.3 of the RDEIR provide additional clarification regarding the need for Caltrans approval for the installation of traffic signals at the intersection of SR-25/Bolsa Road/relocated driveway and the need for Caltrans determination of funding contributions for any SR-25 improvements associated with the Project. The suggested revisions also clarify that the Applicant is fully responsible for the cost of Project-related improvements and mitigation on the Project site. Minor edits are proposed to MM-TRA-2 in response to this comment, as shown in Section 4, although minor alterations to the language suggested by the commenter have been made for additional clarity. The proposed edits to the mitigation measures do not affect the analysis of the RDEIR or the conclusion that the impact of the Project to operational traffic safety would be less than significant with mitigation.

**Comment CALTRANS-B-2:**

*Under section “Mitigation Measure MM-TRA-2-Alt3: Installation of Intersection Lighting and Warning Signage”, please revise the section as recommended:*

*The proposed design for Alternative 3 shall include the installation of a southbound acceleration lane for trucks turning right out of the existing Z-Best driveway, as well as installation of intersection lighting at the existing intersection of SR-25/Bolsa Road and at the existing Z-Best driveway, and installation of “Caution: Trucks Entering Highway” signage on SR-25 on both approaches to the driveway. The Applicant shall obtain an encroachment permit from Caltrans to implement the modified design and shall comply with all conditions of the permit and/or modifications to the design requested by Caltrans as part of their permit review process. The Applicant is fully responsible of the proposed project cost and any mitigation impacts to traffic operations and safety. The Applicant’s funding contribution to the cost of the SR-25 improvements, either in full or in part, shall be determined by Caltrans.*

**Response to Comment CALTRANS-B-2:**

The commenter requests revisions to mitigation measure MM-TRA-Alt3 (from Section 18.4.3.3 of the RDEIR) to clarify that the Applicant is fully responsible for the cost of Alternative 3-related improvements and mitigation on the Project site and the need for Caltrans determination of funding contributions for any SR-25 improvements associated with the Alternative 3. Minor edits are proposed to MM-TRA-2-Alt3 in response to this comment, as shown in Section 4, although minor alterations to the language suggested by the commenter have been made for additional clarity. The proposed edits to the mitigation measures do not affect the analysis of the RDEIR or the conclusion that the impact of Alternative 3 to operational traffic safety would be less than significant with mitigation.

**Comment CALTRANS-B-3:**

*For items related to our June 5th comment letter:*

- A. Under the subheading “Mitigation Strategies”, please correct the classification of the project site as “Rural Area.”*

**Response to Comment CALTRANS-B-3:**

This comment provides clarification/corrections to the previous comment letter sent by Caltrans on June 5, 2023 (refer to comment CALTRANS-A-2, above). Response to Comment CALTRANS-A-2 has taken this correction into account. No changes to the RDEIR are required in response to this comment.

**Comment CALTRANS-B-4:**

- B. Please replace the section “Transportation Impact Fees” to “Fair Share Contributions”: We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.*

**Response to Comment CALTRANS-B-4:**

This comment provides clarification/corrections to the previous comment letter sent by Caltrans on June 5, 2023 (refer to comment CALTRANS-A-3, above).

As discussed in Section 13.4.1.1 of the RDEIR, due to the rural nature of the site and lack of existing transit services or bicycle/pedestrian facilities serving the Project site, common travel demand management strategies that are more available and feasible in urban settings to increase sustainable mode shares and reduce VMT are not available for the proposed Project. For example, the rural location of the Project site, the distribution of existing (and presumed future) employee residences per Table 2 of Appendix G-2 of the RDEIR, the lack of existing transit programs, staggered employee shift times, and the 24-hour operating conditions at the facility would not feasibly support an employee vanpool program. Furthermore, there are no planned transit, bicycle, or pedestrian improvements proposed along the SR-25 corridor or Bolsa Road, and the County is not aware of any available fair share programs for multi-modal and regional transit improvements to mitigate VMT in the region.

No changes to the RDEIR are recommended in response to this comment.

### **CHP: Department of California Highway Patrol**

#### **Comment CHP-1:**

*I was recently requested to review the Notice of Environmental Impact document from the State Clearinghouse (SCH) related to the proposed Z-Best Composting Facility Modifications located at 980 State Route 25, Gilroy, CA 95020. The California Highway Patrol's (CHP) interest in commenting surrounds our concerns for the increase in heavy truck traffic entering and exiting the facility from the newly proposed uncontrolled driveway onto a State Highway. In addition, the CHP's interest surrounds the increased response times, enforcement, services calls resulting from the increase in heavy truck traffic and the subsequent impact to vehicular traffic. The plan needs to ensure all roadways being utilized or altered, can support the weight of the increased number of loaded trucks and will not degrade. The plan needs to ensure any changes to the roadway configuration consider the 100 extra trucks per day that will be entering and exiting the facility and the impact this will have on vehicular traffic on State Route 25.*

#### **Response to Comment CHP-1:**

The impacts of increased operational truck traffic on SR-25 are analyzed within Section 13.4.2 of the RDEIR. Mitigation measures are proposed to reduce the identified impacts to the extent feasible, including but not limited to the requirement for either installation of traffic signals at the new driveway/Bolsa Road/SR-25 intersection; or alternatively, retaining the existing driveway location and implementing additional safety improvements (see MM-TRA-2 in Section 13.4.2.3 of the RDEIR).

With regard to the weight of the increased number of loaded trucks, the average daily truck traffic of 1,790 truck trips per day under existing conditions is approximately 6.5 percent of total daily traffic on this segment of SR-25, compared to an average percentage truck traffic of 10.37 percent on all State highways (Caltrans 2023). The proposed Project would add approximately 100 additional truck trips, which is an increase of approximately 5 percent of total daily truck traffic. SR-25 is a State highway that has been constructed and is maintained in accordance with Caltrans design standards, which include consideration of heavy truck traffic. Any Project-related improvements within the State ROW associated with the SR-25/Bolsa Road/Project site driveway intersection (or improvements to the existing driveway intersection under Alternative 3) would also be required to comply with Caltrans design standards and be

approved by Caltrans as part of the encroachment permit process. Therefore, SR-25 is anticipated to be able to support the increase in heavy truck traffic associated with Project operations. Furthermore, the State imposes weight-related fees on commercial vehicles in addition to other registration fees,<sup>1</sup> and preempts local agencies from imposing additional fees.<sup>2</sup>

No changes to the RDEIR are recommended in response to this comment.

**Comment CHP-2:**

*The plan needs to seriously address material spillage from loaded trucks, that is already present at the current driveway site, it's [sic] impact on the safety of the roadway conditions, and how this will be mitigated. Currently, the material spillage contributes to roadway markings becoming obstructed and a safety issue in roadway conditions.*

**Response to Comment CHP-2:**

Mitigation measure MM-AES-2 in Section 5.4.2 of the RDEIR includes requirements for an off-site litter management plan, which would include procedures and penalties to discourage haul trucks arriving on site or transporting materials from the facility from failing to properly secure their loads. While this mitigation measure was recommended in order to reduce the aesthetic impacts of trash/litter along the SR-25 frontage, it would also serve to reduce the potential for material spillage and associated obstructions of roadway markings. State law also requires vehicle contents to be covered so that nothing spills or otherwise escapes from the vehicle.<sup>3</sup>

Minor edits are proposed to MM-AES-2 to address material spillage as well as litter (see Section 4, below). Minor edits are also proposed to Section 13.4.2 of the RDEIR to acknowledge the potential traffic safety impact from obscured road markings due to material spillage.

**Comment CHP-3:**

*After reviewing the Traffic Engineers report on the plan, I do agree there are several items which need to be implemented to ensure the safety of the motoring public and flow of traffic on SR-25 and Bolsa Road. As described in the attachment, traffic on SR-25 and Bolsa Road is already heavy and Bolsa Road does have a restriction for left turns onto SR-25, Monday-Friday from 3pm-7pm. The roadway improvements to SR-25 and Bolsa Road are necessary and needed, to include the left turn lane improvements and acceleration lanes. With the requested realignment change to the Bolsa Road intersection, a severe safety concern exists with slow moving heavily loaded trucks entering/exiting onto SR-25, specially with the existing issues of material spillage.*

**Response to Comment CHP-3:**

As discussed in Section 13.4.2 of the RDEIR, operational traffic safety impacts of the Project are identified as potentially significant, and mitigation measure MM-TRA-2 is recommended to reduce the impact to a less than significant level. With implementation of MM-TRA-2, which requires either signalization of the new intersection or retention of

<sup>1</sup> Veh. Code § 9400 *et seq.*; California Dept. of Motor Vehicles, Vehicle Industry Registration Procedures Manual, § 3.085 (Weight Fees).

<sup>2</sup> Veh. Code § 9400.8.

<sup>3</sup> Veh. Code §§ 23114, 23115.

the driveway in its existing location plus additional safety improvements such as acceleration and deceleration lanes, the traffic safety impacts of the Project would be reduced to less than significant with mitigation. See also responses to comments CALTRANS-A-4 and CALTRANS-A-6.

See response to comment CHP-2 for discussion of safety issues from material spillage and associated revisions to the RDEIR.

**Comment CHP-4:**

*Some type of traffic control device needs to be investigated to ensure an increase in crashes does not occur. Additionally, many of the reports referenced in the Engineering report reference data obtained from 2015, which is significantly out of date.*

**Response to Comment CHP-4:**

The RDEIR analyzed potential traffic safety impacts and predicted crash frequency from the Project (see Section 13.4.2.2 and Appendix G-3). The analysis determined that the proposed Project would decrease the predicted crash frequency in the study area as a whole (from 2.8 crashes per year under existing conditions to 1.77 crashes per year with the Project) and would also slightly decrease the predicted crash frequency at the SR-25/Bolsa Road intersection (from 1.8 crashes per year under existing conditions to 1.77 crashes per year with the Project). However, a potentially significant traffic safety impact was identified because the Project is predicted to increase the proportion of broadside crashes, which are typically more severe than other crash types. The RDEIR recommended implementation of MM-TRA-2, which would require either the installation of traffic signals at the proposed SR-25/Bolsa Road/driveway intersection or that the existing Z-Best driveway be retained in its current location, with additional safety improvements such as acceleration and deceleration lanes. As described in Section 13.4.2 of the RDEIR, with implementation of MM-TRA-2, the traffic safety impacts of the Project would be reduced to less than significant with mitigation. The Applicant would be required to obtain an encroachment permit from Caltrans for the Project, which would include consideration of the final SR-25 improvements in relation to the requirements of Caltrans' Manual of Uniform Traffic Control Devices (Caltrans 2024). See also response to comment CALTRANS-A-4 regarding the potential installation of a traffic signal.

With respect to the age of the reference data utilized in the engineering reports, each of the transportation-related appendices and the age of the data therein are addressed in turn below.

The Traffic Operations and Site Access Analysis prepared for the Project (Appendix G-1) utilized existing driveway/intersection traffic count data from 2015, as well as truck scale data from 2013 (which represented the peak operations of the facility over the two years prior to the traffic counts). However, the majority of the Traffic Operations and Site Access Analysis report addresses potential impacts of the Project on Level of Service (LOS), which, as described in Section 13.3.2.1 of the RDEIR, is no longer considered an environmental impact under CEQA. The safety analysis of site access improvements within Appendix G-2 was largely based on the geometric layout of the intersection, and therefore did not rely on existing traffic count data. In any case, that analysis of traffic safety was superseded by the Traffic Safety Memorandum prepared in 2023 (Appendix G-3), discussed below. Therefore, the age of the traffic data used to analyze LOS

impacts in Appendix G-1 does not affect the conclusions of the RDEIR relating to VMT, traffic safety, or emergency access impacts.

The Supplemental VMT Clarification and Analysis memorandum prepared for the Project (Appendix G-2) utilized truck scale data from 2018 (the year that the Notice of Preparation [NOP] was released). Updated truck scale data provided by Z-Best in response to this comment (Doyle, pers. comm. 2023a) shows that the number of trucks per year accessing the Project site increased by approximately 12.5 percent between 2018 and 2022 (from approximately 35,000 trucks in 2018 to approximately 39,400 trucks in 2022). However, the number of existing truck movements at the site does not affect the calculations of the estimated net increase in truck VMT that would be generated by the proposed Project (an increase of 7,712 miles per day for regular days or 12,109 miles per day during peak days) because such calculations rely on the proposed increase in truck trips due to the Project (100 per day during normal operations and 158 per day during peak season), not the existing number of truck trips. Therefore, the age of the existing traffic data presented in Appendix G-2 does not affect the conclusion of the RDEIR that the Project would have a significant and unavoidable VMT impact.

The Traffic Safety Memorandum prepared for the Project (Appendix G-3) utilized crash history data for the 5-year period from 2016 through 2020, which was the most recent data available in 2022 when the report was prepared and includes data from the time of the Project's NOP release (October 2018). The calculations utilized an existing Average Annual Daily Traffic (AADT) of 27,300 for SR-25, which was the AADT at the San Benito/Santa Clara County Line (approximately half a mile from the Project site) in 2018 (when the Project's NOP was released) and also in 2017 and 2019 (Caltrans 2023). Note that AADT at this location decreased to 24,800 in 2020 due to the global COVID-19 pandemic, and most recent available data (2021) show an AADT of 26,500. Therefore, the use of the 2018 AADT for calculations within Appendix G-3 is considered appropriate, and the analysis and conclusions of the RDEIR with respect to operational traffic safety are still valid.

No changes are recommended to the RDEIR in response to this comment.

**Comment CHP-5:**

*Facility operators need to ensure they establish, monitor, and enforce facility rules related to vehicle safety as CHP personnel work to ensure compliance with California Vehicle Code provisions.*

**Response to Comment CHP-5:**

The on-road truck fleet servicing the site (i.e., MSW and green waste haul trucks) is operated by contract waste haulers, independent of Z-Best facility operations, who are required by law to comply with applicable vehicle safety rules such as speed limits and securing of loads. Z-Best has limited ability to establish, monitor, and enforce vehicle safety rules outside of the Z-Best property. Nonetheless, the County intends to include conditions of approval for the Project's Use Permit that will require the Applicant to provide funding for an independent party to provide regular compliance patrols and establish penalties for contract waste haulers that are cited for repeat infractions.

As discussed in response to comment CHP-2 above, minor edits are also proposed to mitigation measure MM-AES-2 in Section 5.4.2 of the RDEIR to address offsite spillage of materials, as well as litter.

No further changes to the RDEIR are required in response to this comment.

## **RWQCB: Central Coast Regional Water Quality Control Board**

### **Comment RWQCB-1:**

*Central Coast Water Board staff (Staff) reviewed the subject letter and do not object to the mitigation measures proposed by the County. The subject mitigation measures do not appear to modify the facility in a way that would result in a violation of the minimum requirements of State Water Resources Control Board Order WQ 2020-0012-DWQ General Waste Discharge Requirements for Commercial Composting Operations (General Order), which currently regulates the facility. Staff do not have specific comments on proposed mitigation measures MM-HYD-1A and MM-HYD-4.*

### **Response to Comment RWQCB-1:**

The comment expresses no objections to the mitigation measures that were presented in a letter from County staff to the Regional Water Quality Control Board (RWQCB) on August 15, 2023. The letter included potential revisions to mitigation measures MM-HYD-1A, MM-HYD-1B, and MM-HYD-5, as well as a potential new mitigation measure MM-HYD-4 that County staff was considering in response to comments received on the RDEIR during the public review period. Given that the RWQCB has no objections to the amended/new mitigation measures, minor edits are proposed to Sections 11.4.1.1, 11.4.4.1, and 11.4.5 of the RDEIR to reflect the language of the mitigation measures from the August 15, 2023 letter. See Section 4, below.

### **Comment RWQCB-2:**

*The letter describes the County's rationale for finding that additional storage capacity is needed within Basin #1 to preclude discharge during a 25-year, 24-hour peak storm event in a wet year with normal operational volumes. As discussed with the County via videoconference on June 26, 2023, and August 2, 2023, and documented in the subject County letter, the Central Coast Water Board assesses compliance with the General Orders design requirements upon enrollment of the General Order and does not specify the exact conditions to be modeled to demonstrate compliance with these design requirements.*

### **Response to Comment RWQCB-2:**

Comment noted. No specific environmental issues or deficiencies of the RDEIR are raised that warrant a response under CEQA.

**Comment RWQCB-3:**

*Section 4 of the Design, Construction, and Operation Requirements – Tier 2 Only prescribed by the General Order require detention basins to meet a hydraulic conductivity of  $1.0 \times 10^{-6}$  cm/sec or less. On May 22, 2023, the Central Coast Water Board approved an engineered alternative liner design for Basin #1 to bring the site into compliance with these minimum containment requirements of the General Order. If mitigation measure MM-HYD-1B requires modifications to the approved liner design, as drawn in the Basin #1 construction drawings dated November 28, 2022, the Central Coast Water Board will need to review the modifications for compliance with the General Order and issue a new approval letter.*

**Response to Comment RWQCB-3:**

Comment noted. Minor edits are proposed to MM-HYD-1B to specifically state that the Applicant must demonstrate compliance with the Composting General Order requirements for hydraulic conductivity if the modified basin design would require changes to the previously approved engineered alternative liner design.

**Comment RWQCB-4:**

*Mitigation measure MM-HYD-5 would require Z-Best to increase the berm height of Basin #2 to at least 150.41 feet so the basin would be able to maintain two feet of freeboard above the 100-year base flood elevation.*

*The Basin #2 liner system is a 60-mil high-density polyethylene (HDPE) geomembrane, underlain by geosynthetic clay. Based on the Basin #2 construction drawing dated April 11, 2018, the liner terminates into the anchor trench at approximately 150 feet on the south facing berm of the basin. Central Coast Water Board staff are concerned that an increase in berm height would allow for storage of fluids at elevations above the liner system and therefore may pose a threat to the effectiveness of containment. Staff recommends that fluid elevations in Basin #2 not exceed the liner elevation if modification to the basin are implemented as part of mitigation measure MM-HYD-5.*

**Response to Comment RWQCB-4:**

The concerns of the RWQCB regarding the potential for water levels in Detention Basin #2 to exceed the existing liner height are acknowledged. Minor edits are proposed to mitigation measure MM-HYD-5 to require that the Applicant shall modify or replace the liner of Detention Basin #2 if required by the RWQCB in order to comply with the hydraulic conductivity requirements of the Composting General Order (or equivalent conditions of an individual permit). See Section 4 below.

**VW: Valley Water****Comment VW-1:**

*Table 2-1 Summary of Impacts and Mitigation (Page 15): There appears to be a formatting error as overlapping text is shown within the table.*

**Response to Comment VW-1:**

Minor edits are proposed to the formatting of Table 2-1 to correct this error. No changes to the content of the table are proposed in response to this comment.



**Comment VW-2:**

*Figure 3-3, Existing Site Operations, (Page 32): Detention basin #2 is shown as 2.0 acres, however, Section 3.1 – Project Location and Site Description (Page 28), describes the basin to have an area of approximately 2.1-acres. Please make sure all figures provided in the EIR are consistent with the descriptions provided in other sections throughout the EIR.*

**Response to Comment VW-2:**

Detention Basin #2 is approximately 2 acres in size, as correctly shown in Figure 3-3. Minor edits are proposed to Sections 3.1 and 11.1.3.2 to make the description of the detention basin size in the text match the figure (see Section 4 below).

**Comment VW-3:**

*Section 4.3.3.1, Leachate from ECS Composting Process (Page 57): The second paragraph references the Hydrology and Water Quality section as ‘Section 10;’ this should be referenced as Chapter 11.*

**Response to Comment VW-3:**

Minor edits are proposed to the cross-reference in Section 4.3.3.1 to correct the cross-reference to the Hydrology and Water Quality section. Minor edits are also proposed to cross-references in Sections 4.3.3.2, 4.3.6.1 and 4.3.6.3 to correct similar incorrect cross-references (see Section 4 below).

**Comment VW-4:**

*Section 4.3.6.1, Finished Site Elevation Changes (Page 67): The Project proposes a new pad within Area 1B to accommodate the ECS improvements, which in turn would raise the existing elevations by approximately one to two feet above the 100-year flood elevations. The EIR should reference the 100-year water surface elevation of 148.5-ft. (NAVD 88) and note that this elevation was established through a Conditional Letter of Map Revision (CLOMR) from FEMA, which was issued as part of prior improvements to the Z-Best facility. The vertical datum should also be referenced for all elevations specified in the EIR. Additionally, Schaaf and Wheeler’s 2012 analysis, supporting the aforementioned CLOMR, should be included as part of Appendix E in the EIR.*

**Response to Comment VW-4:**

Minor edits are proposed to Section 4.3.6.1 to add the elevation of the 100-year flood and its origin. Note that in some sections of the RDEIR, an incorrect elevation of 148.41 feet (North American Vertical Datum of 1988 [NAVD 88]) was stated for the 100-year base flood elevation for the Project site. Minor edits have been made throughout the RDEIR to correct this to 148.5 feet NAVD 88, based on the 2018 Conditional Letter of Map Revision (CLOMR). Minor edits are also made to the introduction of Section 11, Hydrology and Water Quality to include the Schaaf and Wheeler 2012 study as Appendix E-8 to the EIR and the 2018 CLOMR as Appendix E-9. See Section 4 below for all of these changes to the RDEIR. Copies of these two documents are enclosed within Appendix C of this Final EIR. See also Response to Comment VW-18. These changes do not affect the overall conclusions of the RDEIR or ability of the mitigation measures to reduce potential hydrology and water quality impacts to less than significant with mitigation.

**Comment VW-5:**

*Section 4.3.6.2, Modification of Detention Basin #1 (Page 67): The second paragraph indicates that “The eastern portion of the existing basin would no longer to be [sic] used for stormwater detention.” This description is contrary to Figure 4-1 and Figure 4-7, both of which show the footprint of Detention Basin #1 being reduced so that the western portion of the existing basin is no longer in use. Please ensure that the description of the modified detention basin and the figures provided in the EIR are consistent.*

**Response to Comment VW-5:**

Minor edits are proposed to Section 4.3.6.2 to correct the erroneous use of “eastern” instead of “western” (see Section 4 below).

**Comment VW-6:**

*Section 4.3.6.2, Modification of Detention Basin #1 (Page 67): The last sentence of this section notes that no modifications are proposed for Detention Basin #2; this is inconsistent with MM-HYD-5 (EIR, page 264), which proposes to increase the berm height for Detention Basin #2.*

**Response to Comment VW-6:**

Section 4 of the RDEIR describes the Project, as proposed by the Applicant and analyzed by the County. The proposed Project does not include any physical modifications to Detention Basin #2, as correctly described in Section 4.3.6.2. The recommended increase in berm height is proposed by the County as a mitigation measure (MM-HYD-5) to reduce potential impacts related to flood waters overtopping the basin and subsequent release of contaminants to the environment. Per CEQA case law (*Lotus v Department of Transportation* (2014) 223 Cal.App.4th 645, 656), an EIR must analyze the impacts of the Project (without mitigation measures) in order to properly disclose the potential environmental impacts of the Project. Therefore, a description of proposed mitigation measures is not included in the Project Description section of the EIR.

No changes to the RDEIR are recommended in response to this comment.

**Comment VW-7:**

*Section 4.3.6.3, Flood Storage Facility Expansion (Page 69): It is noted that the proposed flood storage facility will require excavations between 5- and 15-feet deep. The EIR should evaluate the existing groundwater table and its impacts to the capacity of the proposed flood storage expansion.*

**Response to Comment VW-7:**

Section 11.1.2 of the RDEIR is being updated to include information on existing depth to groundwater at the Project site, as shown in Section 4. Changes are also proposed to Section 11.4.4.1 to describe typical groundwater levels in the area of the proposed flood storage area and resulting changes to the Project’s effect on flood storage capacity. As a result of these edits, the impact conclusion for Impact HYD-4 has been revised from **less than significant** to **potentially significant**. A new mitigation measure (MM-HYD-4) is proposed to reduce this potentially significant to **less than significant with mitigation**. (See Section 4 below for text changes to these sections of the RDEIR.)

**Comment VW-8:**

*Section 11.1.3 Existing Composting Operations – Storm Water System Management (Page 226): The last paragraph indicates “Floodwater storage areas, detention basins, and undeveloped Z-Best property are located east and south of Areas 1 and 2.” Figure 3-3 (Existing Site Operations) in the EIR should specify the areas dedicated to floodwater storage so the areas currently being utilized for floodwater storage is clear.*

**Response to Comment VW-8:**

Section 11.1.3 and Figure 3-2 of the RDEIR have been amended to clarify the location of the existing floodwater storage area on site (see Section 4).

**Comment VW-9:**

*Section 11.1.3.1 Area 1 and Detention Basin #1 (Page 226): The last sentence indicates that Detention Basin #1 has an existing berm that has an elevation of 139-feet; all elevations provided in the EIR should specify the vertical datum.*

**Response to Comment VW-9:**

See responses to comments VW-4 and VW-18.

**Comment VW-10:**

*Section 11.1.3.1 Area 2 and Detention Basin #2 (Page 226): The last sentence of the second paragraph indicates that Detention Basin #2 has an existing berm that has an elevation of 149-feet; all elevations provided in the EIR should specify the vertical datum.*

**Response to Comment VW-10:**

See responses to comments VW-4 and VW-18.

**Comment VW-11**

*Section 11.4.1.1 Leachate Characteristics and Quality (Page 249): Though the proposed Engineered Composting System (ECS) will reduce the overall volume of Leachate, TetraTech’s Peer Review of the Project’s hydrology and water quality technical analyses (Appendix E-1) concludes that leachate concentrations within Basin 1 “will most likely increase over time as the leachate evaporates and is recycled for dust control and compost moisturization” (Conclusion for Task 2, Page 4). The EIR should acknowledge this conclusion and provide a discussion of how increases in leachate concentrate within Basin #1 will be managed.*

**Response to Comment VW-11:**

Section 11.4.1, Subheading “Groundwater Quality” (page 254) of the RDEIR, acknowledges Tetra Tech’s conclusion that the concentration of contaminants in Detention Basin #1 would likely increase over time and explains that potential impacts to groundwater quality from this increased contaminant concentration would be minimized due to the proposed impermeable liner that would be installed under Detention Basin #1 as part of the Project. The potential impacts of detention basin water quality on surface water (via overtopping or flood inundation) are addressed in Section 11.4.5. Therefore, the conclusions and recommended mitigation measures are still valid.

No changes to the RDEIR have been made in response to this comment.

**Comment VW-12:**

*Section 11.4.1.1 Proposed ECS System Pad Design (Page 251): The Project proposed to elevate the existing pad by at least one foot above the base flood elevation. The EIR should reference the 100-year water surface elevation of 148.5-ft. (NAVD 88) and note that this elevation was established through a Conditional Letter of Map Revision (CLOMR) from FEMA, which was issued as part of prior improvements to the Z-Best facility. The vertical datum should also be referenced for all elevations specified in the EIR. Additionally, Schaaf and Wheeler's 2012 analysis, supporting the aforementioned CLOMR, should be included as part of Appendix E in the EIR.*

**Response to Comment VW-12:**

See responses to comments VW-4 and VW-18.

**Comment VW-13:**

*Proposed Storm Water/Leachate Conveyance System Improvements (Page 252) - To comply with the Composting General Order, the Project proposes to design drainage conveyance systems onsite, which have sufficient capacity to direct both wastewater and direct precipitation from the 25-year, 24-hour peak storm event. Though the General Composting Order only requires drainage systems to be provided with sufficient capacity to handle the 25-year, 24-hr storm event, the Project should evaluate events up to the 100-year, 24-hour peak storm event and consider providing adequate capacity to handle larger storm events. In section 10.1.3.5 (page 196), the EIR acknowledges "more frequent and extreme storm events" as a result of climate change. The series of atmospheric rivers that passed through the County during 2023 also serves as recent examples of the possibility of these more extreme and frequent events.*

**Response to Comment VW-13:**

The proposed conveyance system for the facility has been designed for the 25-year, 24-hour peak storm event, a relatively conservative design criteria for stormwater conveyance that is applied to compost facilities throughout California. During winter 2023, the maximum 24-hour rain event was found to be 4.05 inches as measured at Gilroy's long-term precipitation gauge. A 25-year, 24-hour storm is expected to produce 4.75 inches of rain at the site (NOAA 2023a), generating approximately 7.1 million gallons of runoff from Area 1 (the drainage area that contributes to Drainage Basin #1). For context, the 100-year, 24-hour storm is expected to produce 6.25 inches of rain at the site and generate approximately 9.4 million gallons of runoff from Area 1. Stormwater runoff conveyance from extreme events up to and including the March 2023 storm are expected to be within the capacity of the proposed conveyance system. A more stringent design criteria such as the 100-year, 24-hour peak storm is often applied to critical infrastructure with a life safety component. The current design criteria for the stormwater conveyance system is consistent with requirements in the General Composting Order and is considered sufficiently protective. Minor back up of stormwater runoff from Area 1 for a few hours during a rare extreme rainfall event is unlikely to cause a substantial impact to groundwater quality due to this relatively short contact time. See responses to comments VW-14 and VW-15 for a specific discussion of pump capacity and detention basin capacity.

**Comment VW-14:**

*MM-HYD-1A: Demonstrate Sufficient Pump Capacity (Page 253) - As mitigation for the Project's potential impact to surface or groundwater quality, the EIR proposes to have the Applicant "submit details and calculations to the County Planning Department" to demonstrate that the proposed onsite pump has sufficient capacity "during a 25-year, 24-hour storm event without causing localized flooding which inundates the southeast corner of the green waste compost area." The Project should evaluate events up to the 100-year, 24-hour storm event and consider providing adequate pumping capacity to handle larger storm events. As noted in Comment #11 the possibility of more extreme and frequent events should be considered when evaluating mitigatory measures for the Project.*

**Response to Comment VW-14:**

As discussed in response to comment VW-13, a 100-year 24-hour storm event at the Project site is expected to generate 6.25 inches of rain, compared to the 25-year 24-hour storm event of 4.75 inches. The volume of stormwater runoff from Area 1 that would require pumping into Detention Basin #1 from these events would be approximately 9.4 million gallons and 7.1 million gallons, respectively. A pump with approximately 5,000 gallons per minute capacity (300,000 gallons per hour) would be required to pump 7.1 million gallons of stormwater into the basin over a 24-hour period, in order to meet the requirements of MM-HYD-1a. A pump of this capacity would take approximately 32 hours to pump the 9.4 million gallons from a 100-year 24-hour event. This represents an approximate 30 percent increase in pumping duration. Minor backup of stormwater runoff from Area 1 for a few additional hours during a rare extreme rainfall event is unlikely to cause a substantial impact to groundwater quality, due to the relatively short contact time between the stormwater and any contaminants in the compost area.

**Comment VW-15:**

*MM-HYD-1B: Increase Detention Basin Capacity (Page 254) - The EIR proposes to either "increase the capacity of Detention Basin #1 and/or Detention Basin #2, such that combined detention basin capacity is sufficient to hold at least 22.8 million gallons of water without discharging and maintain a freeboard of 2 feet." In the previous section – "Proposed Storm Water Detention Capacity," the EIR states that "there remains a substantial risk of overtopping if an extreme event occurs during a wet year when the detention basins are being used to hold prior runoff from the composting facility, even assuming the currently proposed capacity increase in Detention Basin #1." As noted in the previous comments for the proposed drainage and pumping system improvements, the Project should evaluate storm events up to the 100-year, 24-hour storm event, and ensure that mitigatory measures prevent any discharges from the detention basins during the 100-year, 24-hour storm event to prevent overflows from percolating into groundwater and/or entering the Pajaro River.*

**Response to Comment VW-15:**

The volume of direct precipitation into Detention Basin #1 and runoff from Area 1 during a 100-year 24-hour storm event (6.25 inches of rain) would be approximately 10.1 million gallons.<sup>4</sup> The proposed size of Detention Basin #1 is 14.5 million gallons, which

<sup>4</sup> Note that the difference between the volume of stormwater input to Detention Basin #1 from the 100-year 24-hour event and the volume of stormwater requiring pumping is due to the approximately 0.7 million gallons of rain that would fall directly into the Detention Basin.

would therefore be sufficient to hold the 100-year, 24-hour storm event, provided less than 4.4 million gallons of water were in the basin at the time of the event (i.e., if it were less than approximately one-third full). Although it is possible that the basin could contain more than 4.4 million gallons at the time of a 100-year, 24-hour storm event (because such a storm event would most likely occur during the wet season, and possibly during a wetter than average year), updated analysis undertaken in response to comments received on the RDEIR (see updated Appendix E-6, contained in Appendix D of this Final EIR) demonstrates that the additional capacity required by mitigation measure MM-HYD-1B (a combined capacity below freeboard of 22.4 million gallons) would be sufficient to have held even the wettest winters from the last 65 years of record without overtopping.

See changes to Section 11.4.1.1 of the RDEIR made in response to comment ZBEST-2 and as staff-initiated changes (shown in Section 4).

**Comment VW-16:**

*Impact HYD-4, Section 11.4.4.1 On-Site Improvements (Page 260) - The second paragraph notes that the existing pad upon which the existing CTI composting process takes place would be raised by approximately one foot above the 100-year base flood elevation. As previously noted, the EIR should reference the 100-year water surface elevation of 148.5-ft. (NAVD 88) and note that this elevation was established through a CLOMR which was issued by FEMA for previous site improvements. The vertical datum should also be referenced for all elevations specified in the EIR. Additionally, Schaaf and Wheeler's analysis detailing previous improvements for the site, as well as the issued CLOMR should be included as part of Appendix E in the EIR.*

**Response to Comment VW-16:**

See responses to comments VW-4 and VW-18.

**Comment VW-17:**

*Section 11.4.4.2 SR-25 Improvements (Page 262) – It is noted that “The Applicant would be required to provide calculations showing the pre-and post-project runoff as related to improvements within the SR-25 right of way when submitting the encroachment permit application to Caltrans for the project-related work on SR-25.” At a minimum, the EIR include a preliminary analysis of the anticipated runoff (both volume and rate) under post-project conditions to ensure that pre-project conditions are not exceeded. Furthermore, the EIR should specify the terminus, or receiving body of water for the existing storm water drainage ditches running along each side of SR-25. The analysis should also assess whether the terminus or receiving body of water would be impacted due to additional flows generated by the proposed improvements to SR-25.*

**Response to Comment VW-17:**

The level of design currently available for the Caltrans project is insufficient to allow detailed calculations of anticipated runoff volume and rate that could result from the proposed improvements to the SR-25 ROW. In any case, the layout of the proposed Z-Best site access and related improvements within the SR-25 ROW would need to be substantially modified in response to mitigation measure MM-TRA-2, which requires either that the new driveway/SR-25/Bolsa Road intersection be signalized or that the

driveway be retained in its current location and additional acceleration/deceleration lanes be installed in that area (further west than currently proposed by the Project).

To ensure that future design details submitted as part of the encroachment permit to Caltrans will comply with stormwater management standards, clarifications are proposed to MM-TRA-2 to specifically note that compliance with Caltrans' stormwater management standards would be required as part of the encroachment permit process for the final design (see Section 4 below).

**Comment VW-18:**

*Section 11.4.5 Impact HYD-5 (Page 263) – The 100-year base flood elevation is specified as 148.41-ft. in several instances throughout the referenced section. It should be noted that the CLOMR issued by FEMA, established the 100-year base flood elevation as 148.5-ft. (NAVD 88). Please ensure that the base flood elevation specified in the EIR is consistent with the CLOMR elevation. The vertical datum should also be specified for all flood elevations referenced in the EIR. Additionally, the freeboard specified for Detention Basin #2 (0.59-ft.) should be revised to reflect the established base flood elevation noted above.*

**Response to Comment VW-18:**

As discussed in response to comment VW-4 above, minor edits are proposed throughout the RDEIR to correct the 100-year base flood elevation to 148.5 feet NAVD 88, based on the 2018 CLOMR. Minor edits are also made throughout the EIR to include the appropriate datum for all elevations, and in Section 11.4.5 to clarify the height of freeboard above the base flood elevation, as appropriate. See Section 4 below for text edits.

**Comment VW-19:**

*Section 11.4.5 MM HYD-5: Increase Berm Height of detention Basin #2 (Page 263) – The EIR proposes to “increase the berm height of Detention Basin #2 to at least 150.41-ft. so that at least 2 feet freeboard above the base flood elevation is maintained.” This appears to be inconsistent with Section 4.3.6.2, which states that “No modifications to Detention Basin #2 are proposed as part of the project.” It should be noted that Schaaf and Wheeler’s 2012 flood study, and subsequent CLOMR from FEMA, established the 100-year base flood elevation of 148.5-ft. (NAVD 88). Please ensure that the base flood elevation specified in the EIR is consistent with prior studies. The vertical datum should also be specified for all flood elevations referenced in the EIR. Additionally, the last paragraph of this section indicates that implementation of MM-HYD-1B and MM-HYD-5 would ensure that “the potential for the capacity of both detention basins to be exceeded would be reduced...” While the berm heights may be sufficient to keep overbank flows from Pajaro River from mingling with the impounded water in the detention basins, the EIR should assess whether the detention basins have adequate volume to contain precipitation and runoff generated onsite during larger storm events, and ultimately prevent detention basin overflows from discharging into Pajaro River. As previously noted, the Project should evaluate runoff generated by storm events up to the 100-year, 24-hour storm event to prevent overflows during more extreme precipitation events.*

**Response to Comment VW-19:**

See responses to comments VW-6 (Detention Basin #2 berm height), VW-4 and VW-18 (base flood elevation and datum), and VW-15 (consideration of 100-year, 24-hour storm

event). The issue of whether the detention basins have adequate volume to contain precipitation and runoff generated onsite during larger storm events, and ultimately preventing detention basin overflows from discharging into the Pajaro River, are addressed in Section 11.4.1.1 of the RDEIR under the subheading “Proposed Storm Water Detention Basin Capacity.” That section of the RDEIR and the associated mitigation measure (MM-HYD-1B) have been changed in response to comment ZBEST-2 and as staff-initiated changes (see Section 4 below), but the overall conclusion that the impact would be mitigated to less than significant is unchanged.

**Comment VW-20:**

*Appendix E – Updated Floodplain Storage Analysis for Z-Best Compost Facility (Schaaf and Wheeler Memorandum dated October 25, 2022): It is not clear whether the proposed modifications to Detention Basin #1 is being accounted for in the modeled cross sections. More specifically, cross sections 14403 (Figure 6) and 14214 (Figure 7), which according to Figure 8, appears to include Detention Basin 1, do not show the proposed berm height of 150.5-ft. (NAVD 88). All proposed fill should be accounted for in the floodplain study.*

**Response to Comment VW-20:**

The elevations shown in Figures 6 and 7 of Appendix E-2 (Schaaf & Wheeler 2022) are displayed in the National Geodetic Vertical Datum (NVGD), which is 2.85 feet lower than the NAVD 88 datum used within the RDEIR (i.e., 150.5 feet NAVD 88 is equal to 147.65 NVGD). As the commenter points out, the height of Detention Basin #1 shown on these figures (at approximately station 3500 to 4000 in Figure 6 and at station 8250 to 8500 in Figure 7) is shown at a lower elevation (approximately 146 NVGD or 148.85 NAVD 88) than the proposed berm height. This error is not anticipated to cause a substantial change in the conclusions of the 2022 Schaaf and Wheeler report or the RDEIR, because the height of the berm shown in the figures is still above the 100-year base flood level of 148.5 NAVD 88 (145.65 NVGD). Furthermore, the revisions to Section 11.4.4.1 proposed in response to comment VW-7 include a new mitigation measure (MM-HYD-4) that requires that an updated floodplain storage analysis be submitted to the County demonstrating compliance of the final Project design with the County’s Floodplain Management Ordinance (see Section 4 below). Implementation of this mitigation measure would reduce the potentially significant impact to a less than significant level.

**Comment VW-21:**

*Appendix E – Updated Floodplain Storage Analysis for Z-Best Compost Facility (Schaaf and Wheeler Memorandum dated October 25, 2022): It is understood the updated floodplain analysis accounts for the fill needed to accommodate the proposed improvements along SR-25, however the memorandum does not specify whether the proposed retaining wall is considered in the analysis. More specifically, the analysis should evaluate whether the proposed retaining walls along SR-25 has the potential to impede or redirect flows when the area is subject to more shallow flood events.*

**Response to Comment VW-21:**

As discussed in the response to comment VW-7, Section 11.4.4.1 of the RDEIR has been revised to include a new mitigation measure, MM-HYD-4: Update Floodplain Storage Analysis (see Section 4 below). This mitigation measure requires the Applicant



to prepare and submit an updated floodplain storage analysis to the County, based on final Project design. The updated floodplain storage analysis shall specify which Project components have been included in the modeling and must demonstrate that the final design is compliant with the County's Floodplain Management Ordinance. With implementation of mitigation measure MM-HYD-4, impacts relating to the alteration of on-site drainage patterns in a manner that would impede or redirect flood flows would be reduced to less than significant with mitigation.

**Comment VW-22:**

*General: The EIR needs to clarify whether the proposed changes to the overall topography, and resulting impacts from those changes, are evaluated with respect to the existing terrain (determined from a recent survey), or an older terrain. Please specify the year for each terrain referenced in the EIR.*

**Response to Comment VW-22:**

As described in the *Updated Floodplain Storage Analysis for Z-Best Compost Facility* (Schaaf & Wheeler 2022), the steady state hydraulic model of the Pajaro River and its overbanks used as the basis for the 2018 CLOMR were updated to reflect changes in topography associated with the proposed Project, including the proposed modifications to SR-25 (see Section 4 below). According to the 2012 Flood Study (Schaaf & Wheeler 2012), the cross-section geometry used in the HEC-RAS model submitted for the 2018 CLOMR included a compilation of several different data sources including a cross-section field survey within the Pajaro River channel banks conducted by CH2M Hill for the El Rancho San Benito project, aerial topography in San Benito County obtained for the El Rancho San Benito project by Carlson, Barbee and Gibson, and Santa Clara County LiDAR data flown in 2006. The Schaaf & Wheeler 2022 study was included as Appendix E-2 in the RDEIR. As discussed in response to comment VW-4, the Schaaf & Wheeler 2012 study has been added as a new Appendix E-8. No changes to the RDEIR are recommended in response to this comment.

## 3.1.2 Individual Comments

### ***DORADO: Dorado Leasing (via JRG Attorneys, with attached exhibits by Dr. Trevor Suslow)***

#### **Comment DORADO-1:**

*On behalf of Dorado Leasing (“Dorado”), the owner of the 570-acre Sargent Ranch, which is contiguous to the southern boundary of the Z-Best facility, we submit the following comments on the Recirculated Draft EIR (“RDEIR”). These comments are in addition to the comments our firm submitted on the original Draft EIR, which remain relevant to the Z-Best project and highlight the potential environmental impacts of the project on adjacent high-quality farmland. Rather than resubmitting our prior March 1, 2021, letter (“March 1 Letter”) in its entirety, we incorporate by reference the various points and environmental issues that Dorado raised in this letter, which remain relevant. Accordingly, we request and CEQA demands that the Final EIR include written responses to Dorado’s comment letter on the original Draft EIR, dated March 1, 2021, and these additional comments on the RDEIR.*

#### **Response to Comment DORADO-1:**

In accordance with CEQA Guidelines Section 15088.5(f)(1), and as advised in both the Notice of Availability and in Section 1.2.3 of the RDEIR, the County is only responding to comments submitted in response to the RDEIR. The commenter did not resubmit in its entirety the “March 1 Letter” during the RDEIR public review period; therefore, the County will not provide a written response to the comments within that prior letter. Nonetheless, because the same or similar points are raised in the commenter’s June 20, 2023, letter, responses to those comments also serve to respond in substantial part to the original points in the March 1 Letter. (See responses to comments DORADO-2 through DORADO-13 below).

#### **Comment DORADO-2:**

*The Important Purpose of CEQA and an EIR...*

*As such, the purpose of any EIR is to provide public agencies and the public with “detailed information about the effect which a project is likely to have on the environment to list ways in which the significant effects of such project might be minimized; and to indicate alternatives to such a project.”*

#### **Response to Comment DORADO-2:**

This comment provides background on the purpose of CEQA. No specific environmental issues or deficiencies of the RDEIR are raised that warrant a response under CEQA.

**Comment DORADO-3:**

*The RDEIR Continues to Be Legally Inadequate...*

*An agency abuses its discretion by failing to proceed in the manner required by law if its action or decision does not substantially comply with the requirements of CEQA.8 Under this test, omission of information that CEQA mandates be included in an environmental analysis constitutes a failure to proceed in the manner required by law.9 ...*

**Response to Comment DORADO-3:**

This comment provides background on the purpose of CEQA. No specific environmental issues or deficiencies of the RDEIR are raised that warrant a response under CEQA.

**Comment DORADO-4:**

*The RDEIR's Analysis of Agricultural Impacts Continues to Be Legally Deficient...*

*As documented in Dr. Suslow's comments on the RDEIR, which are attached as Exhibit B and incorporated by reference, the RDEIR continues to overlook and omit any analysis of certain discrete impacts of the composting operation that could impact adjacent farmland.*

*Until this additional analysis is undertaken, it is impossible to determine what specific mitigation or minimization measures could be incorporated into the project design or otherwise required to address these impacts. Nonetheless, Dr. Suslow identifies and recommends that the project implement certain mitigation measures to address the potentially significant increase in bird vectors and bioaerosol impacts. Dorado also identified and described several other mitigation measures in its March 2001 letter that have been ignored or rejected...*

*Accordingly, Dorado again requests that the County require Z-Best to implement mitigation measures that would further reduce or minimize the potential impacts of the logical increase in bird vectors and bioaerosol transmission. Even assuming the RDEIR's authors disagree with Dr. Suslow's conclusions, in an abundance of caution, the County should require Z-Best to implement such measures.*

**Response to Comment DORADO-4:**

Dr. Suslow's comments from Exhibit B of the Dorado comment letter are included below as comments DORADO-7 through DORADO-13. Please see specific responses to those comments below.

**Comment DORADO-5:**

*The RDEIR continues to fail to correlate the project's adverse air quality impacts to resultant adverse health effects...*

*To meet CEQA's disclosure requirement, an environmental impact report must "correlate the identified adverse air quality impacts to resultant adverse health effects." Bakersfield at 1219...*

*The RDEIR continues to suffer the same affliction as the DEIR and the Bakersfield EIRs and likewise fails to satisfy CEQA. The RDEIR notes in Table 7-1 that certain pollutants can contribute to certain health ailments but never correlate the actual increases of air pollutants to the number and type of air pollution related conditions and diseases. For example, Table 7-7 of the DEIR states that the project would generate 123.19 per day of NOx emissions due to the additional truck trips, which exceeds the applicable significance threshold of 54 pounds per day. However, the DEIR fails to correlate this increase in NOx emissions to any potential increased health risk to workers at the Z-Best facility, farmworkers in the adjacent farm fields, or residents in the surrounding area. The RDEIR appears to blame the existing modeling for its inability to translate project generated pollutant emissions into specific health effects on people. However, it's unclear why the Health Risk Assessment that was prepared for Toxic Air Contaminants could not assess the potential impact of other types of pollutant emissions on people or surrounding and uses. This error is compounded by the RDEIR's ongoing failure to adequately address the impact of bioaerosols on human health and safety as Dr. Suslow explains in Exhibit B, which can cause the same types of health effects as NOx.*

*The RDEIR's air quality analysis continues to ignore glaring omissions and falls short of fulfilling the statutory disclosure requirement. This truncated analysis violates CEQA by omitting a correlation between adverse air quality impacts and resultant adverse health effects and does not disclose the severity of the Project's environmental impacts.*

**Response to Comment DORADO-5:**

As described in Section 7.1.1.2 of the RDEIR, Criteria Air Pollutants and Precursors and their Effects on Human Health, for CEQA purposes the analysis of health impacts due to individual projects resulting from emissions of criteria air pollutant emissions has long been focused on a regional or air basin-wide level, typically evaluated through regional air quality planning efforts, such as under clean air plans and state implementation plans. This is because the complex reactions and conditions that lead to the formation of ozone and particulate matter in the atmosphere can result in the transport of pollutants over wide areas and result in health impacts from criteria air pollutants being experienced on a regional scale; whereas carbon monoxide (the effects of which are discussed in Section 7.4.3 of the RDEIR), and toxic air contaminants (TACs) (the effects of which are discussed via a health risk assessment in Sections 7.4.4 and 7.4.5 of the RDEIR) act on a more localized scale in proximity to emissions source locations.

The potential for criteria air pollutant emissions to be transported over wide areas means that the emissions of ozone precursor pollutants, such as volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>), from a project site do not necessarily translate directly into a specific concentration of ozone or a specific health risk in that same area. The Bay Area Air Quality Management District, California Air Resources Board, and U.S. Environmental Protection Agency have not approved a quantitative

method to meaningfully and consistently translate the mass emissions of criteria air pollutants from a project to quantified health effects. This is consistent with guidance and recommendations provided by expert agencies, including the South Coast Air Quality Management District (SCAQMD) and San Joaquin Valley Air Pollution Control District (SJVAPCD). For example, as further detailed in the South Coast Air Quality Management District (SCAQMD) Brief of *Amicus Curiae* (SCAQMD Brief) in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels over an entire region. Specifically, as the SCAQMD Brief describes, the SCAQMD's 2012 Air Quality Management Plan showed that reducing NO<sub>x</sub> emissions by 432 tons per day and reducing VOC (reactive organic gas [ROG]) emissions by 187 tons per day would reduce ozone levels by only 9 parts per billion. Therefore, the proposed Project's estimated 23 tons per year of NO<sub>x</sub> and less than 1 ton per year of ROG would be so small that the Project's regional impact on ambient ozone levels may not be detected in the regional air quality models that are currently used to determine ozone levels.

The modeling tools available to correlate pollutant concentrations of TAC emissions do not, as suggested by the commenter, address secondary pollutants such as ozone (City of Los Angeles 2019). As detailed in the San Joaquin Valley Air Pollution Control District (SJVAPCD) Brief of *Amicus Curiae* (SJVAPCD Brief) in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, for projects where most of the criteria air pollutant emissions derive not from a single "point source," but from area-wide sources such as mobile sources (e.g., cars and trucks driving to, from, and around the site), such as the proposed Project, it would be especially difficult to determine the concentration of ozone that would be created at the site or what specific health impacts to nearby receptors, such as agricultural workers or residents, would occur because meteorology, presence of sunlight, ultimate location of the formation of ozone, and other complex chemical reactions cannot be accurately modeled or quantified. Therefore, as explained in Section 7.4.2 of the RDEIR, emissions of ROG and NO<sub>x</sub> generated in one area may not equate to a specific ozone concentration in that same area, and it is not feasible to meaningfully translate the mass emissions of criteria air pollutants from this Project to localized quantified health effects. Furthermore, as also identified in Section 7.4.2 of the RDEIR, the primary source of increased NO<sub>x</sub> emissions is the increase in truck trips by contract waste haulers that are required to transport feedstock to the site and to transport finished products and unusable inert materials from the site. These truck trips and attendant NO<sub>x</sub> emissions occur over a relatively wide geographic area. Moreover, implementation of the proposed Project, which would enable Z-Best to compost up to 875 tons per day more MSW than is possible under existing conditions, would also result in a decrease in vehicle miles traveled from trucks transporting this existing waste to other landfills or to other composting facilities in the region. In other words, this waste would continue to be generated in the region and would need to be transported to a landfill or an alternate composting facility with or without the Project. Based on the scenarios evaluated in Appendix B-5, potential emissions reductions could range from approximately 49 pounds of NO<sub>x</sub> per day to approximately 153 pounds of NO<sub>x</sub> per day, which could partially or entirely offset the on-road emissions associated with the proposed Project. Therefore, the emissions presented in Table 7-7 of the RDEIR are conservative because they do not account for the potential reduced truck travel in the region that would occur with the proposed Project. No changes to the RDEIR are recommended in response to this comment.

**Comment DORADO-6:**

*The RDEIR Fails to Analyze a Reasonable Range of Project Alternative [sic] and Its Rejection of the Fully Enclosed Alternative, Which Would Significantly Minimize or Avoid Agricultural Impacts, Is Not Supported by Substantial Evidence.*

*CEQA requires that an EIR analyze a “reasonable range” of project alternatives that would minimize or avoid the significant environmental impacts of a project...*

*Dorado recommended that the Draft EIR analyze an entirely enclosed or indoor composting facility like the one that was described and discussed in the 2015 Cal Poly Study that was referenced in our letter. This type of system provides the best pathogen, odor, and vector control, and has the smallest footprint compared to other composting technologies (ECS, 2015). The unique aeration design helps capture and dramatically decreases greenhouse gas and odor emissions. The special aeration system provides a controlled airflow to maintain uniform biomass temperatures. The aeration system shown in the figure below is designed to conserve energy with adaptive control strategies...*

*Rather than analyzing a fully enclosed composting facility, the RDEIR (Section 18.3.2) dismisses this alternative for several reasons. First, the RDEIR suggests that the alternative is not economically infeasible because it would substantially increase capital expenditures and increase the overall cost of the project by 2.5 to 3 times. However, the only cited reference for this statement is a 2022 personal communication with someone named O’Neill, who is presumably a representative of the project Applicant. There is no written comparative analysis of the cost of the open bunker composting versus the enclosed facility option and other context for this conclusion...*

*Second, the RDEIR dismisses the alternative based on conclusory statements that construction of the enclosed systems would increase construction-related haul trips and air pollutant emissions, aesthetic impacts, energy use, and GHG emissions and would not decrease the project’s significant and unavoidable environmental impacts relating to NOx emissions, Clean Air Plan Consistency, or VMT. However, the RDEIR provides no specific information relating to the construction (e.g., number and types of construction equipment) or operational requirements of a fully enclosed project to provide any meaningful comparison with the project to substantiate these statements. Unless such a comparative analysis is provided, neither the County decision-makers, nor the public, have sufficient information to assess the veracity of this conclusion.*

*We request that the County require more detailed review and analysis of a fully enclosed project alternative, which could demonstrate that indeed such an alternative is economically feasible and that the project would remain profitable even assuming the additional capital expenditures.*

**Response to Comment DORADO-6:**

In response to this comment, the manufacturer of the proposed composting system (Engineered Compost Systems [ECS]) was asked to prepare a construction cost estimate for a fully enclosed facility (ECS 2023; see Appendix D). The estimate indicates that a fully enclosed facility as suggested by the commenter would cost approximately twice as much to construct as the proposed Project (approximately \$80 million for the alternative, compared to approximately \$40 million for the proposed Project). The manufacturer also provided additional details regarding the anticipated

differences between the proposed Project and an enclosed alternative, which include increased operational energy use (due to additional ventilation needs) and decreased composting capacity (due to a larger area of facility that would be required for biofiltration and air handling equipment). The Applicant has indicated that the combination of increased construction and operational costs and decreased capacity would make an enclosed facility financially infeasible and reduce the volume of MSW waste that is diverted from landfill. Furthermore, construction of an enclosed alternative is estimated to take approximately 12 months longer than construction of the proposed Project, which would delay the facility's ability to contribute to State waste reduction goals.

With respect to potential construction-related air quality, energy, and GHG impacts of an enclosed alternative, detailed construction/haul trip estimates have not been developed to allow for a quantitative comparison to the proposed Project analysis. However, it is reasonable to assume that construction of a fully enclosed building with additional ventilation components would require an increased amount of construction materials (and associated construction haul trips) and additional construction equipment over an extended construction duration compared to the proposed Project's three-sided concrete bunkers.

With respect to aesthetic impacts, the enclosed facility would require a ceiling height of at least 25 feet, which is 2.5 times the height of the proposed Project's 10-foot-tall concrete bunkers, and more than 4 times the height of the existing 6-foot-tall Compost Technologies, Inc. (CTI) bags. Although a 25-foot-tall building is not uncommon in rural areas and is unlikely to result in a significant impact to visual character, an enclosed alternative would be substantially more visible to drivers traveling on SR-25.

With respect to agricultural impacts, although the commenter suggests that an enclosed facility would reduce impacts to adjacent agricultural activities, the RDEIR concluded that the proposed Project would have a less than significant impact to agricultural resources, as discussed in Section 6.4 of the RDEIR and in response to comment DORADO-7 below.

With respect to bioaerosol impacts, while it is likely that an enclosed system may reduce bioaerosol emissions from the facility, the extent of any reduction would depend on the design and filtration of the air handling system. Furthermore, due to the inherent uncertainties and lack of regulatory exposure thresholds for bioaerosols discussed in Section 7 of the RDEIR and the associated technical memorandum in Appendix B-6, it would be difficult to confirm that such an alternative would reduce potential bioaerosols to a less-than-significant level.

Minor edits are proposed to Section 18.3.2 of the RDEIR, as shown in Section 4 below, to reflect the updated cost information and additional detail with respect to anticipated construction-related impacts from such an alternative and to explain why this alternative is not feasible.

**Comment DORADO-7:**

*The RDEIR still does not adequately address the likelihood of increased vector attraction, predominantly birds and specifically American Crow readily observed at and around the operations from viewpoints on the adjacent farmland. Due to increased volume of incoming materials and open-bunker composting, the bird activity observed by personal observation and readily observed on the Z-Best Virtual Tour of the Gilroy facility, notwithstanding a windrow format versus bunkers, the risk potential for bird movement between the diverse operational units from receiving to finished compost facility have not been sufficiently addressed. The increased risk potential is fundamentally a two-fold leading issue. Simply stated, an expanded volume of raw materials and in-process compost in combination with known and routine crop development and crop management inputs on the adjacent farm represents a greater risk of avian species of primary concern, such as cowbirds, gulls, and crows from the facility into farm (6).*

*To mitigate the risk of increased bird vectors, I recommend that an assessment of correspondingly more substantial non-lethal bird harassment and diversion mitigation offset practices be undertaken by the County and addressed in the RDEIR. Considerations should include but not be limited to species-specific sonic wave technologies (e.g. Sonic Nets) and strategic placement of modern laser-sentinel devices (e.g. Bird Control Group). Specialized laser devices have been effectively used in acute and chronic bird diversion tactics at airports and vineyards, for example.*

**Response to Comment DORADO-7:**

The potential for the proposed Project to increase vector attraction (including birds such as American crow) is discussed in Section 6.4.3.2 of the RDEIR. As discussed in that section and also in Section 7.4.6, although the Project would expand the volume of raw materials processed at the facility, the proposed new ECS technology would substantially reduce the amount of time taken for the compost to reach pathogen-destroying temperatures, thereby minimizing the total amount of raw MSW on the Project site at any particular time by increasing facility throughput. In addition, the fresh MSW feedstock would be covered by a 6- to 12-inch bio-layer of pre-composted material or screened overs, which are not a food source to vectors (ECS 2016). This bio-layer would act as a cap to filter and reduce VOCs and odors commonly released during the composting process, which are commonly the cause of vector attraction. As noted by the commenter, birds are already present at the facility, and no new evidence is presented by the commenter to suggest that the proposed new technology would attract more birds than the existing operations.

Furthermore, the commenter does not provide any evidence to suggest that an increase in birds at the facility would result in significant environmental impacts that would require mitigation via the suggested bird-deterrent measures. As described in Section 6.4.3.5 of the RDEIR, even if the Project were to result in neighboring landowners deciding that the growth of crops for human consumption were unviable beyond the areas that are already fallowed (see RDEIR Section 6.4.3.3), this would not preclude those properties from being used for other agricultural purposes consistent with the agricultural zoning of the land, such as grazing or non-edible crops. The potential economic/financial effects due to potential loss of land value due to the ongoing need to pay rent on additional fallowed blocks or change in agricultural activities from one more economically productive use to another on additional agricultural lands are speculative. Moreover,



these alleged economic impacts are not considered physical environmental impacts under CEQA. No changes to the RDEIR are required in response to this comment.

**Comment DORADO-8:**

*Irrespective of the development of the bulk bunkered pile with a 6-inch finished product layer, in-process pile basal “tail edges” will invariably be slow to (or potentially never) reach the 55 degrees Celsius inactivation temperature asserted as an enhanced process safety factor. 55 degrees Celsius is the minimal bulk temperature of this operational window for pathogen lethality, dependent on materials and environmental conditions. This basement level standard has been demonstrated to be operationally non-uniform in surveys conducted by the University of Florida in conjunction with Food and Drug Administration programs regarding the safety of soil amendments (1, 2). While these studies included aerated compost masses which incorporated animal manures in the feedstock, the studies do not obviate the prudent step of considering this potential source of contaminants. The RDEIR does not address this “tail edge” issue.*

**Response to Comment DORADO-8:**

The bulk bunkered pile with 6-inch finished product layer referred to in the comment is the primary composting step of the proposed ECS system. As discussed in Section 4.3.1 of the RDEIR, the primary composting step involves individual bunkers with concrete walls surrounding three sides of the compost pile. The piles would be negatively aerated with fans that would distribute air and temperature throughout the biomass. Each pile would be monitored with temperature probes, and those probes would be part of a system that automatically controls the fans for better control of the temperature of the pile (ECS 2023).

Minor edits are proposed to mitigation measure MM-AIR-7b in Section 7.4.7 of the RDEIR to specify that temperature probes shall be located in multiple locations within each bunker with the temperature continuously recorded and monitored daily, and that compost piles shall not be moved to the secondary composting step until all probes indicate that the piles have reached at least 55 degrees Celsius (see Section 4 below). By requiring that the bunkers be monitored in multiple locations and by distributing the temperature through the pile with fans, the “tail edge” issue mentioned by the commenter would be minimized. Nonetheless, the RDEIR’s conclusion that potential impacts from bioaerosol emissions would be significant and unavoidable because the bioaerosol emission rates and off-site dispersal cannot be quantified at this time and because there are no established regulatory exposure levels for bioaerosols remains unchanged.

**Comment DORADO-9:**

*Bacterial pathogens of concern have the potential to develop heat and other stress tolerance traits on the incoming materials prior to receiving and/or during pre-process hold times. The target “come-up” threshold of 55 degrees Celsius (131 Fahrenheit), or greater but less than 70 degrees Celsius (158 degrees Fahrenheit) in 48 hours is an enhancement to the current process. Consideration of pre-adaptive tolerance, rarely included as a composting process performance factor in most experimental risk assessment and validation studies, was not considered in this narrative. Pre-adaptive tolerance is a common terminology to describe the genetically determined response bacteria, as used here, can undergo following a non-lethal stress exposure*

*which then adapts the surviving cells to greater tolerance for the same or more severe stress exposure, such as elevated temperature. This stress-tolerance induction response simultaneously conveys resistance to multiple stresses common to composting, as reported in several peer-reviewed reports (3, 5, 7, 8). A further enhancement to accelerate “come-up” time which has been studied uses heated forced aeration consistently or during periods of cool to cold seasonal weather conditions. This would better ensure an adequate and more uniform lethal temperature distribution.*

**Response to Comment DORADO-9:**

The comment suggests using heated forced aeration to accelerate “come-up” time. As detailed in the response to comment DORADO-8, during the primary composting step, the proposed system uses fans that are automatically controlled in response to temperatures recorded from probes in multiple locations within the compost pile. These fans do not use heated aeration; however, the automation of the fans in response to temperature would provide a uniform temperature distribution. Since the piles are enclosed on three sides by concrete walls, cool seasonal winds are expected to have minimal impact. According to the National Weather Service, the mean average temperatures over 30 years during the coldest months of December and January in Gilroy, California, were 48.7°F and 49.4°F (9.2°C and 9.7°C), respectively (National Oceanic and Atmospheric Administration [NOAA] 2023b). Studies have demonstrated that static windrow compost piles without aeration can reach temperatures above 55°C in under 5 days in climates with much colder temperatures than experienced in Gilroy, California (Tiquia-Arashiro 2000; Szabova 2010). Thus, with the technology of the proposed Project to include temperature-controlled fans, the aerated piles are expected to reach optimal temperature in less time than the standard windrow compost piles and would be an improvement over the current process with regard to potential generation of bacterial pathogen tolerance. No changes to the RDEIR are required in response to this comment.

**Comment DORADO-10:**

*The potential for pooling water at these base layers with process water addition, as occurs with the current system, would also occur in open bunker arrays during seasonal rain. Such pooled moisture has the potential to provide an environment for amplification of bacterial pathogens. The RDEIR should consider the impact on pooled moisture to amplify bacterial pathogens and possible steps or measures that could be taken to eliminate any pooling. Elevated transference potential, due to greater populations and distribution of pathogens across the facility footprint, mediated by any of the recognized physical or biological vectors has the potential to result in a partial or complete loss of the adjacent crop.*

**Response to Comment DORADO-10:**

As discussed within Section 11.4.1.1 (subheading ECS System Leachate Collection Features) of the RDEIR, leachate from the primary covered aerated static pile (CASP) bunkers would be captured in a series of trenches or “curtain drains” in the floor of the bunkers that would drain via below-grade pipes to collection sump pumps that connect to Detention Basin #1. Similarly, leachate generated in the secondary bunkers (which would be of limited volume compared to the primary bunkers) would also be captured via collection pipes and sump pumps and delivered to Detention Basin #1. Rain falling directly on the composting pad adjacent to the bunkers would also be directed to a

series of sumps and inlets that convey the runoff via pipes to Detention Basin #1. Because both the primary and secondary bunkers have a leachate drainage system built into them, there would be limited potential for pooling water at the base of the bunkers, and therefore limited potential for “amplification of bacterial pathogens.” No changes to the RDEIR are required in response to this comment.

**Comment DORADO-11:**

*The assessment of fugitive dust and aerosolized particulates did not adequately address the full breadth of interacting factors which could result in sporadic but consequential release from diverse boundary layers within operational units as well as during handling and transfers. As just one example, the design and elevation of the proposed open-channel conveyance relative to wind speed and wind run, especially under extreme conditions, was not included in the RDEIR’s analysis. Studies cited to establish likely distances of fugitive dust and bioaerosols do not adequately address the scale of the proposed expansion and predictable adverse conditions to containment of the materials likely to be experienced in a year-round operation.*

*To mitigate this risk, I recommend that the RDEIR require this project to implement risk reduction practices such as stopping certain high aerosol-generating operations during high wind conditions or seasonal periods when wind direction is counter to prevailing vectors.*

**Response to Comment DORADO-11:**

The complex interaction of factors that influence bioaerosol emission rates and dispersal is recognized in the second paragraph of Section 7.4.7 of the RDEIR as well as within Appendix B-6.

With respect to the commenter’s specific example regarding the proposed open-channel conveyance of leachate, the existing facility already uses a series of open ditches to convey runoff from the MSW composting area to Detention Basin #1 (Section 11.1.3.1 of the RDEIR); therefore, the potential for entrainment of bioaerosols by wind passing over open water already exists at the site. Furthermore, as discussed within Section 7.4.7 of the RDEIR, the proposed composting technology would reach pathogen-reduction temperatures much more quickly than the existing system (within 48 hours rather than up to 6 days), thereby reducing the likelihood that leachate and the surface drainage systems would contain enteric pathogens. Additionally, the surface area of Detention Basin #1 would be substantially reduced (to approximately 38 percent of its existing area) as part of the proposed Project. Therefore, the net effect on the potential for entrainment of bioaerosols from surface waters as a result of the proposed Project would also be reduced, compared to existing conditions.

In any case, the RDEIR already identifies that the Project would have a significant and unavoidable impact from bioaerosol emissions. The proposed mitigation measures MM-BIO-7A and MM-BIO-7B would require that the composting equipment be monitored and maintained to ensure that composted materials are reaching the required pathogen-reduction temperatures (thereby minimizing potential for enteric pathogens to become bioaerosols), and that if the required dust monitoring program determines that the Project is resulting in higher levels of dust emissions than existing conditions, that additional dust control or other operational practices shall be implemented and further monitored for effectiveness. Such additional measures, if required, could include risk

reduction practices such as limiting operations during certain meteorological conditions, as suggested by the commenter. As discussed in Section 7.4.7 of the RDEIR, because the bioaerosol emission rates and off-site dispersal cannot be quantified at this time and because there are no established regulatory exposure levels for bioaerosols, the impact is conservatively determined to be significant and unavoidable.

**Comment DORADO-12:**

*A robust dust dispersal survey across an extended timeframe coinciding with seasonal farming is a positive step and will benefit from an additional detailed design development effort. A comprehensive longitudinal study and granular documentation of site-specific “fugitive dust” dispersal characteristics is necessary to best develop data-informed decisions regarding the mitigations. Such a study would best inform whether and which design changes are warranted, and where, to optimize the mitigation of bioaerosolization and off-site movement of particulates. An example of impacts of off-site movement and impacts is provided in Frączek et. al. 2022 (4.)*

**Response to Comment DORADO-12:**

As discussed in Section 7.4.7 of the RDEIR, mitigation measure MM-AIR-7A requires that a fence-line dust monitoring program be designed and conducted by a qualified industrial hygienist in order to document baseline conditions at the site under existing operating conditions and to compare those baseline conditions to future operating conditions. If the program shows an increase in fugitive dust emissions as a result of the proposed Project, then additional dust control measures and/or other operational practices shall be implemented to reduce dust and bioaerosol concentrations to the extent feasible, and additional monitoring shall be undertaken to verify the effectiveness of the controls and to determine whether further control measures are warranted. Minor edits have been made to MM-AIR-7A to specify that the baseline and future with-Project monitoring shall occur during a range of meteorological conditions (see Section 4 below).

With respect to the Frączek et. al. 2022 study referenced by the commenter, the cited study addresses the spatial distribution of *Salmonella* species within soils surrounding a MSW landfill in Poland. The proposed MSW composting operations at the Z-Best site would differ from operations at an MSW landfill, as MSW materials being composted at the Z-Best site would be actively managed to reach pathogen-reduction temperatures, which does not occur at normal MSW landfills such as the one studied by Frączek.

**Comment DORADO-13:**

*Based on my review of the Recirculated Draft EIR and associated documents that you have provided, it is my opinion that additional analysis and assessments of additional or alternative preventive measures and mitigation practices or technologies to reduce and manage the inherent risk potential associated with any composting facility should be undertaken prior to any decision on expansion is made.*

**Response to Comment DORADO-13:**

As discussed in response to comments DORADO-7 through DORADO-12, above, minor edits to the RDEIR, in particular mitigation measures MM-AIR-7a and MM-AIR-7B, have been made in response to the commenter’s concerns.

## **OSHINS: Cary Oshins**

### **Comment OSHINS-1:**

*I have spent the last 35 years as a researcher, teacher and advocate for composting, including serving as the Associate Director of the US Composting Council, most of that time while living in California. Over those years, and for decades prior, bioaerosols—airborne particles of bacteria, fungi, and endotoxins—have been a known issue facing compost manufacturers. The real concern in regards to this issue is the health of facility site workers. That is why dust filters, respirators, enclosed equipment cabs with air controls, and dust reduction practices and procedures are all routinely employed to mitigate the risk from bioaerosol exposure.*

*However, in regards to the impact of bioaerosols on the surrounding community and environment, the Draft EIR's finding of a significant and unavoidable Impact from bioaerosols runs counter to established science on bioaerosols impact as well as to a number of other CEQA studies on similar facilities, so should have been declared "less than significant". The authors themselves provide the very arguments that could be used for this declaration...*

### **Response to Comment OSHINS-1:**

As acknowledged within the RDEIR, the County's conclusion that bioaerosol emissions from the Project would have a significant and unavoidable impact is a conservative conclusion based on an abundance of caution. Because bioaerosols such as *Aspergillus fumigatus* and endotoxins have been shown to cause health impacts, yet there are no established regulatory thresholds for these bioaerosols, the County has been unable to establish a clear threshold of significance below which one could conclude with certainty would avoid potential health impacts. Coupled with the complex nature of bioaerosol emissions due to meteorological conditions, source materials, operating conditions, and other factors, the County has been unable to quantify the amount of bioaerosols that would be emitted by the Project or even conclude with any reasonable certainty if bioaerosol emissions would increase or decrease as a result of the Project. The sufficiency of an EIR is to be viewed in light of what is reasonably feasible (CEQA Guidelines section 15151).

Identification of a significant and unavoidable impact does not mean that the County must deny a project, but rather, that the County must make additional findings before it may approve a project with significant and unavoidable impacts that the County cannot determine could feasibly be avoided or mitigated to less-than-significant levels.

In other cases where the County has been unable to establish a clear threshold of significance (such as VMT impacts for activities in rural areas) and/or clearly ascertain the potential impact of a project, the County typically makes a conservative conclusion that the impact would be significant and unavoidable. Therefore, the RDEIR recommends that the County conclude that the proposed Project would result in a significant and unavoidable impact from bioaerosol emissions.

With respect to the commenter's concern regarding facility worker health, worker health issues are subject to requirements of both federal and state Occupational Safety and Health Administration (OSHA) regulations. No changes are recommended to the RDEIR in response to this comment.

**Comment OSHINS-2:**

*Furthermore, a review of 5 other recent Environmental Reviews of large composting facilities revealed no concerns with bioaerosols...*

*Unless the authors can identify a unique factor differentiating the Z-Best Project from these other projects with regards to bioaerosol risk, their finding represents a substantial departure from contemporary understanding of risks from composting-generated bioaerosols.*

**Response to Comment OSHINS-2:**

As discussed in Response to Comment OSHINS-1, the RDEIR's conclusion of a significant and unavoidable impact from bioaerosols is conservative because the Project's bioaerosol emission rates and off-site dispersal cannot be quantified at this time and because there are no established regulatory exposure levels for bioaerosols. As acknowledged by the commenter, two of the five EIR examples cited (for the Shafter/Wasco and Visalia facilities) did not address potential impacts from bioaerosol emissions at all and therefore did not establish any applicable thresholds nor provide information regarding the quantity or type of bioaerosol emissions generated by those projects (Kern County 2021; Tulare County Resource Management Agency 2021, 2022). The EIR for the Renewable Placer facility mentioned bioaerosols but similarly did not analyze the impacts of bioaerosol emissions nor establish any thresholds (Western Placer Waste Management Authority 2022). The potential impacts of bioaerosol emissions from the Z-Best Project were raised during public scoping and during public review of the original Draft EIR for the Project; therefore, the RDEIR must analyze this potential environmental impact.

The EIR for the Jess Ranch facility concluded that impacts to workers were potentially significant due to the known health risks from inhalation of airborne *A. fumigatus* spores and endotoxins. Mitigation measures were proposed to reduce the impact to facility workers, who were identified as most at-risk, which included worker training and protective equipment in accordance with OSHA requirements, and restrictions for immunocompromised employees. No information was provided on the distance at which bioaerosol concentrations would be reduced to background levels, the threshold of significance, or the efficacy of the proposed mitigation in relation to the threshold of significance (Alameda County 2019, 2021).

The closest residence to the Jess Ranch site is more than 2,500 feet from the proposed facility. The EIR for the Jess Ranch project stated that impacts to neighboring properties were not analyzed, as the closest residence was more than 500 feet from the facility, although no justification for this distance was provided in the EIR. For comparison, the nearest residence to the Z-Best facility is approximately 700 feet from the property boundary and 1,300 feet from the proposed ECS operations.

The EIR for the Redwood Landfill facility also acknowledged potential health risks associated with *A. fumigatus* and endotoxins, referencing a 1993 study by the California Integrated Waste Management Board, which found that airborne concentrations of *A. fumigatus* at active composting operations are on average 10-fold higher than background levels. Similar to the Jess Ranch EIR, impacts to nearby residents were not analyzed due to the distance (more than 1 mile) of these potential receptors, but no information was included as to the distance at which bioaerosol concentrations were reduced to background levels. Potential impacts to Jess Ranch facility workers were

found to be potentially significant, with mitigation requiring dust control and sound composting management practices. However, no information was provided regarding a clear threshold of significance or the efficacy of the mitigation measures (County of Marin 2005).

Because none of the studies cited by the commenter establish a clear threshold of significance for bioaerosols, the significant and unavoidable impact is the most appropriate and conservative conclusion for the Z-Best Project. No changes are recommended to the RDEIR in response to this comment.

**Comment OSHINS-3:**

*Finally, I will note that a comprehensive review of bioaerosol exposure by Robertson et al in 2019... concluded that "given the absence of any consistent evidence on the toxicity of bioaerosols from composting facilities, there is insufficient evidence to provide a quantitative comment on the risk to nearby residents from exposure to compost bioaerosols."*

*Based on the above I recommend that the threat from bioaerosols to the surrounding environment be declared as less than significant.*

**Response to Comment OSHINS-3:**

The 2019 study by Robertson et al. was reviewed as part of the Bioaerosol Memorandum prepared for the Z-Best Project (Appendix B-6 to the RDEIR), and the same conclusion quoted by the commenter was quoted in that memorandum. The quote indicates that there is insufficient evidence to quantify the risk to nearby residents, which means that one cannot definitively state that the risk would be significant or less than significant.

As described in response to comment OSHINS-1 above, in cases where the County is unable to definitively determine that an impact would be less than significant, a conservative approach is generally taken, and the impact determined to be significant. For these reasons, the RDEIR states that a significant and unavoidable impact is the most appropriate and conservative conclusion for the Z-Best Project. No changes are recommended to the RDEIR in response to this comment.

### 3.1.3 Applicant Comments

**ZBEST: John Doyle, GreenWaste (with attached exhibit from WSP USA, Inc.)**

**Comment ZBEST-1:**

*There appears to be some discrepancy as to Composting General Order requirements relating to detention basin required capacity and associated mitigation measures in the dEIR. There is also some discrepancy as to the applicable geographical area from which point precipitation data is to be used as representative of the Z-Best site. Third, there are apparent mitigation measures for basin 2, which is an existing basin, not part of the proposed project. This basin was built after design review and permitting by the County, it meets applicable Composting General Order Requirements, as is.*

**Response to Comment ZBEST -1:**

This introductory comment presents an overview of the commenter's three key concerns with the RDEIR, which are explained in more detail in comments ZBEST-2 through ZBEST-4. See responses to comments ZBEST-2 through ZBEST-4.

**Comment ZBEST-2:**

*In several places in the DEIR and AECOM's April 7, 2023, memorandum (DEIR Appendix E-6), the 25-year, 24-hour precipitation is cited as 5.8 inches. The source of this information is identified as NOAA Atlas 14 Point Precipitation Frequency Estimates, National Weather Service, Hydrometeorological Design Studies Center for the Gilroy station (04-3417). The Gilroy station is approximately 8 miles northwest of the Z-Best site, located in a narrower section of the valley, and is not representative of the Z-Best site.*

*The NOAA Atlas 14 Point Precipitation Frequency Estimates use spatial data from numerous stations to calculate the frequency storm event at any given location. The 25-year, 24-hour precipitation cited in Golder's August 25, 2020, memorandum<sup>1</sup> is 4.75 inches and was estimated for the actual site location as shown on the attached print from the NOAA Atlas 14 Point Precipitation Frequency Estimates. The frequency storm event estimate varies slightly between 4.72 and 4.78 inches across the site. The difference between 4.72 inches and 4.78 inches is insignificant. However, the difference between 4.75 inches and 5.8 inches is significant. The analyses, conclusions, recommendations, and mitigation measures in the DEIR based on 5.8 inches should be reviewed and revised, as necessary.*

**Response to Comment ZBEST-2:**

The County has reviewed the precipitation information provided by the commenter and agrees that it is appropriate to use the site-specific frequency estimate from NOAA Atlas 14 for the estimated size of the 25-year, 24-hour precipitation amount, rather than data from the Gilroy Station gauge.

Minor edits have been made to mitigation measure MM-HYD-1A in Table 2.1 and Section 11.4.1.1 of the RDEIR, and elsewhere within Section 11.4.1.1, to update both the size of the 25-year, 24-hour precipitation amount (4.75 inches rather than 5.8 inches) as well as the volume of runoff that would be expected from Area 1 during such an event (7.1 million gallons rather than 8.7 million gallons) (see Section 4 below).

**Comment ZBEST-3:**

*Mitigation Measure HYD-1B requires increasing the capacity of Detention Basin 1 and/or Detention Basin 2 to at least 22.8 million gallons without discharging and maintaining a freeboard of at least two feet. Text following the mitigation measure states the detention basin capacity would be increased to meet the requirements of the Composting General Order.*

*The Composting General Order requires that detention ponds, if used, to be "designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing without overflow or overtopping (taking into consideration the crest of wind-driven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond*



*from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board.”*

*As noted previously, the 25-year, 24-hour precipitation at the site varies slightly from 4.72 inches to 4.78 inches. In Table 3 of Golder’s August 25, 2020, memorandum, the precipitation for January is 4.70 inches. Although this is slightly less than the 25-year, 24-hour precipitation range for the site, it can be used as a proxy for the 25-year, 24-hour storm event. Based on 4.70 inches, the direct precipitation into Detention Basin 1 and Detention Basin 2 is 457,954 gallons and 258,507 gallons, respectively. The runoff into Detention Basin 1 and Detention Basin 2 is 6,890,232 gallons and 2,288,977 gallons<sup>2</sup>, respectively. The total inflow into Detention Basin 1 and Detention Basin 2 is 7,340,186 gallons and 2,646,484 gallons, respectively. Based on Tables 1 and 2, the resulting water elevations are approximately 144 feet and 147 feet, respectively, both of which are two feet or more below the maximum basin water surface. Therefore, both Detention Basin 1 and Detention Basin 2 comply with the Composting General Order capacity requirement and there is no need to increase capacity or provide additional freeboard.*

*As noted in AECOM’s April 7, 2023, memorandum, extreme storm events are more likely to occur during wet years. The Golder August 25, 2020, memorandum includes a water balance for a 25-year wet year, an event that has a 4 percent chance of occurring in any given year. The water balance shows that both Detention Basin 1 and Detention Basin 2 have adequate capacity to hold the peak runoff during a 25-year wet year.*

### **Response to Comment ZBEST-3:**

Under the CEQA Guidelines Appendix G thresholds of significance, which the County uses to assess potential environmental impacts of projects for CEQA purposes, the County determines not only if the Project would “violate any water quality standards or waste discharge requirements” (i.e., if it didn’t meet the RWQCB Composting General Order requirements), but also if the Project would “otherwise substantially degrade surface or groundwater quality” (threshold X.a of Appendix G). In addition, the County considers if the Project would “substantially alter drainage patterns in a manner which would create or contribute runoff water which exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff” (threshold X.c.iii).

With respect to the Composting General Order requirements, RWQCB staff have indicated that the design capacity of detention basins under the Composting General Order should account for the amount of water already in the basin at the time that a 25-year, 24-event would occur; however, the RWQCB does not specifically define the exact conditions that should be accounted for to calculate the amount of water in the basin at the time the 25-year, 24-event would occur or the method of calculating that capacity (see Comment RWQCB-2 and the accompanying response, above). Rather, the RWQCB will assess the proposed design and accompanying rationale as part of their consideration for coverage under the Composting General Order (or individual permit, if applicable).

As stated in Section 11.4.1.1 of the RDEIR, if the detention basins were empty, there would be sufficient capacity to hold the 25-year, 24-hour storm event without overtopping. (Note that the rainfall event size and associated volumes in this section have been updated in response to comment ZBEST-2 (see Section 4 below), but these

updates do not affect the conclusion that there would be sufficient capacity to hold the 25-year, 24-hour storm event if the basins were empty). The key question, therefore, is how much water might already be in the detention basins when the 25-year, 24-hour event occurs. The proposed Project includes a total detention capacity (combined basin #1 and #2) of 18.5 million gallons, and the direct precipitation into the basins and runoff from areas draining to the basins during a 25-year, 24-hour storm event would be 10.2 million gallons. Therefore, if normal operating conditions were to result in the existing combined capacity of the detention basins exceeding 8.3 million gallons, overtopping would result if a 25-year, 24-hour storm event were to occur.

The water balances previously prepared by Golder (Golder 2019a; 2019b) are useful for understanding the potential antecedent conditions that may occur during an average rainfall year and a 25-year wet year. However, neither of these water balances accounted for the additional capacity that would be required to detain the runoff from a 25-year, 24-hour event that might happen during a "wetter than average" wet year as occurred in early 2023. In addition, the subsequent clarifying memorandums prepared by Golder corrected/updated some of the information and assumptions used in the earlier memorandum but did not provide updated detention basin capacity curves based on the new data. For these reasons, the County asked AECOM to prepare an updated water balance.

Appendix E-6 of the RDEIR provides AECOM's water balance. This analysis evaluated winter 2023 hydrology and found that the proposed design capacity of the basins would be insufficient to detain runoff during January and March 2023 events when considering antecedent rainfall conditions and proposed Project operations. AECOM's water balance has been updated to account for updated precipitation data at the Gilroy Station gauge, which is a reduction in rainfall at the site as compared to the Gilroy Station gauge and an update to operational assumptions for dust control, whereby water for dust control would only be applied to the site during days without rain. In addition, a 65-year daily rainfall record was used to evaluate whether the proposed capacity for the detention basins (the combination of Detention Basins #1 and #2) would be adequate to prevent discharge, spill, or overtopping, and if not, how frequent a release would occur when evaluated based on a daily rainfall record. A copy of the updated analysis, which supersedes and replaces the previous Appendix E-6 of the RDEIR, is included in Appendix D of this Final EIR. The updated analysis, with the assumptions described therein, found that the proposed design capacity of the basins would be insufficient to detain runoff from the facility during the winters of 1969, 1997, 1998, and 2023. In addition, the maximum volume retained in the detention basins (combined Detention Basins #1 and #2) exceeded 8.3 million gallons for at least 1 day in 34 out of 65 water years. In a few cases, volumes in excess of 8.3 million gallons were held in the basins for more than 2 months. These findings continue to support the RDEIR conclusion that there remains a substantial risk of overtopping if an extreme event occurs during a 25-year wet year when the detention basins are being used to hold runoff from the composting facility from previous rainfall events, assuming the currently proposed capacity increase in Detention Basin #1.

**Comment ZBEST-4:**

*Mitigation Measure HYD-5 requires increasing the berm height of Detention Basin 2 to at least 150.41 feet, so that at least two feet of freeboard above the 100-year base flood elevation is maintained. Detention Basin 2 is an existing condition and not part*

*of this project. Detention Basin 2 was constructed with a berm height that exceeds the 100-year base flood elevation by at least a foot. The Detention Base 2 spillway crest is 149.25 feet. The Detention Basin 2 design was approved by Santa Clara County, including the freeboard, and a grading permit issued.*

#### **Response to Comment ZBEST-4:**

Although physical improvements to Detention Basin #2 are not proposed as part of the Project, changes to the activities occurring at the Project site would alter the volume and characteristics of the runoff draining to the basin. The main change directly affecting Detention Basin #2 would be a reduction in the surface area of the site that would drain directly to it (due to the excavation of additional flood storage area in the north of Area 2). However, because Z-Best has indicated that the facility sometimes manually transfers water between the two detention basins using a portable pump (John Doyle, pers. comm. 2023b), and because the Project would be expected to result in increased concentration of contaminants within Detention Basin #1 over time due to increased quantities of composted material (see Section 11.4.1.1 of the RDEIR), there is potential for the Project to also result in decreased water quality within Detention Basin #2. Therefore, the potential impacts to surface or groundwater quality if floodwaters were to overtop into Detention Basin #2 would be increased compared to existing conditions. The mitigation measure would also address cumulative impacts from the potential for floodwater overtopping associated with past and present development at the Project site. Furthermore, mitigation measure MM-HYD-1B requires an increase in the proposed detention capacity at the Project site, which could be partially addressed through an increase in berm height at Detention Basin #2. It is therefore considered appropriate for MM-HYD-5 to require raising the berm of this detention basin to properly withstand the 100-year flood event. No changes are recommended to the RDEIR in response to this comment.

## **3.2 Verbal Comments and Responses to Comments**

No verbal comments on the RDEIR were received at the public meeting held on May 30, 2023.

## **3.3 Staff-Initiated Changes**

During the public review period, County staff became aware of several minor inconsistencies or inaccuracies within the RDEIR, which are proposed to be corrected as part of the Final EIR and are included in the marked-up text changes presented in Section 4. Several of these staff-initiated changes (such as incorrect cross-references or citations or formatting issues) are self-explanatory.

Other proposed staff-initiated changes relate to information provided during a meeting between County staff/consultants and Central Coast RWQCB staff on June 26, 2023, where RWQCB staff informed the County that the Z-Best facility was unlikely to be eligible for coverage under the State Water Resources Control Board (SWRCB) Composting General Order. This is because the MSW composting operations with the

proposed ECS technology would be occurring in open bunkers and would no longer be encapsulated by plastic (as per the current CTI system). RWQCB staff explained that the proposed facility would likely require an individual waste discharge permit from the RWQCB, rather than maintaining coverage under the Composting General Order as the existing facility does. RWQCB staff further indicated that any conditions of an individual permit would be at least as stringent as the Composting General Order with respect to water quality protections and sizing of detention basins. Minor edits have therefore been made throughout the RDEIR (Tables 2 and 3.1, and Sections 4.1.2, 4.2, 4.3.3, 4.3.6.2, 4.4.2, 11.3.2.1, 11.4.1.1, 11.4.6, and 15.3.9.3) to clarify the type of RWQCB permit coverage that the facility would require. These changes do not affect the analyses or conclusions of the RDEIR that the impact of the proposed Project on hydrology and water quality would be less than significant with mitigation. These changes also do not constitute “significant new information” that would trigger recirculation of the document per Section 15088.5 of the CEQA Guidelines.

## 4 Changes to the Recirculated Draft EIR

This section contains proposed changes to the text of the RDEIR for the Z-Best Composting Facility Modifications Project dated April 20, 2023. These changes include both (1) additions, clarifications, and changes made in response to comments on the RDEIR, as discussed in Section 3.1 of this Final EIR, and (2) County staff-initiated text changes to correct minor inconsistencies, to add minor updates to information or clarification related to the Project, and to provide updated information where applicable, as discussed in Section 3.3 of this Final EIR.

None of the proposed changes to the RDEIR constitute “significant new information” that would trigger recirculation of the document per Section 15088.5 of the CEQA Guidelines.

Updated or new language is underlined. All deletions are shown in ~~striketrough~~.

### 4.1 Changes to Specific Sections of the Recirculated Draft EIR

#### 4.1.1 Changes to Section 2

In Section 2 of the RDEIR, the format of Table 2-1 has been corrected to avoid the text overlap for Impacts AIR-4 through AIR-7 (page 15 of the RDEIR) in response to comment VW-1.

The text of Table 2-1 has also been updated to show the proposed changes to mitigation measures MM-AES-2, MM-AIR-7a, MM-AIR-7b, MM-BIO-2, MM-HYD-1a, MM-HYD-1b, MM-HYD-5, MM-TRA-2, MM-TRA-3, and new mitigation measure MM-HYD-4, made in response to CALTRANS-A-8, CALTRANS-A-10, CALTRANS-A-11, CALTRANS-B-1, CALTRANS-B-2, CHP-2, VW-4, VW-7, VW-21, DORADO-8, DORADO-12, ZBEST-2, and/or as staff-initiated edits, as described in the following sections.

A copy of the updated table is included in Appendix C of this document.

#### 4.1.2 Changes to Section 3

In Section 3.1 of the RDEIR, Figure 3.2 has been updated in response to comment VW-8 to show the location of existing flood storage area. A copy of the updated figure is included in Appendix C of this document.

In Section 3.1 of the RDEIR, the following change is proposed to the fifth paragraph after the bulleted list in response to comment VW-2:

Detention Basin #2 is a rectangular-shaped basin approximately 700 feet long by 130 feet wide. This approximately 2.4-acre basin receives storm water from Area

2 to the north and is constructed with an impermeable geomembrane liner. The existing capacity of Detention Basin #2 is approximately 3.94 million gallons.

In Section 3.2.2 of the RDEIR, the following staff-initiated changes are proposed to the consistency determination discussion for Policies C-RC 19, R-RC 8, and R-RC 9 in Table 3-1. A full copy of the updated table is included in Appendix C of this document, for context.

**Consistent.** The proposed project is, in part, being designed to comply with the 2015 Composting General Order promulgated by the State Water Resources Control Board. The Composting General Order includes new requirements specifically for composting operations that are designed to improve both surface and groundwater quality conditions. Of particular note is the requirement that detention facilities must be lined to prevent percolation of storm water runoff to groundwater. The project includes this improvement for the modified Detention Basin #1, which would result in improved groundwater quality relative to existing conditions. See Section 11, Hydrology and Water Quality. Although the proposed project may require an individual permit from the Regional Water Quality Control Board (RWQCB), rather than coverage under the Composting General Order, the conditions of an individual permit issued by the RWQCB would be at least as protective of water quality as the Composting General Order requirements. See Section 4.1.2 for more discussion of the Composting General Order applicability to the proposed project.

Based on the results of a water balance analysis submitted to the County and referenced in this EIR, the proposed project would result in increased groundwater demand. Z-Best currently utilizes water supply from existing wells to augment supply detained in its existing Detention Basin #1. Based on the most recent information available, the groundwater basin from which water would be extracted is not adjudicated, nor in overdraft condition. Therefore, water supply is not expected to be a constraint for the project. See Section ~~14, Water Supply and Groundwater Sustainability~~ 11, Hydrology and Water Quality.

In Section 3.2.2 of the RDEIR, the following staff-initiated changes are proposed to the consistency determination discussion for Policy R-RC 15 in Table 3-1:

**Consistent.** Though the Z-Best facility is already permitted for operation adjacent to the Pajaro River, the proposed project includes measures that would improve groundwater quality relative to current operations, such as lining of the modified Detention Basin #1 and improved leachate control. As described above, the proposed project is also being designed to comply with the State Water Resources Control Board's ~~2015 Composting General Order, which includes new~~ requirements for composting operations that are designed to improve both surface and groundwater quality conditions. See Section 11, Hydrology and Water Quality.

In Section 3.2.2 of the RDEIR, the following staff-initiated changes are proposed to the consistency determination discussion for Policies SC 12.0, SC 13.0, and SC 13.3 in Table 3-1:

**Consistent.** The project site is within a flood hazard area. Fill proposed within Area 1 would result in increased flood elevations if compensatory flood water

storage capacity was not provided. Increased flood storage would be provided. The new flood storage capacity would be sufficient to ensure that any net rise in flood elevation under post-project conditions would be negligible (approximately 0.01 foot). See Section 11, Hydrology and Water Quality.

The project also includes new storm drainage improvements for collecting and delivering storm water to the existing Detention Basin #1, which would be modified to protect it from a 100-year design flood. The Z-Best facility is a no-net storm water discharge facility.

In addition, the Composting General Order stipulates that a technical report must be submitted to identify how qualifying facilities are complying with the Composting General Order. The technical report must include, among other things, a description of the hydrogeology, working surface design, water and wastewater management plan, inspection and maintenance program, monitoring, closure plan, and a proposed schedule for achieving compliance. Similar information would be required to be submitted as part of any application for an individual permit from the RWQCB for an MSW composting facility.

In Section 3.3.1, the following edits to the fifth paragraph are proposed as a staff-initiated change:

Z-Best is regulated by the County under (i) the current facility Use Permit, and (ii) Solid Waste Facility Permit (SWFP) No. 43-AA-0015 issued by the County Department of Environmental Health, acting as the local enforcement agency (LEA). Z-Best is also regulated by the State Water Resources Control Board (SWRCB) pursuant to the General Waste Discharge Requirements for Composting Operations contained in Order No. WQ 2015-0121-DWQ (“Composting General Order”), adopted on August 4, 2015, and amendments under Order WQ 2020-0012-DWQ, adopted on April 7, 2020.

### 4.1.3 Changes to Section 4

In Section 4.1, the following edits are made to the second paragraph, and a new paragraph added, as a staff-initiated change:

The project site is located within the jurisdiction of the Regional Water Quality Control Board - Central Coast (Region 3). The Applicant (Z-Best) is proposing additional changes to existing site conditions to comply with updated regulations of the State Water Resources Control Board found in its 2015 General Waste Discharge Requirements for Composting Operations, Order WQ 2015-0121-DWQ (California State Water Resources Control Board 2015) and amendments thereto (“Composting General Order”). The Composting General Order requires composting facilities to implement water quality control measures for enhanced protection of surface water and groundwater quality. The changes involve modifying existing Detention Basin #1 so that it complies with Composting General Order requirements to better protect the facility from flooding. The surface area of the basin would be reduced, but its storage volume would be increased by raising its perimeter berms. An engineered geomembrane liner would also be installed to provide improved groundwater quality protection.

Discussions with RWQCB staff (Smaira, pers. comm. 2023) have indicated that the changes proposed to Z-Best’s MSW composting operations as part of this project may cause Z-Best to no longer be able to retain coverage under the Composting General Order, due to the MSW no longer being “encapsulated.” Instead, an individual permit from the RWQCB would be required. However, the conditions of any individual permit would include the same, or more stringent, requirements as the Composting General Order with respect to water quality protection.

In Section 4.1.2, the following new paragraph is to be inserted between the second and third paragraphs, as a staff-initiated change:

As described above, although the changes to MSW operations described in the proposed project are likely to require Z-Best to obtain an individual permit from the RWQCB (rather than continuing coverage under the Composting General Order), the conditions of any individual permit would include the same, or more stringent, requirements as the Composting General Order with respect to water quality protection.

In Section 4.2, the following edits are proposed to the footnote of the sixth bullet point, as a staff-initiated change:

<sup>2</sup> The General Waste Discharge Requirements for Composting Operations are often referred to as the Composting General Order. The General Waste Discharge Requirements for Composting Operations and the Composting General Order are the same document. The 2015 General Waste Discharge Requirements for Composting Operations was amended in 2020 as the General Discharge Requirements for ~~Commercial~~ Commercial Composting Operations. The technical requirements of the 2015 and 2020 orders are very similar and do not affect project design. The Z-Best Compost Facility will comply with the 2020 requirements. Note that the Z-Best facility may require coverage via an individual permit, rather than via the Composting General Order; however, conditions of an individual permit would be equally or more stringent than the Composting General Order with respect to water quality protection.

In Section 4.3.3, the following edits are proposed, as a staff-initiated change:

The proposed project would continue to generate compost process leachate that could affect storm water quality. However, it would be managed consistent with water quality standards for composting operations included in the 2015 Composting General Order (or equivalent conditions of an individual permit from the RWQCB), as described previously. These standards are more stringent than previously applied to composting operations, including Z-Best’s current operations.

In the second paragraph of Section 4.3.3.1, the first paragraph of Section 4.3.3.2, and the first paragraph of Section 4.3.6.3 of the RDEIR, the following cross-reference correction is proposed in response to comment VW-3:

...~~Section 4.0-11~~, Hydrology and Water Quality...

In Section 4.3.6.1 of the RDEIR, the following change is proposed in response to comments VW-3 and VW-4:



The project site is within a 100-year flood hazard zone. The 100-year water surface elevation for the floodplain is 148.5 feet (NAVD 88), which was established through a Conditional Letter of Map Revision (CLOMR) from FEMA, which was issued in 2018 as part of prior improvements to the Z-Best facility (see Appendix E-9). As part of the proposed project, the footprint of Area 1B within which ECS improvements would be installed would be raised by approximately one to two feet so that it would be above the 100-year flood elevation. The raised pad would be paved prior to ECS improvements being installed. This paving would not result in an increase in impervious area because the existing compacted earthen pad is considered an impervious surface. Refer to Section ~~40-011~~, Hydrology and Water Quality, for more information.

In Section 4.3.6.2 of the RDEIR, the following clarifications are proposed to the first and second paragraphs in response to comment VW-5 and staff-initiated changes:

Per the current 2015 Composting General Order regulations described previously that now apply to Z-Best operations, the storm water from a composting facility must be more rigorously managed to protect water quality by prohibiting discharge of compost facility wastewater to surface or groundwater. To meet the more stringent water quality requirements of the 2020 Composting General Order (or an individual permit), Z-Best proposes to modify Detention Basin #1 to include a geomembrane liner. A geomembrane liner is very low permeability synthetic membrane liner or barrier used to minimize downward percolation of wastewater or storm water stored in a basin to groundwater.

The configuration of Detention Basin #1 would be modified to reduce the area of the basin by approximately two-thirds (from 6.3 acres to approximately 2.4 acres), while also constructing higher perimeter berms, so that the depth of the basin is increased and so that storage volume is adequate to meet Composting General Order regulations (or the expected equivalent conditions from an individual permit issued by the RWQCB) and to protect the basin from a 100-year flood. ~~The eastern~~ western portion of the existing basin would no longer be used for stormwater detention. As a result of the proposed modifications, Detention Basin #1 would increase its maximum capacity from approximately 9.1 million gallons to approximately 14.5 million gallons, as shown in Figure 4-6, Detention Basin #1 Modifications. The ruderal vegetation and all existing trees that border the existing basin would be removed as part of the reconfiguration. Vegetation and tree removal are addressed in Section ~~7-08~~, Biological Resources.

In Section 4.3.8.2 of the RDEIR, the following edit is proposed to the second paragraph (with new accompanying footnote), as a staff-initiated change:

No changes are proposed to the facility's water supply infrastructure or onsite conveyance, except to connect the existing system to the new ECS composting system. The existing water wells would continue to provide water for composting and domestic uses at the site, and the existing ~~The~~ 361,000-gallon fire suppression system water supply tank and associated fire pump and pump shed would remain on site, previously permitted<sup>3</sup> but not yet constructed, would be installed as planned approximately 200 feet west of the processing building.

Changes to the demand for water use associated with the project are discussed in Chapter 13, Water Supply.

<sup>3</sup> The County issued Architecture and Site Approval for the fire suppression water supply tank and fire pump shed (File 11206-18ASA) in 2019 but these features have not yet been constructed.

In Section 4.3.8.5 of the RDEIR, the following new bullet point is proposed, as a staff-initiated change:

- Upgrade of the existing parking areas to meet current County standards, including installation of electric vehicle (EV) infrastructure if required;

In Section 4.4.2 of the RDEIR, the following edit is proposed to the second bullet, as a staff-initiated change:

- Central Coast Regional Water Quality Control Board – review and verify project compliance with 2020 2015-Composting General Order or issue an individual permit;

In Section 4.4.2 of the RDEIR, the following change is proposed to the fourth bullet in response to comments CALTRANS-A-7, CALTRANS-A-8, and CALTRANS-A-9:

- California Department of Transportation – review and approve proposed circulation, utility, and/or hydraulic modifications improvements to SR-25 along the project frontage, and issue related encroachment permit; and review and approve proposed construction traffic management plan and issue transportation permit for movement of oversized or excessive load vehicles on State roadways (if necessary);

#### 4.1.4 Changes to Section 5

In Section 5.4.2 of the RDEIR, the following changes are proposed to subsection B of mitigation measure MM-AES-2 in response to comment CHP-2:

*B. Off-Site Spillage and Litter Management Plan: The modified Use Permit conditions shall require the Applicant to comply with an off-site spillage and litter management plan. The Applicant shall submit a proposed spillage and litter management plan to the County Planning Department for review and approval. The plan shall include, but not be limited to, the following measures:*

- 1) Procedures and penalties to discourage haul trucks arriving on site or transporting ~~non-compostable~~ materials from the facility from failing to properly secure their loads to minimize potential for generation of litter or material spillage in-transit to or from the facility. Note that State law requires vehicle contents to be covered so that nothing can spill or otherwise escape from the vehicle (Vehicle Code §§ 23114, 23115).*
- 2) Regular inspections of the SR-25 right-of-way adjacent to the project site and extending at least a half-mile in either direction of the facility to identify and clean up any litter or spilled materials that may be generated by trucks hauling materials to or from the site.*
- 3) Increased frequency of clean-up activities, such as trash removal from the project site frontage and street-sweeping within the Caltrans right-of-way*

*to the extent needed to prevent any increase in litter or spilled materials along the project frontage.*

- 4) *Records of inspections and enforcement activities shall be maintained by the Applicant and submitted to the County Planning Department annually, or more frequently on request.*

#### 4.1.5 Changes to Section 7

In Section 7.4.2.1 of the RDEIR, the following changes are proposed to the second paragraph, as a staff-initiated change:

*Another potential mitigation measure considered was the installation of Level 2 electric vehicle (EV) charging infrastructure in employee and visitor light-duty parking spots and/or installation of conduit(s) for EV charging stations for trucks. The proposed project includes upgrade of the existing parking area to meet current County standards, which would include any applicant would be required to comply with all applicable County requirements for EV charging that are in effect at the time they obtain building permits. Given the small contribution that employee and visitor light-duty vehicles are expected to make to the overall increase in NOx emissions from the project (compared to the much larger contribution from the on-road truck fleet), imposing more stringent EV charging requirements than current County standards would not substantially reduce NOx emissions. Furthermore, the effectiveness of any such mitigation measure would depend on the rate of EV integration by employees. However, the proposed project would not change the existing parking capacity or configuration of the parking and truck circulation areas. The proposed project does not include any formal truck parking areas; therefore, it would be infeasible at this time to incorporate changes such as require EV charging infrastructure for trucks to the parking and circulation areas.*

In Section 7.4.7 of the RDEIR, the following changes are proposed to mitigation measure MM-AIR-7a in response to comment DORADO-12:

##### ***MM-AIR-7a: Dust Monitoring***

*Prior to issuance of an operating permit, the project Applicant shall retain a qualified industrial hygienist to design and conduct a fence-line dust monitoring program (as a proxy for the monitoring of bioaerosols) to establish baseline conditions at the site under normal (existing) operating conditions and under a range of meteorological conditions. Following installation of the new composting equipment and when the project is fully operational and at maximum composting volume, the industrial hygienist shall perform a second round of dust monitoring during typical project operations (and under a similar range of meteorological conditions to baseline monitoring) to determine if the new technology causes an increase in fugitive dust emissions (which may also indicate an increase in bioaerosol emissions). The monitoring plan shall be submitted to the County Planning Department for review and approval prior to implementation, and results shall be reported to the County Planning Department. If dust emissions under full project conditions are equal to or less than the baseline conditions, then no further monitoring is required. If dust emissions under full project conditions are*

*greater than baseline conditions, then additional dust control measures or other operational practices shall be implemented to reduce dust and bioaerosol concentrations to the extent feasible, and additional monitoring, designed and undertaken by a qualified industrial hygienist, and reviewed and approved by County Planning Department, shall be undertaken to verify the effectiveness of the controls and to determine whether further control measures are warranted.*

In Section 7.4.7 of the RDEIR, the following changes are proposed to mitigation measure MM-AIR-7b and the following paragraph in response to comment DORADO-8:

***MM-AIR-7b: Equipment Maintenance and Biofilter Replacement***

*To prevent the growth of bacteria and fungi within the biofilter matrix, the matrix shall be maintained and properly replaced in accordance with manufacturer's specifications. All equipment within the ECS system, including monitoring that the proposed ECS system is attaining the appropriate pathogen reduction temperatures within the anticipated timeframe (i.e., 48 hours), and within multiple locations throughout each bunker, shall be checked by a qualified technician and determined to be running in proper condition prior to daily operation. Composted materials shall not be removed from the primary CASP bunkers until all temperature probes have reached a temperature of at least 55 degrees Celsius. Records of required daily monitoring and maintenance shall be retained by the Applicant and provided to the County Planning Department annually, or more frequently upon request.*

With implementation of MM-AIR-7a and MM-AIR-7b, it is anticipated that the potential for health and environmental impacts due to bioaerosol emissions would be reduced, as measures to minimize fugitive dust emissions would also serve to reduce bioaerosol emissions. Dust monitoring is suggested as a proxy for bioaerosol monitoring, due to the complexity of sampling for bioaerosols, the wide variety of types of bioaerosols, and the lack of regulatory exposure limits. Furthermore, the requirements for monitoring and maintenance of equipment would reduce the potential for enteric pathogens to remain viable after the primary composting step. However, since the effectiveness of MM-AIR-7a and MM-AIR-7b cannot be quantified and there are no regulatory exposure levels for this impact, this impact has been conservatively determined to be **significant and unavoidable**.

## **4.1.6 Changes to Section 8**

In Section 8.4.2 of the RDEIR, the following change is proposed to mitigation measure MM-BIO-2, as a staff-initiated change for clarity:

***MM-BIO-2: Nesting Bird Avoidance and Minimization Measures***

*Any tree removal, pruning, grading, grubbing, or demolition within the compost facility or within the access road and SR-25 impact areas shall be conducted outside of the bird nesting season (January 15 through September 15) to the maximum extent feasible ~~and with express prior approval from the County Planning Department~~. If these types of activities, or noise resulting from construction activities, will occurs during the bird nesting season, then prior*

*written approval from the County Planning Department shall be obtained, and a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no active nests would be disturbed during project activities.*

*If project-related work is scheduled during the nesting season (January 15 through September 15), or if construction activities are suspended for at least 15 days and recommence during the nesting season, a qualified biologist shall conduct additional nesting bird surveys before any construction activities recommence. Two surveys for active nests of such birds shall occur within 15 days prior to the start of construction, with the second survey conducted within 48 hours prior to the start of construction. Appropriate minimum survey radii surrounding each work area are 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day, as determined by the qualified biologist, to observe nesting activities when birds are most active. Off-site locations where access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if active nests are found) shall be completed by the qualified biologist and submitted to the County Planning Department prior to initiation of construction activities.*

*If the qualified biologist documents active nests within the survey areas, an appropriate buffer between each nest and construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize normal bird behavior and establish a buffer distance that allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, all construction work in the area shall cease until the young have fledged and the nest is no longer active.*

*Any modifications to this measure, such as encroachment of construction activities into established buffer zones, must be coordinated with CDFW.*

#### **4.1.7 Changes to Section 11**

In the introduction of Section 11 of the RDEIR, the following change is proposed to the second bullet point (and a new bullet point added) in response to comment VW-4:

- Floodplain Impact Certification, Grading and Flood Study Summary Report. Z-Best Compost Facility Expansion, Santa Clara County, California (Schaaf & Wheeler 2012) in Appendix E-8;
- Conditional Letter of Map Revision (CLOMR) issued by FEMA on May 21, 2018, in Appendix E-9;

In Section 11.1.2 of the RDEIR, the following change is proposed to the first paragraph in response to comment VW-7:

Three active water supply wells are located at the facility, as well as two inactive wells. The well on the eastern perimeter of Area 2 is the primary water source for green waste composting and dust control (Golder Associates 2016). The other two active wells are located in Area 1 – a domestic water well near the office, and a “shared well” that was previously used for process water for the processing building and as a back-up to the primary composting water well. Based on groundwater monitoring at the onsite wells since 2019, the groundwater table at the site varies between approximately 123 and 141 feet NAVD 88 (approximately 6 and 19 feet below ground surface) and generally flows from northwest to southeast, towards the Pajaro River (Golder 2023).

In Section 11.1.3 of the RDEIR, the following change is proposed to the last paragraph before subheading 11.1.3.1 in response to comment VW-8:

The project site has been divided into multiple areas. Area 1 consists of active composting facilities (e.g., feedstock sorting, processing, and composting) which drain to Detention Basin #1. Area 2 consists of storage and finishing areas which drain to Detention Basin #2. Floodwater storage areas, detention basins, and undeveloped Z-Best property are located east and south of Areas 1 and 2 (see Figure 3-2 in Section 3). The existing drainage conditions within Areas 1 and 2 are a direct result of site modifications and facility improvements constructed so that Z-Best’s operations conformed to SWRCB requirements in effect at the time those improvements were made. Each area is described in turn, below.

In Section 11.1.3.2 of the RDEIR, the following change is proposed to the second paragraph in response to comment VW-2:

Detention Basin #2 is a rectangular-shaped basin approximately 700 feet long by 130 feet wide (approximately 2.4 acres) and is constructed with an impermeable geomembrane liner. The existing capacity of Detention Basin #2 is approximately 3.94 million gallons, and the maximum berm elevation is 149 feet.

In Section 11.1.6.2 of the RDEIR, the following change is proposed to the paragraph preceding Table 11-4, as a staff-initiated change to correct the citation:

Table 11-4 summarizes the daily maximum and the monthly average precipitation in Gilroy during water year 2023. Winter 2023 was particularly wet, with atmospheric river events providing multiple inches of rain over several week periods. The March 10, 2023, storm was the largest 24-hour precipitation event during this period, with 4.05 inches of rain. December and early January also experienced substantial rainfall. The maximum 45-day averaging period during December and early January was 18.65 inches inclusive of the January 9, 2023, storm. The maximum 1-day precipitation was between a 5-year and a 10-year event and the maximum 45-day precipitation was between a 10-year and a 25-year event (NOAA 2023a).

In Section 11.2.2.3 of the RDEIR, the following changes are proposed to the subsection titled “Composting General Order,” as a staff-initiated change:

The existing Z-Best facility is required to comply with statewide general orders and CWA NPDES requirements as promulgated by the SWRCB. The existing facility had been operating under the SWRCB's *General Permit for Storm Water Discharges Associated with Industrial Activities*, Order 2014-0057-DWQ, NPDES No. CAS00001, as amended. However, in 2015, the SWRCB adopted the *General Waste Discharge Requirements for Composting Operations*, Order WQ 2015-0121-DWQ, which is specific to regulating water quality associated with activities of composting operations (SWRCB 2015). This permit was amended and superseded by the *General Waste Discharge Requirements for Commercial Composting Operations*, Order WQ 2020-0012-DWQ (Composting General Order) on April 7, 2020. The Composting General Order is not a NPDES Permit adopted in compliance with the Federal CWA, instead it is a general order and waste discharge requirements pursuant to Water Code section 13263. (Prior to the Composting General Order, composting facilities were often not regulated by the RWQCBs or were operated pursuant to site-specific waste discharge requirements issued by RWQCBs.)

The Composting General Order applies to facilities that accept materials, such as green waste, food scraps, and paper products, for composting and is applicable to existing and new composting operations. Among other operational requirements, the Composting General Order includes requirements for the siting, construction, operation, and maintenance of composting facilities to protect surface water and groundwater. These requirements include specifications for allowable depth to groundwater; distance to and setbacks from surface water and water supply wells; maximum ground permeability underneath composting piles; drainage requirements including design storm standards, working surface strength/hydraulic conductivity, storm water ditch design, and leachate collection and containment; detention basin design including capacity to accommodate flow from 25-year, 24-hour peak storm events; detention basin liner criteria; and detention basin water quality sampling and liner monitoring and inspections. A Water and Wastewater Management Plan must also be prepared that describes how wastewater would be managed to prevent discharge to surface or groundwater (including design, operations, and maintenance of storm water control systems, and water balance calculations). As stated in Finding 33 of the Composting General Order, the SWRCB has determined that compliance with design specifications and associated performance requirements included in the Composting General Order is protective of water quality.

Composting operations covered by the Composting General Order are categorized in one of two tiers based on the volume and type of feedstocks, and site hydrogeological conditions. Tier I facilities are limited to certain feedstocks in quantities that are considered a lower threat to water quality. Tier II facilities may accept larger volumes and materials that may pose a greater threat to water quality than those allowed in Tier I if not managed properly. The Tier II requirements are, therefore, more protective than Tier I requirements. The Z-Best Composting Facility is currently a Tier II composting operation. Therefore, its existing operations are subject to more stringent water quality control requirements.

~~Because the Composting General Order applies to both existing and new composting operations, the requirements would be applicable to Z-Best~~

~~operations whether or not the proposed project is approved.~~ The Composting General Order stipulates that a technical report must be submitted to identify how qualifying facilities are complying with the Composting General Order. The technical report must include the property owner and operator, description of the types and quantities of feedstock materials, climatology, geology, hydrogeology, working surface design, water and wastewater management plan, inspection and maintenance program, monitoring, closure plan, and a proposed schedule for achieving compliance. The Composting General Order allows up to six years for an existing facility to achieve compliance.

The technical report for the existing Z-Best facility was submitted to the Central Coast RWQCB in August 2016. The technical report was subsequently revised based on RWQCB review comments and resubmitted in October 2016. The 2016 technical report pre-dated Z-Best's decision to modify its operations as is now proposed. Upon completion of the proposed improvements that are being evaluated in this EIR, Z-Best would be required to prepare an updated technical report for Central Coast RWQCB review and approval which demonstrates how Z-Best is complying with the 2020 Composting General Order.

However, due to changes in the MSW composting technology that are proposed as part of the project, it is possible that future operations at the Z-Best facility will no longer qualify for coverage under the Composting General Order, as the MSW composting process would no longer be fully encapsulated. Instead, Z-Best would need to apply for an individual waste discharge permit from the RWQCB. RWQCB staff have indicated that any conditions of an individual permit would be at least as stringent as the Composting General Order requirements with respect to protection of water quality (Smaira, pers. comm. 2023).

~~As stated in Finding 33 of the Composting General Order, the SWRCB has determined that compliance with design specifications and associated performance requirements included in the Composting General Order is protective of water quality.~~

In Section 11.3.2.1 of the RDEIR, the following edits are proposed, as a staff-initiated change:

The primary sources of information evaluated for this impact analysis were the Composting General Order, the Applicant's plan set for the proposed project, and information about the water quality characteristics of leachate produced by the proposed ECS system technology. In addition, the Applicant provided a variety of studies focused on hydrology and water supply. The Applicant's early studies were peer reviewed by Tetra Tech, under contract to EMC Planning Group. Although the majority of the original studies are now outdated and have been superseded by subsequent reports, the portions of the Tetra Tech peer review relating to leachate quality and quantity are still valid. The Tetra Tech peer review is found in Appendix E-1. The SWRCB's Composting General Order (described in the Regulatory Setting above) is the applicable water quality control regulatory framework to which composting projects must generally comply. Project consistency with the regulations is evaluated. As described above, even though the proposed project may be required to obtain an individual permit rather than retain coverage under the Composting General Order, the conditions of an



individual permit issued by the RWQCB would be at least as stringent as the Composting General Order with respect to water quality protection requirements.

In Section 11.4.1.1 of the RDEIR, the following edits are proposed to the first paragraph, as a staff-initiated change:

The proposed change in composting operations and associated improvements/site modifications, and operations associated with proposed modifications to Detention Basin #1, have potential to create groundwater and/or surface water quality impacts. However, these operations must conform to water quality performance standards contained in the Composting General Order (or equivalent conditions of an individual permit) that are designed to protect surface water and groundwater quality. The discussion here first focuses on the potential for proposed operations to produce contaminated composting process water and contaminated storm water runoff, then addresses the design aspects of the project in relation to the applicable performance standards in the Composting General Order.

In Section 11.4.1.1 of the RDEIR, the following edits are proposed to the fifth (last) paragraph under the subheading “ECS System Leachate Collection Features,” as a staff-initiated change:

In summary, the inherent design of the ECS system would provide improved leachate management relative to the existing CTI system and would facilitate the proposed project’s conformance with storm water quality control standards in the Composting General Order (or equivalent conditions of an individual permit) thereby minimizing and avoiding the potential for violating water quality standards, waste discharge requirements or otherwise degrading groundwater quality.

In Section 11.4.1.1 of the RDEIR, the following edits are proposed to the first paragraph under the subheading “Proposed ECS System Pad Design,” as a staff-initiated change:

The Composting General Order requires that pads and working surfaces must be capable of preventing degradation of waters of the state. Conditions of any individual permit would include the same, or more stringent, requirements as the Composting General Order with respect to water quality protection. Such improvements must be designed, constructed, operated, and maintained to 1) facilitate drainage and minimize ponding by sloping or crowning pads to reduce infiltration; 2) reliably transmit any free liquid to a containment structure; and 3) prevent conditions that could lead to contamination, pollution, or nuisance.

In Section 11.4.1.1 of the RDEIR, the following edits are proposed to the first paragraph under the subheading “Proposed Storm Water/Leachate Conveyance System Improvements,” as a staff-initiated change:

Per the Composting General Order, drainage conveyance systems must be designed, constructed, and maintained for conveyance of wastewater from the working surface in addition to direct precipitation from the 25-year, 24-hour peak storm event at a minimum. Conditions of any individual permit would include the same, or more stringent, requirements as the Composting General Order with respect to water quality protection. The proposed project includes an improved

storm water collection system designed to meet this performance standard. Refer to Figure 4 4, Grading and Drainage Plan, which illustrates planned storm water collection and conveyance system improvements. Storm water from the ECS composting pad would be collected in drainage pipes and French drains. Two pump stations are planned that would pump the water into Detention Basin #1.

In Section 11.4.1.1 of the RDEIR, the following changes are proposed to mitigation measure MM-HYD-1A in response to comment ZBEST-2:

***MM-HYD-1A: Demonstrate Sufficient Pump Capacity***

*During the grading permit application process, the Applicant shall submit details and calculations to the County Planning Department demonstrating that the proposed pump capacity will be sufficient to transfer stormwater runoff from Area 1 into Detention Basin #1 during a 25-year, 24-hour storm event without causing localized flooding which inundates the southeast corner of the green waste compost area. Note that approximately ~~8.7~~7.1 million gallons of stormwater runoff is expected from Area 1 during the 25-year, 24-hour storm event (from ~~5.8~~4.75 inches of precipitation).*

In Section 11.4.1.1 of the RDEIR, the following edits are proposed to the subsection titled “Proposed Storm Water/Leachate Conveyance System Improvements” in response to comments ZBEST-2 and RWQCB-4, and as staff-initiated changes:

The proposed project includes modifications to existing storm water Detention Basin #1. There is also a second storm water detention basin on the site (Detention Basin #2), but modifications to that basin are not proposed as part of the current project.

The Composting General Order requires detention basins to be designed to contain all runoff from working surfaces in addition to direct precipitation from the 25-year, 24-hour storm event. Specifically, it indicates that:

*Detention ponds, if used, must be designed, constructed, and maintained to prevent conditions contributing to, causing, or threatening to cause contamination, pollution, or nuisance, and must be capable of containing, without overflow or overtopping (taking into consideration the crest of winddriven waves and water reused in the composting operation), all runoff from the working surfaces in addition to precipitation that falls into the detention pond from a 25-year, 24-hour peak storm event at a minimum, or equivalent alternative approved by the Regional Water Board.*

Conditions of any individual permit would include the same, or more stringent, requirements as the Composting General Order with respect to water quality protection.

The 25-year, 24-hour storm event is anticipated to generate ~~5.8~~4.75 inches of rain (NOAA 2023~~be~~), which would be expected to fill the detention basins to approximately ~~65~~55 percent of their combined capacity if the basins were empty at the time of the event. However, as detailed in Appendix E-6, operations of the detention basins will not drawdown water levels to empty during extended periods of time in wet years. In addition, extreme events such as the 25-year, 24-

hour storm event are expected to occur during wet years. As such, there remains a substantial risk of overtopping and/or discharge from the basin if an extreme event occurs during a wet year when the detention basins are being used to hold prior runoff from the composting facility, even assuming the currently proposed capacity increase in Detention Basin #1.

Overtopping could cause discharge of detention basin waters into the on-site flood storage basin or offsite areas, which could eventually discharge to the Pajaro River. The Pajaro River is a waterbody that has been identified by the RWQCB, SWRCB, and EPA as impaired for various water quality constituents including *Escherichia coli* (*E. coli*), nitrate, sodium, dissolved oxygen, pH, turbidity, and sedimentation/siltation. Compost leachate from MSW is characterized by high BOD (a measure of the amount of dissolved oxygen consumed by bacteria in the process of consuming organic material in water), low pH (a measure of acidity), the presence of nutrients including nitrogen and phosphorous, and salts. The unrestricted release of runoff from MSW and green composting operations has the potential to further degrade water quality by contributing nitrates, organic matter, and particulates, altering pH, and increasing oxygen demands in the Pajaro River and downstream water bodies. This is a **potentially significant** impact to water quality. The following mitigation measure is proposed to address this impact.

#### ***MM-HYD-1B: Increase Detention Basin Capacity***

*During the grading permit application process, the Applicant shall submit a revised site plan, design details, and supporting calculations to the County Planning Department for review and approval showing modifications to increase the capacity of Detention Basin #1 and/or Detention Basin #2, such that the combined detention capacity is sufficient to hold at least 22.8 ~~22.4~~ million gallons of water ~~without discharging and whilst maintaining a~~ freeboard of at least 2 feet. In addition, the Applicant shall demonstrate compliance with the Composting General Order (or at least as stringent conditions of an individual permit) to detain the 25-year, 24-hour peak storm, assuming normal operating volumes during wet years, or obtain approval from the RWQCB for an equivalent alternative.*

*If the modified basin design would require changes to the engineered alternative liner design for Detention Basin #1 (as previously approved by the RWQCB on May 22, 2023), or would result in the potential for Detention Basin #2 to hold water at an elevation above the level of the existing Detention Basin #2 liner (i.e., above 150 feet NAVD 88) the Applicant shall demonstrate compliance with the Composting General Order hydraulic conductivity requirements or at least as stringent conditions of an individual permit, as required by the RWQCB.*

*If the modified basin design would require additional fill below the base-flood elevation, consideration must also be given to a corresponding increase in the size of the additional flood storage basin in Area 2, such that no net loss of floodplain shall occur compared to existing conditions as needed to comply with the County's Floodplain Management Ordinance (see also MM-HYD-4).*

*If the modified basin design and/or corresponding changes to the flood storage basin would decrease the area of the facility draining to the detention basins, the required detention volume specified in the first paragraph of this measure may be reduced accordingly, provided adequate supporting documentation is provided to the County Planning Department for review and approval. The documentation shall demonstrate that the revised design is sufficient to hold direct precipitation and facility runoff from a 25-year, 24-hour storm event in addition to normal operating volumes during wet years, whilst maintaining the required 2 feet of freeboard.*

With implementation of MM-HYD-1B, the stormwater detention capacity would be increased to meet the requirements of the Composting General Order (or at least as stringent conditions of an individual permit) and to minimize the risk of discharge from the detention basins during a large storm event, even in a wet year. The impact would be **less than significant with mitigation**.

In addition, flood water should be prevented from inundating the detention basin and causing a release of retained storm water. Potential impacts relating to inundation by floodwaters are discussed further under Impact HYD-5 below.

In Section 11.4.1.1 of the RDEIR, the following clarifications are proposed to the second, third, and fourth paragraphs under the subheading “Groundwater Quality,” as staff-initiated changes:

The Composting General Order includes a performance standard regarding limiting infiltration of detained storm water to groundwater to protect groundwater quality. To meet the more stringent water quality requirements, Z-Best proposes to modify Detention Basin #1 to include an impermeable liner that meets the conductivity specifications of the Composting General Order (or at least as stringent conditions of an individual permit). The liner system would be similar to the 60-millimeter, high density polyethylene geomembrane underlain by a geosynthetic clay liner that is present at existing Detention Basin #2. Lining Detention Basin #1 would reduce storm water infiltration potentially containing leachate and would have a beneficial effect on groundwater quality relative to existing conditions, even if the leachate quality within Detention Basin #1 were to deteriorate under project conditions.

Leachate collected in Detention Basin #1 would be aerated to control odor and to maintain the dissolved oxygen concentration at a minimum of 1.0 milligram per liter consistent with the Composting General Order (or at least as stringent conditions of an individual permit). Solids that accumulate in the lined basin would be periodically removed and composted, as they are now; hand tools would be used to avoid puncturing the liner. Consistent with Composting General Order standards (or at least as stringent conditions of an individual permit), a pan lysimeter monitoring device must be installed under the lowest point of the pond to monitor water quality conditions below the pond. A lysimeter is a device for collecting water from the pore spaces of soils and for determining the soluble constituents removed in the drainage.

With adherence to the requirements of the Composting General Order (or at least as stringent conditions of an individual permit), the proposed project would

reduce the potential for infiltration of stormwater/leachate from Detention Basin #1 to groundwater.

In Section 11.4.1.2 of the RDEIR, the following change is proposed to the last paragraph in response to comment CALTRANS-A-7:

The Caltrans NPDES Permit regulates stormwater discharges from Caltrans rights-of way during and after construction, as well as from existing facilities and activities. As such, operational stormwater quality from Caltrans facilities is regulated by the SWRCB through the Caltrans NPDES Permit. Post-construction water quality protection and hydromodification protection measures, and the process for incorporating them into the project design of the SR-25 and new access road improvements, must be consistent with the Caltrans' Project *Planning and Design Guide* and *Highway Design Manual*. Types of post-construction controls include low impact development (LID), water quality treatment, runoff retention and peak runoff management. The Applicant will be required to submit calculations showing the pre- and post-project runoff to Caltrans facilities as part of the encroachment permit application for work within the SR-25 right-of-way. Implementation of Caltrans' standard procedures for roadway design related to operational water quality control have been designed to comply with SWRCB NPDES permit requirements, and therefore would ensure that water quality impacts from the SR-25 access improvements would be **less than significant**.

In Section 11.4.4 of the RDEIR, the following changes are proposed to the summary impact statement in response to comments VW-7 and VW-21:

<b>IMPACT HYD-4</b>	<b>The project <del>would not</del> <u>could</u> alter existing on-site drainage patterns in a manner that would impede or redirect flood flows</b>	<b>Less than Significant with Mitigation</b>
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In Section 11.4.4.1 of the RDEIR, the following changes are proposed to the fifth paragraph in response to comment VW-7:

The proposed project's effect on floodplain storage would be as follows:

- 71-acre-feet reduction in existing floodplain storage, including:
  - Fill below the base flood elevation for the compost pad: 23.5 acre-feet.
  - Area to be removed from 100-year floodplain storage due to Detention Basin #1 berms: 46.0 acre-feet.
  - SR-25 fill to be placed below the base flood elevation: 1.5 acre-feet.
- 69.758.9 acre-feet increase in flood storage compared to existing conditions, including:
  - Excavation of an additional 7.2-acre flood storage area at north end of Area 2: 69.758.9 acre-feet.<sup>11</sup>

The proposed project would therefore result in a net loss of ~~4.3~~12.1 acre-feet of flood storage compared to existing conditions.

In Section 11.4.4.1 of the RDEIR, the following new footnote is proposed in response to comment VW-7:

<sup>11</sup> The Floodplain Storage Analysis (Schaaf and Wheeler, Appendix E-2) shows a net increase of 69.7 acre-feet of flood storage due to excavation below the base flood elevation in Area 2. However, the proposed maximum depth of excavation in this area is approximately 138.5 feet NAVD 88, which is approximately 1.5 feet below the typical groundwater levels in the area (Golder 2023). Therefore, not all of the 69.7 acre-feet excavated below the base flood elevation would be available for flood storage, unless groundwater levels were substantially lower than average at the time of flooding. It is estimated that approximately 10.8 acre-feet (1.5 feet x 7.2 acres) of the excavated storage area would potentially be unavailable due to the shallow groundwater levels.

In Section 11.4.4.1 of the RDEIR, the following changes are proposed to the final three paragraphs in response to comments VW-7 and VW-21:

The overall cumulative change in floodplain storage from both Phase 1 (2012) and Phase 2 (current project) grading activities would be a net increase decrease of floodplain storage of ~~6.6~~ 4.2 acre-feet compared to pre-2012 conditions. Hydraulic modeling results (Schaaf & Wheeler 2022, Appendix E-2) demonstrate that with the additional flood storage provided by the project, the maximum increase in water surface elevation between the pre-2012 condition and the proposed project condition would be approximately 0.01 foot. However, as discussed in footnote 11 below, the Schaaf & Wheeler report did not account for shallow groundwater levels in the vicinity of the proposed flood storage area, which would reduce the available amount of storage compared to their calculations. In addition, as indicated in MM-HYD-1B, a modified basin design can result in a change in hydraulic conditions that, when considering the combined result of the proposed project and prior modifications at the Z-Best site, may or may not result in a cumulative change in the 100-year water surface elevation of less than 1 foot (as required by the County's Floodplain Management Ordinance). As such, the hydraulic model must be updated to reflect these changes to confirm. The impact is therefore conservatively identified as **potentially significant**, and the following mitigation measure is proposed to address this impact.

**MM-HYD-4: Update Floodplain Storage Analysis**

*Prior to issuance of grading permits, the Applicant shall prepare and submit a revised floodplain storage analysis to the County, based on final project design. The analysis shall specify the project components included in the modeling and shall not consider excavated areas that are below typical groundwater levels as contributing to flood storage capacity. If the County determines that the revised analysis does not demonstrate compliance with the County's Floodplain Management Ordinance requirement that the project would not, when combined with other development within the floodplain, result in the water surface elevation of the 100-year base flood increasing by more than 1 foot, then the project shall be revised to provide additional floodplain storage capacity or other*

*design changes, until compliance can be demonstrated to the County's satisfaction.*

~~With implementation of MM-HYD-4, This demonstrates that the proposed project would be consistent with the County's ordinance and would have a minor to negligible effect on 100-year water surface elevations, particularly in context of prior improvements at the site. Adverse impacts on flood storage volumes or 100-year water surface elevations would be less than significant.~~

With implementation of MM-HYD-4, the revised hydraulic Hydraulic modeling results would demonstrate that the alteration of existing drainage patterns during the 100-year flood event would result in a minor to negligible increase in water surface elevation in an area immediately south of SR-25 and the potential for increased flooding as a result of on-site improvements would not be significant, either on-site, upstream, or downstream. Therefore, this impact would be **less than significant with mitigation.**

In Section 11.4.5 of the RDEIR, the following changes are proposed to the third and sixth paragraphs in response to comments VW-4 and VW-18:

Potential inundation of the proposed ECS composting pad in Area 1B of the site is unlikely, as the proposed project would raise the composting pad to approximately 1 at least a foot above the 100-year base flood elevation of 148.5448.44 feet (NAVD 88) prior to construction of the bunkers. Therefore, the risk of floodwaters inundating the MSW compost within the bunkers would have less than a 1 percent annual chance of occurrence.

...

With respect to the second issue, the proposed project would raise the height of Detention Basin #1 to 150.5 feet elevation (NAVD 88), which is approximately 2 feet above the 100-year base flood elevation of 148.544 feet (NAVD 88) (see Figure 4-6, Detention Basin #1 Modifications). Therefore, the likelihood of floodwaters from the Pajaro River inundating Detention Basin #1 would have less than a 1 percent annual chance of occurrence. The existing berm height of Detention Basin #2 is notched at 149 feet NAVD 88, which is only 0.59 feet above the base flood elevation, which does not leave sufficient freeboard to account for wind-driven waves. As such, there remains a substantial risk that floodwaters could overtop the berms and the basin could be inundated during a 100-year flood event. The project does not propose any changes to the berms at Detention Basin #2; however, given that the operation of Detention Basins #1 and #2 have the potential to be interconnected via pumping, and because the project is proposing changes to the quality and quantity of leachate draining to the basins (and the quantity of water being used from the basins), the project could increase the risk of contamination of floodwaters compared to existing conditions.

In Section 11.4.5 of the RDEIR, the following changes are proposed to mitigation measure MM-HYD-5 in response to comments VW-4 and RWQCB-4:

***MM-HYD-5: Increase Berm Height of Detention Basin #2***

*The Applicant shall increase the berm height of Detention Basin #2 to at least 150.544 feet (NAVD 88), so that at least 2 feet freeboard above the 100-year base*

flood elevation of 148.5 feet (NAVD 88) is maintained. Plans for the redesigned detention basin shall be submitted to the County Planning Department for review and approval prior to issuance of grading permits for the project. The Applicant shall also modify or replace the Detention Basin #2 liner, as required by the RWQCB, in compliance with the hydraulic conductivity requirements of the Composting General Order (or at least as stringent conditions of an individual permit).

In Section 11.4.6 of the RDEIR, the following edits are proposed to the fourth and fifth paragraphs, as staff-initiated changes:

As previously described, the MSW composting component of the proposed project must be designed and operated consistent with requirements contained in the SWRCB's Composting General Order (or at least as stringent conditions of an individual permit). The Composting General Order is a Waste Discharge Requirement. As described in Impact HYD-1 above, the proposed stormwater detention capacity is not sufficient to contain runoff generated by a 25-year, 24-hour storm event during a wet year assuming normal operating conditions, or if the basins already contain a substantial volume of water when such a storm event occurs. As discussed in Section 11.4.1, the Pajaro River is a waterbody that has been identified by the RWQCB, SWRCB, and EPA as impaired for various water quality constituents including *Escherichia coli* (*E. coli*), nitrate, sodium, dissolved oxygen, pH, turbidity, and sedimentation/siltation. Compost leachate from MSW is characterized by high BOD (a measure of the amount of dissolved oxygen consumed by bacteria in the process of consuming organic material in water), low pH (a measure of acidity), the presence of nutrients including nitrogen and phosphorous, and salts. The unrestricted release of runoff from MSW and green composting operations has the potential to further degrade water quality by contributing nitrates, organic matter, and particulates, altering pH, and increasing oxygen demands in the Pajaro River and downstream water bodies. Therefore, the composting component of the project would conflict with the Basin Plan, and this impact would be potentially significant. Mitigation measures MM-HYD-1A, MM-HYD-1B, MM-HYD-1C, and MM-HYD-5, which are described under Impact HYD-1 in Section 11.4.1 and Impact HYD-5 in Section 11.4.5 above, are proposed for this impact.

Implementation of MM-HYD-1A, MM-HYD-1B, MM-HYD-1C, and MM-HYD-5 would allow the proposed project to comply with the requirements of the Composting General Order (or at least as stringent conditions of an individual permit), and therefore the mitigated project would not conflict with the Basin Plan. The impact would be **less than significant with mitigation incorporated**.

## 4.1.8 Changes to Section 13

In Section 13.4.2.2 of the RDEIR, the following changes are proposed to the fourth paragraph in response to comment CHP-2:

The project would not introduce any incompatible uses such as farm equipment utilizing the highway, but would result in a substantial increase in truck traffic accessing the highway from the project site. The California Highway Patrol has indicated that material spillage from trucks servicing the existing facility already



contributes to roadway safety conditions by obscuring roadway markings within the SR-25 corridor. The increased volume of truck traffic has potential to increase the amount of material spilled from loaded trucks entering or exiting the site, which could further increase potential safety conditions.

In Section 13.4.2.3 of the RDEIR, the following new paragraph is proposed to be inserted prior to the first paragraph in response to comment CHP-2:

As discussed in Section 5 above, mitigation measure MM-AES-2 would require an off-site litter management plan, which would include procedures and penalties to discourage haul trucks arriving on site or transporting materials from the facility from failing to properly secure their loads. While this mitigation measure was primarily recommended in order to reduce the aesthetic impacts of trash/litter along the SR-25 frontage, it would also serve to reduce the potential for material spillage and therefore reduce the associated potential safety impacts from increased obstruction of roadway markings.

In Section 13.4.2.3 of the RDEIR, the following changes are proposed to mitigation measure MM-TRA-2 in response to comments CALTRANS-A-10, CALTRANS-B-1, and VW-17 and as staff-initiated changes:

***MM-TRA-2: Installation of Traffic Controls or Retention of Driveway in Existing Location***

- A. *The Applicant shall modify its proposed design for the SR-25 improvements and driveway relocation to include the installation of traffic signals at the intersection of SR-25/Bolsa Road/relocated driveway, if agreed to by Caltrans. The Applicant shall obtain an encroachment permit from Caltrans to implement the modified design and shall comply with all conditions of the permit and/or modifications to the design requested by Caltrans as part of the permit review and approval process, including maintenance of a clear recovery zone and compliance with Caltrans' stormwater management standards. The Applicant shall be fully responsible for the cost of all project site improvements to mitigate impacts to traffic operations and safety. The Applicant's funding contribution to the cost of SR-25 improvements, either in full or in part, shall be contribute its fair share of the cost of the traffic controls, as determined by Caltrans, with the remaining portion to be funded by Caltrans.*
- B. *The Applicant shall not increase processing capacity of the facility (and associated increase in haul-truck and employee traffic) at the site until either (1) the signalized intersection is operational in accordance with MM-TRA-2A above, or (2) alternative improvements are made to the existing project site driveway in accordance with Alternative 3 and mitigation measure MM-TRA-2-Alt 3 and no relocation of the project site driveway shall occur until the signalized intersection is operational in accordance with MM-TRA-2A. The Applicant shall obtain an encroachment permit from Caltrans to implement the modified design and shall comply with all conditions of the permit and/or modifications to the design requested by Caltrans as part of their permit review and approval process. The Applicant shall be fully responsible for the cost of all project site improvements to mitigate impacts to traffic operations*

and safety. The Applicant's funding contribution to the cost of SR-25 improvements, either in full or in part, shall be determined by Caltrans.

In Section 13.4.2.3 of the RDEIR, the following changes are proposed to the last paragraph in response to comment CHP-2:

With implementation of MM-AES-2 and MM-TRA-2, which incorporates MM-TRA-2-Alt3, the impact of the proposed project would be **less than significant with mitigation**.

In Section 13.4.3 of the RDEIR, the following changes are proposed to the fifth bullet of mitigation measure MM-TRA-3 in response to comment CALTRANS-A-11:

- Maintain emergency access to the project site throughout construction and maintain vehicular, bicycle, and pedestrian access through the State Route 25 corridor throughout construction;

In Section 13.4.3 of the RDEIR, the following new bullet is proposed to be added to mitigation measure MM-TRA-3 in response to comment CALTRANS-A-8:

- Identify the need (if any) for transportation permits for oversized or excessive load vehicles on State roadways from Caltrans and include any permit conditions as part of the CMP;

## 4.1.9 Changes to Section 15

In Section 15.3.9.3 of the RDEIR, in the second paragraph under the subheading "Water Quality," the following edits are proposed as staff-initiated changes:

The proposed project, and other cumulative projects included in Table 15-1, could further contribute to this existing significant cumulative impact. However, as discussed in Section 11.4.1 above, the project is required to comply with existing water quality regulations, including preparation of a site-specific SWPPP in conformance with the NPDES Stormwater Construction General Permit, compliance with the Composting General Order (or at least as stringent conditions of an individual permit), and conditions of industrial stormwater operating permits, which have been developed to protect the environment and improve water quality in impaired water bodies. In particular, the proposed new ECS technology that is part of the project would provide improved leachate management relative to the existing CTI system and would facilitate the proposed project's conformance with storm water quality control standards and the Composting General Order (or at least as stringent conditions of an individual permit).

In Section 15.3.9.3 of the RDEIR, in the second paragraph under the subheading "Flood Hazards," the following changes are proposed in response to comments VW-7 and VW-21:

Current and foreseeable projects, including the proposed project and those included in Table 15-1, are not expected to contribute further to this existing cumulative impact as they will be required to conform to current stormwater management regulations and the County's Floodplain Management Ordinance

(or applicable ordinance for San Benito County), which requires project proponents to demonstrate that proposed fill within the 100-year floodplain would not have a cumulative effect, when combined with other development within the floodplain, and would not increase the water surface elevation of the 100-year base flood by more than 1 foot. As discussed in Section 11.4.4, hydraulic modeling results demonstrate that with the additional flood storage provided by the proposed project, the maximum increase in water surface elevation between the pre-2012 condition and the proposed project condition would be approximately 0.01 foot, but the model did not adequately account for shallow groundwater levels in the vicinity of the proposed flood storage area, which would reduce the available amount of storage compared to the model calculations. With implementation of mitigation measures MM-HYD-1B and MM-HYD-4, the Applicant would be required to update the modeling based on final project design and such that it does not include the volume of excavated areas below typical groundwater levels as part of the calculated flood storage capacity. If the County determines that the revised analysis does not demonstrate that the final project design complies with the County's Floodplain Management Ordinance requirement regarding the cumulative impact to 100-year base flood water surface elevations, then additional project revisions would be required until compliance can be demonstrated to the County's satisfaction. ~~to determine if the modifications required to further increase detention basin capacity would increase the water surface elevation of the 100-year base flood beyond the allowable limit. If so, excavation of additional excavation below the base flood elevation would be required such that no net loss of flood storage would occur.~~ Therefore, the proposed project's contribution to the cumulative impact would be less than cumulatively considerable with mitigation.

In Section 15.3.11.3 of the RDEIR, Figure 15-2 has been replaced as a staff-initiated change, as a formatting issue within the RDEIR resulted in the lower half of the figure not displaying correctly. A copy of the updated figure is included in Appendix C of this document.

#### 4.1.10 Changes to Section 18

In Section 18.3.2 of the RDEIR, the following changes are proposed in response to comment DORADO-6:

Public comments received on the original Draft EIR suggested that consideration should be given to alternative technologies such as an enclosed composting system. ECS (the provider of the aerated static pile system currently proposed for the project) offers an in-vessel tunnel-type composting system which is advertised as providing sealed, well-drained, and high controlled aeration which allows reliable management of feedstock mixes without creating nuisance odors, and a unique level of thermal control to quickly and reliably achieve the conditions needed to meet the Process to Further Reduce Pathogens (PFRP) requirements. ECS has indicated that such technology would substantially increase capital expenditure costs for the Z-Best facility, due to a large increase in structural elements, an additional and much larger air handling system for interior air, extensive corrosion resistant coatings, fire suppression and lighting

systems, large motorized doors, and other factors. The estimated development cost for a fully enclosed system is approximately \$80 million, which is approximately twice as high as the cost to construct the proposed project (see Appendix H-1). Operational energy use has been estimated to increase from approximately 6.2 million kWh/year to 8.6 kWh/hr, even though the overall processing capacity of enclosed system would be approximately 26 percent lower due to the additional space that would be required for biofiltration components, likely to increase by a factor of 2.5 to 3 times that of an open system as proposed by the project (O’Neill, pers. comm. 2022).

Such an alternative would require construction of large building(s) at least 25 feet in height in order to fully enclose both the proposed composting vessels and drive aisles, with additional ventilation infrastructure (i.e., building exhausts). Compared to the open three-sided concrete bunker groups required for the proposed project, it is reasonable to assume that this would require delivery of additional construction materials to the site during construction and would either require additional construction equipment and/or would extend the construction duration. As a result, such an alternative ~~Furthermore, construction of an enclosed system~~ would be anticipated to increase construction-related haul trips and associated air emissions, aesthetic impacts, energy use and GHG emissions, due to the more intensive construction and increased ventilation requirements. Moreover, such an alternative, and would not avoid or minimize the project’s significant and unavoidable impacts related to operational NO<sub>x</sub> emissions, Clean Air Plan inconsistency, or VMT. Although such an alternative is anticipated to reduce the potential processing capacity of the facility due to additional floor space being required for ventilation rather than composting, which would reduce truck trips and associated NO<sub>x</sub> emissions and VMT associated with the project site, the volume of MSW not processed at the Z-Best facility would still be generated and would need to be transported to an alternative composting facility or landfill and would therefore still generate truck trips and associated NO<sub>x</sub> emissions and VMT elsewhere in the region. While it is possible that an enclosed system may potentially reduce bioaerosol emissions from the facility, the extent of any reduction would depend on the design and filtration of the air handling system. Furthermore, due to the inherent uncertainties and lack of regulatory exposure thresholds for bioaerosols discussed in Section 7 and the associated technical memorandum in Appendix B-6, it would be difficult to confirm that such an alternative would effectively reduce potential bioaerosols to a less-than-significant level.

For all of the above reasons, an alternative with a fully enclosed composting system is not feasible and was rejected from further consideration within this EIR in accordance with CEQA Guidelines section 15126.6(c).

In Section 18.4.3.3 of the RDEIR, under the subheading “Transportation,” the following changes are proposed in response to comment CALTRANS-B-2:

***Mitigation Measure MM-TRA-2-Alt3: Installation of Intersection Lighting and Warning Signage***

*The proposed design for Alternative 3 shall include the installation of a southbound acceleration lane for trucks turning right out of the existing Z-Best*

*driveway, as well as installation of intersection lighting at the existing intersection of SR-25/Bolsa Road and at the existing Z-Best driveway, and installation of “Caution: Trucks Entering Highway” signage on SR-25 on both approaches to the driveway. The Applicant shall obtain an encroachment permit from Caltrans to implement the modified design and shall comply with all conditions of the permit and/or modifications to the design requested by Caltrans as part of their permit review process. The Applicant shall be fully responsible for the cost of all project site improvements to mitigate impacts to traffic operations and safety. The Applicant’s funding contribution to the cost of SR-25 improvements, either in full or in part, shall be determined by Caltrans.*

#### 4.1.11 Changes to Section 19

In Section 19 of the RDEIR, the following new references are proposed to be added under the subheading “Hydrology” in response to comments VW-7 and ZBEST-2:

- Golder. 2023. Fourth Quarter 2022 Groundwater Monitoring Report, Z-Best Composting Facility, Gilroy, California. January 31, 2023. Available online: [https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo\\_report/4167864799/T10000008201.PDF](https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/4167864799/T10000008201.PDF). Accessed June 21, 2023.
- National Oceanic and Atmospheric Administration (NOAA). 2023b. NOAA Atlas 14 Point Precipitation Frequency Estimates for Latitude 36.9463°, Longitude -121.5204°. National Weather Service, Hydrometeorological Design Studies Center. Available: [https://hdsc.nws.noaa.gov/pfds/pfds\\_printpage.html?lat=36.9463&lon=-121.5204&data=depth&units=english&series=pds](https://hdsc.nws.noaa.gov/pfds/pfds_printpage.html?lat=36.9463&lon=-121.5204&data=depth&units=english&series=pds). Accessed July 2023.

In addition, the following existing reference within the same subsection of the RDEIR is proposed to be amended as follows, as a staff-initiated change:

- National Oceanic and Atmospheric Administration (NOAA). 2023a. NOAA Atlas 14 Point Precipitation Frequency Estimates for Gilroy Station ID: 04-3417. National Weather Service, Hydrometeorological Design Studies Center. Available: [https://hdsc.nws.noaa.gov/pfds/pfds\\_printpage.html?st=ca&sta=04-3417&data=depth&units=english&series=pds](https://hdsc.nws.noaa.gov/pfds/pfds_printpage.html?st=ca&sta=04-3417&data=depth&units=english&series=pds). Accessed March 2023.

## 4.2 New and Updated Appendices

The following new or updated appendices are proposed to be added to the EIR in support of the changes made in response to comments. Copies of these documents are contained in Appendix D of this Final EIR.

- Appendix E-6 (UPDATED): Detention Basin Analysis – Updated (AECOM 2023).
- Appendix E-8 (NEW): Floodplain Impact Certification, Grading and Flood Study Summary Report. Z-Best Compost Facility Expansion, Santa Clara County, California (Schaaf & Wheeler 2012).
- Appendix E-9 (NEW): Conditional Letter of Map Revision Based on Fill Comment Document (CLOMR-F) issued by the Federal Environmental Management Agency, May 21, 2018.
- Appendix H-1 (NEW): Additional Information regarding Feasibility of Enclosed Alternative (ECS 2023; Greenwaste 2023; WSP USA Inc. 2023).

## 5 References

The following documents were cited in Section 3 of this Final EIR to support statements made within the responses to comments:

- Alameda County. 2019. Administrative Draft Environmental Impact Report. Jess Ranch Compost Facility, Conditional Use Permit PLN2015-00087. November.
- Alameda County. 2021. Final Environmental Impact Report. Jess Ranch Compost Facility, Conditional Use Permit PLN2015-00087. August.
- Caltrans (California Department of Transportation). 2020. Smart Mobility Framework Guide. February.
- Caltrans. 2023. SR-25 AADT Volumes. Downloaded from <https://dot.ca.gov/programs/traffic-operations/census>. June 9, 2023.
- Caltrans. 2024. California Manual on Uniform Traffic Control Devices (CA MUTCD) 2014 Revision 8 (effective January 11, 2024). <https://dot.ca.gov/programs/safety-programs/camutcd>.
- City of Los Angeles. 2019. Air Quality and Health Effects, Sierra Club v. County of Fresno. Prepared by Department of City Planning and Technical Advisory Panel. October.
- County of Marin. 2005. Redwood Landfill Solid Waste Facilities Permit Revision. Final Supplemental Environmental Impact Report. Volumes I and II. July.
- Doyle, John. 2023a. Personal Communication. Email dated July 18, 2023. Subject: Re: Request for Information – Responses to Comments on Draft EIR. Attachment: Zbest Truck Data.xlsx.
- Doyle, John. 2023b. Personal Communication. Email dated March 22, 2023. Subject: Re: Z-Best EIR update.
- ECS (Engineered Compost Systems). 2016. Pre-application Summary for Use Permit Modification for Z-Best Composting Facility. December 8.
- ECS, 2023. Website: ECS CompTroller: Optimization Through Automation. <https://compostsystems.com/systems/ecs-compcontroller-optimization-through-automation/>. Accessed July 5, 2023.
- Golder Associates, Inc. 2019a. *Z-Best Compost Facility Water Balance*. Roseville, CA.
- Golder Associates, Inc. 2019b. Technical Memorandum Re: Water Balance, Z-Best Compost Facility. Sunnyvale, CA.
- Kern County. 2021. Draft Supplemental Environmental Impact Report. Shafter/Wasco Composting and Waste Diversion Project. February.
- NOAA (National Oceanic and Atmospheric Administration). 2023a. NOAA Atlas 14 Point Precipitation Frequency Estimates for Latitude 36.9463°, Longitude -121.5204°. National Weather Service, Hydrometeorological Design Studies Center. [https://hdsc.nws.noaa.gov/pfds/pfds\\_printpage.html?lat=36.9463&lon=-121.5204&data=depth&units=english&series=pds](https://hdsc.nws.noaa.gov/pfds/pfds_printpage.html?lat=36.9463&lon=-121.5204&data=depth&units=english&series=pds). Accessed July 2023.

- NOAA. 2023b. Monthly Climate Normals (1991-2020) – Gilroy, CA. <https://www.weather.gov/wrh/Climate?wfo=mtr>. Accessed July 5, 2023.
- Robertson, S., Douglas, P., Jarvis, D., and E. Marczyklo. 2019. Bioaerosol Exposure from Composting Facilities and Health Outcomes in Workers and in the Community: A Systematic Review Update. *International Journal of Hygiene and Environmental Health* 222 (2019): 364-386. <https://doi.org/10.1016/j.ijheh.2019.02.006>.
- Schaaf & Wheeler. 2012. Floodplain Impact Certification, Grading and Flood Study Summary Report. Z-Best Compost Facility Expansion, Santa Clara County, California (copy in Appendix D).
- SCAQMD (South Coast Air Quality Management District). 2015. SCAQMD Brief of *Amicus Curiae*. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.
- SJVAPCD (San Joaquin Valley Air Pollution Control District). 2015. SJVAPCD Brief of *Amicus Curiae*. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.
- Szabová E., Juris, P., and I. Papajová. 2010. Sanitation composting process in different seasons. *Ascaris suum* as model. *Waste Management* 30(3):426-32. Epub 2009 Nov 22. PMID: 19932605. <https://pubmed.ncbi.nlm.nih.gov/19932605/>
- Tiquia-Arashiro, S.M. 2000. Effect of Windrow Turning and Seasonal Temperatures on Composting of Hog Manure from Hoop Structures. *Environmental Technology* 21(9): 1037-1046. September 2000. [https://www.researchgate.net/publication/249058652\\_Effect\\_of\\_Windrow\\_Turning\\_and\\_Seasonal\\_Temperatures\\_on\\_Composting\\_of\\_Hog\\_Manure\\_from\\_Hoop\\_Structures](https://www.researchgate.net/publication/249058652_Effect_of_Windrow_Turning_and_Seasonal_Temperatures_on_Composting_of_Hog_Manure_from_Hoop_Structures)
- Tulare County Resource Management Agency. 2021. Visalia Landfill – Composting and Biomass Conversion Facility. Draft Focused Environmental Impact Report. December.
- Tulare County Resource Management Agency. 2022. Visalia Landfill – Composting and Biomass Conversion Facility. Final Focused Environmental Impact Report. September.
- Western Placer Waste Management Authority. 2022. Renewable Placer: Waste Action Plan. Final Environmental Impact Report. October 20.