

# **Appendix A**

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Notice of Preparation and Comments,  
and Draft EIR Scoping Report



State of California - Department of Fish and Wildlife  
**2023 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

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RECEIPT NUMBER: <b>24-2023-148</b>
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY <b>MERCED COUNTY REGIONAL WASTE MANAGEMENT</b>	LEAD AGENCY EMAIL	DATE <b>11/01/2023</b>
COUNTY/STATE AGENCY OF FILING <b>MERCED COUNTY</b>	DOCUMENT NUMBER <b>24-2023-148</b>	

PROJECT TITLE  
**NOTICE OF PREPARATION OF A SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT**

PROJECT APPLICANT NAME <b>MERCED COUNTY REGIONAL WASTE MANAGEMENT</b>	PROJECT APPLICANT EMAIL	PHONE NUMBER
PROJECT APPLICANT ADDRESS <b>7040 NORTH HIGHWAY 59</b>	CITY <b>MERCED</b>	STATE <b>CA</b>
		ZIP CODE <b>95348</b>

PROJECT APPLICANT (Check appropriate box)

Local Public Agency    
  School District    
  Other Special District    
  State Agency    
  Private Entity


CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$	<u>0.00</u>
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,764.00	\$	<u>0.00</u>
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	<u>0.00</u>
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>0.00</u>
<input type="checkbox"/> County documentary handling fee	\$50.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> Other No Fees Applicable		\$	<u>0.00</u>

PAYMENT METHOD:

Cash    
  Credit    
  Check    
  Other

TOTAL RECEIVED \$ 0.00

SIGNATURE  <b>X</b> 	AGENCY OF FILING PRINTED NAME AND TITLE  <b>Julia Ruiz Deputy Clerk</b>
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# NOTICE OF PREPARATION OF A SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT

**Date:** November 1, 2023

**TO:** Responsible and Trustee Agencies, Organizations, and Interested Parties

**Lead Agency:** Merced County Regional Waste Management Authority  
Contact: Patrick Womble, Environmental Resources Manager  
7040 North Highway 59  
Merced, California 95348

**SUBJECT:** Notice of Preparation of a Supplemental Draft Environmental Impact Report for the Highway 59 Landfill Composting Facility: Supplement to the Highway 59 Landfill Valley Fill Project Environmental Impact Report

2023 NOV - 1 AM 8:54  
MERCED COUNTY CLERK  
BY: DEPUTY  
FILED

In May 2016, the Merced County Regional Waste Management Authority (MCRWMA) certified the Environmental Impact Report (EIR) for the Highway 59 Landfill Valley Fill Project (Valley Fill EIR) and approved the project. The approved Valley Fill Project includes relocation of several currently permitted on-site facilities and a vertical reconfiguration of the landfill disposal area. The reconfiguration, as approved, allows for continued operation of the existing landfill for an additional 11 to 15 years without expanding the boundary of the existing permitted facility. As part of the proposed relocation of facilities, the Valley Fill EIR evaluated the installation and operation of concrete padded areas to the east of the existing administrative offices and parking for the purposes of household hazardous waste disposal, materials recycling, a relocated shop, and two aboveground storage tanks. As a result of project approval in 2016, MCRWMA amended its existing solid waste facility permit (SWFP) in 2016 and then again in 2019 to:

- ▶ incrementally increase the maximum daily tonnage up to 3,000 peak tons per day in 2035 and beyond;
- ▶ incrementally increase the allowable traffic up to 800 vehicles per day by 2035; and
- ▶ increase the height of the existing disposal area by 50 feet; and add dewatered sewage sludge to the list of wastes.

The EIR also included continued operation of the landfill's existing composting operation with a green waste composting operation (with an annual capacity of 25,000 tons per year). Since approval of the original project, the California State Legislature passed Senate Bill 1383 (Lara), which introduced additional requirements for the increased processing of organics to reduce methane emissions statewide, including within MCRWMA's jurisdiction. In response, MCRWMA is proposing the modification of current composting operations within the existing Highway 59 Landfill property to increase organics processing.

In accordance with the provisions of the California Environmental Quality Act (CEQA), MCRWMA is preparing a Supplemental Draft EIR to the Valley Fill EIR to address the expansion of the current 25,000 ton per year green waste windrow composting facility and development and operation of a covered aerated static pile (CASP) green waste and food waste compost facility. The intent of this Notice of Preparation (NOP) is to inform agencies and interested parties that the MCRWMA is preparing a Supplemental Draft EIR for the proposed Highway 59 Landfill Composting Facility, a modification to the previously approved project addressed in the Valley Fill EIR. The purpose of the NOP is to provide responsible and trustee agencies, organizations and other interested parties with a description of the project and its potential environmental impacts and to allow the opportunity to provide input regarding the scope and content of the EIR, including possible environmental impacts, mitigation measures, and alternatives.

The public scoping period is for 30 days and will run from **November 1 – November 30, 2023**.

**Project Location:** The Highway 59 Landfill is located immediately east of State Route (SR) 59 in unincorporated Merced County, approximately 6 miles north of the City of Merced (see Figure 1). The street address is 7040 North Highway 59. The Highway 59 Landfill consists of five parcels which are County Assessor's parcel numbers (APNs) 175-050-003, 175-060-001, 175-060-003, 170-070-001 and 170-070-002 (Figure 2). The landfill is located in Sections 13, 14, 23, 24, and 25, Township 6 South, Range 13 East on the U.S. Geological Survey Winton and Yosemite Lake 7.5-minute



quadrangles. The Valley Fill project site is located in the southwest portion of the landfill, as shown in Figure 2, and within two of the five landfill parcels (APNs 175-060-001 and a portion of 175-060-003). The total land area associated with the Valley Fill Project is approximately 230 acres.

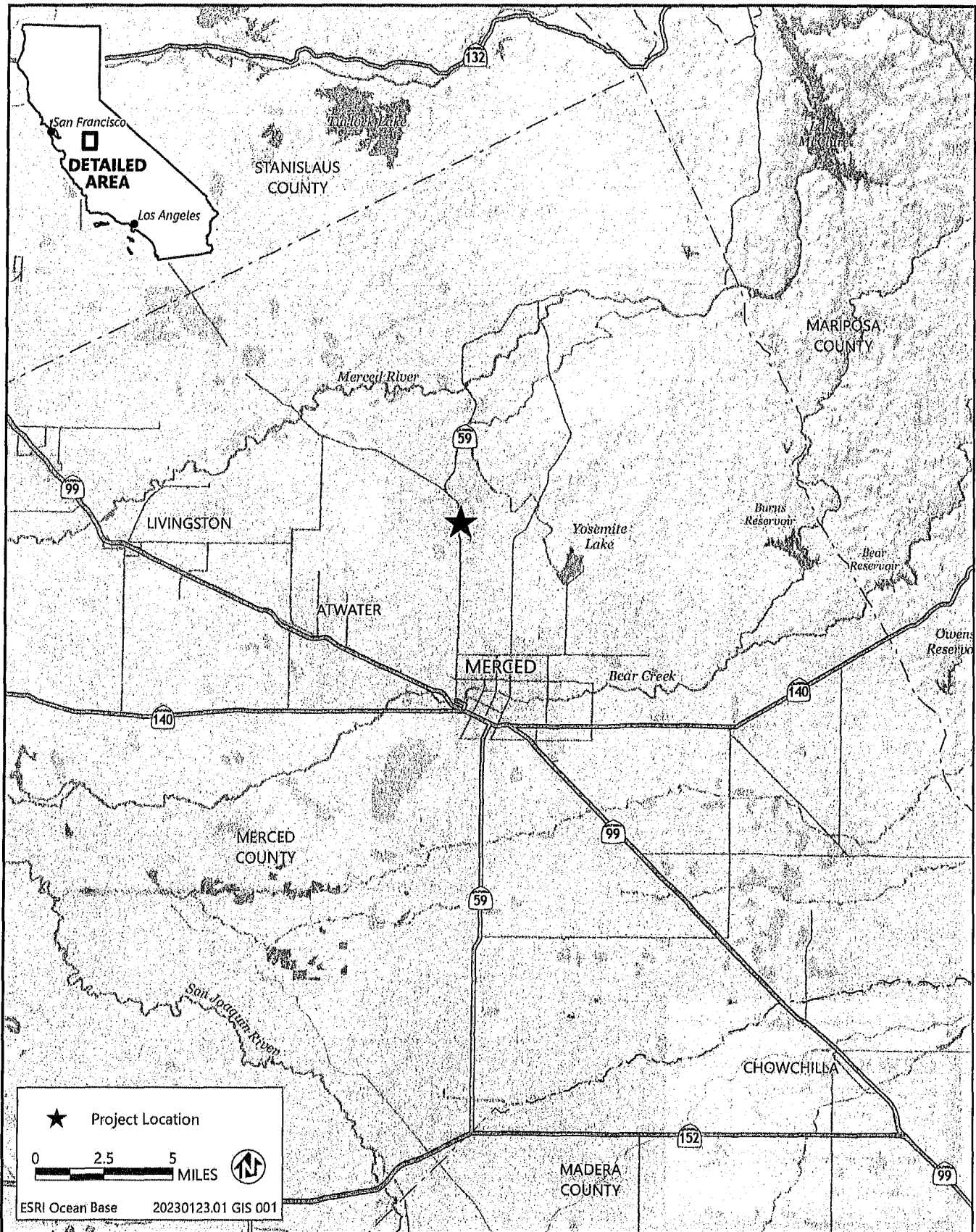
The proposed compost facility would be within a 7.5-acre area in the central portion of the landfill, east of the existing scale house and scales located along Highway 59. This area is currently occupied by the existing green waste composting facility and food waste transfer operation at the Highway 59 Landfill. Access to the project site is available via the main entrance to the landfill along SR 59.

**Project Description:** The proposed modification to the approved Valley Fill Project involves expansion of the current 25,000 ton per year green waste windrow composting facility and development and operation of a covered aerated static pile (CASP) green waste and food waste compost facility to comply with California's Short-Lived Climate Pollutant Reduction Strategy organic waste disposal targets. The compost facility would be designed to accept up to 50,000 tons per year of green waste and food waste and capable of storing up to 100,000 cubic yards on-site of organic material. Additional site improvements would include construction of a new lined wastewater storage pond, on-site drainage improvements, and improvements to working surfaces such as paving active composting and/or processing areas or amending/compacting the soil.

The CASP and processing and composting equipment would be installed on a concrete pad draining to a new lined pond within the project site. The organic waste would be delivered to the proposed compost facility by collection vehicles, transfer trailers, and self-haul vehicles. Once received, the organic waste would be sorted to remove non-compostable wastes and contamination, then pre-processed by grinding. The active composting area would be located on a compost pad. Some organic material may be delivered pre-processed and feedstock-ready from local material recovery facilities and may be deposited directly into the CASP unit without further processing. Once active composting is complete, the materials are then moved to a curing area, then to final screening and finishing at the compost storage area until products are sold.

**Potential Environmental Effects:** The EIR will describe the significant direct and indirect environmental impacts of the project. The EIR also will evaluate the cumulative impacts of the project, defined as impacts that could be exacerbated when considered in conjunction with other related past, present, and reasonably foreseeable future projects. The project could result in potentially significant environmental impacts in the following resource areas, which will be further evaluated in the EIR:

- ▶ Air Quality: Temporary increases in air pollutant emissions associated with construction and long-term increases associated with project operations and associated vehicular trips will be modeled and discussed in the Supplemental EIR.
- ▶ Biological Resources: Although the project site is disturbed and located within an existing landfill, the potential for impacts to biological resources, including special-status species, will be evaluated in the Supplemental EIR.
- ▶ Cultural Resources and Tribal Cultural Resources: The analysis of archaeological and historical resources will be developed based on the previously prepared Valley Fill EIR and an updated cultural records search of the Central California Information Center. The analysis of tribal cultural resources will be based on the outcome of AB 52 (Statutes of 2014) consultation.
- ▶ Energy: The Supplemental EIR will include a discussion and evaluation of energy use during construction and operation of the project.
- ▶ Greenhouse Gas Emission: The Supplemental EIR will describe the temporary increases in greenhouse gas (GHG) emissions associated with mobile-source exhaust from construction worker commute trips, truck haul trips, and equipment to construct project components; and long-term increases associated with project operations, including stationary and mobile sources.
- ▶ Noise: The noise analysis will evaluate potential noise and vibration impacts to residential areas as well as evaluate whether increases in traffic volumes would exceed County of Merced's noise standards.



Source: Adapted by Ascent Environmental in 2022.

Figure 1 Regional Location



Source: Adapted by Ascent Environmental in 2022.

Figure 2 Project Location

- ▶ **Transportation:** The transportation section of the Supplemental EIR will describe traffic operations, potential hazards associated with design, and construction-related traffic. Potential VMT changes will be evaluated and discussed.

The aforementioned issue areas and associated impacts will be evaluated in detail in the Draft Supplemental EIR. As necessary, feasible and practicable mitigation measures will be recommended to reduce any identified significant or potentially significant impacts.

MCRWMA anticipates that the project would not result in significant environmental impacts to the following resources and does not propose to evaluate them in detail in the Draft Supplemental EIR: aesthetics, agriculture and forestry, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, utilities, and wildfire. Brief discussion of these resources will be provided in the Draft Supplemental EIR with explanation as to why significant impacts on these resources are not anticipated.

**COMMENT PERIOD:** Written comments on the NOP can be sent anytime during the NOP review period which begins November 1, 2023 and ends December 1, 2023 at 5:00 pm. Your views and comments on how the project may affect the environment, and what potential environmental impacts the Draft Supplemental EIR should consider, are welcomed. Please send your written or electronic responses, with the name of your agency contact person, to the following address:

Patrick Womble, Environmental Resources Manager  
Merced County Regional Waste Management Authority  
7040 N. Highway 59  
Merced, CA 95348  
(209) 723-4481  
pwomble@mcrwma.org

**Public Scoping Meeting:** MCRWMA will host a public scoping meeting on Thursday, November 16, 2023 at 3:00 pm as part of the regularly scheduled Merced County Association of Government's Governing Board Meeting at the Board of Supervisors' Chamber, 2222 M Street, Merced, CA 95340. The meeting will inform interested parties about the project, and provide agencies and the public with an opportunity to provide comments on the scope and content of the Draft Supplemental EIR.



December 21, 2023

Patrick Womble  
Merced County Regional Waste Management Authority  
Environmental Resources Manager  
7040 North Highway 59  
Merced, CA 95348

**Project: Notice of Preparation of a Supplemental Draft Environmental Impact Report for the Highway 59 Landfill Composting Facility: Supplemental to the Highway 59 Landfill Valley Fill Project Environmental Impact Report**

**District CEQA Reference No: 20231049**

Dear Mr. Womble:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) for a Supplemental Draft Environmental Impact Report (SEIR) by Merced County Regional Waste Management Authority (MCRWMA) for the Highway 59 Landfill Valley Fill Facility. Per the NOP, the project involves the expansion of the amount of accepted green waste and food waste from 25,000 to 50,000 tons per year with the ability to store up to 100,000 cubic yards on-site of organic material and additional site improvements (Project). The Project is located at 7040 North Highway, Merced, CA 95348.

The District offers the following comments at this time regarding the Project:

**1) Project Related Emissions**

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 standards.

The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project may exceed any of the following significance thresholds as identified in the District's Guidance for Assessing and

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

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**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585



Mitigating Air Quality Impacts: <https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>. The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

### **1a) Construction Emissions**

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment.

### **1b) Operational Emissions**

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>.

*Recommended Mitigation Measure:* At a minimum, project related impacts on air quality should be reduced to levels below the District's significance thresholds through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at: <https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

### **1c) Project Trip Length for HHD Truck Travel**

The MCRWMA's environmental review should adequately characterize and justify an appropriate trip length distance for off-site HHD truck travel to and from the Project site. Based on the following factors: 1) the Project consists of an expansion of an existing landfill facility that is expected to generate a high volume of HHD truck trips, and 2) HHD trucks for composting operational related activities generally travel further distances. The District recommends the environmental review include a discussion characterizing an appropriate trip length distance for HHD truck travel, and reflect such appropriate distance supported by project-specific factors.

### **1d) Recommended Model for Quantifying Air Emissions**

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be

downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).

## **2) Health Risk Screening/Assessment**

The MCRWMA should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

### **Prioritization (Screening Health Risk Assessment):**

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

### **Health Risk Assessment:**

Prior to performing an HRA, it is strongly recommended that land use agencies/project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District's established risk thresholds, which can be found here:

<https://ww2.valleyair.org/permitting/ceqa/>.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Calling (559) 230-5900

*Recommended Measure:* Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>.

### **3) Ambient Air Quality Analysis**

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: <https://ww2.valleyair.org/permitting/ceqa/>.

#### **4) Voluntary Emission Reduction Agreement**

Criteria pollutant emissions may result in emissions exceeding the District's significance thresholds, potentially resulting in a significant impact on air quality. When a project is expected to have a significant impact, the District recommends the EIR also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

#### **5) Truck Routing**

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Since the development project involves expansion of an existing landfill facility, the Project is expected to generate HHD truck trips.

The District recommends the MCRWMA evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the



destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

## **6) Reduce Idling of Heavy-Duty Trucks**

The goal of this strategy is to limit the potential for localized PM<sub>2.5</sub> and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

Since the Project is expected to result in HHD truck trips, the District recommends the EIR include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.

## **7) Electric On-Site Off-Road and On-Road Equipment**

Since the development project involves expansion of an existing landfill facility, the Project may have the potential to result in increased use of off-road equipment (e.g., forklifts) and on-road equipment (e.g., mobile yard trucks with the ability to move materials). The District recommends that the EIR include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment.

## **8) Nuisance Odors**

While offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable distress among the public and often resulting in citizen complaints.

The MCRWMA should consider all available pertinent information to determine if the Project could have a significant impact related to nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration the proposed business or industry type and its potential to create odors, as well as proximity to off-site receptors that potentially would be exposed to objectionable odors. The intensity of an odor source's operations and its proximity to receptors influences the potential significance of malodorous emissions. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

According to the District Guidance for Assessing and Mitigating air Quality Impacts (GAMAQI), a significant odor impact is defined as more than one confirmed complaint per year averaged over a three-year period, or three unconfirmed complaints per year averaged over a three-year period. An unconfirmed complaint

means that either the odor or air contaminant release could not be detected, or the source of the odor could not be determined.

The District is available to assist the MCRWMA with information regarding specific facilities and categories of facilities, and associated odor complaint records.

## **9) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

### **9a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (661) 392-5665.

**9b) District Rule 9510 - Indirect Source Review (ISR)**

Per District Rule 9510 section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.

**9c) District Rule 9410 (Employer Based Trip Reduction)**

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at:  
<https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/>.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at [etrip@valleyair.org](mailto:etrip@valleyair.org)

**9d) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For

additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at: <https://ww2.valleyair.org/dustcontrol>

#### **9e) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

#### **10) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Michael Corder by e-mail at [Michael.Corder@valleyair.org](mailto:Michael.Corder@valleyair.org) or by phone at (559) 230-5818.

Sincerely,

Brian Clements  
Director of Permit Services



For: Mark Montelongo  
Program Manager



## California Department of Transportation

OFFICE OF THE DISTRICT 10 DIRECTOR  
P.O. BOX 2048 | STOCKTON, CA 95201  
(209) 948-7943 | FAX (209) 948-7179 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



November 29, 2023

**10-MER-59-PM 020.904**  
**Highway 59 Landfill Composting Facility**  
**Supplemental EIR**  
**SCH# 2014061081**

Patrick Womble  
Environmental Resource Manager  
Merced County Regional Waste Management Authority  
7040 North Highway 59  
Merced, CA 95348

Dear Mr. Womble:

Thank you for the opportunity to review the proposed Landfill Composting Facility. The project is immediately east of State Route 59 at 7040 North Highway 59. The project expands the already-approved Valley Fill Project with a compost facility designed to accept up to 50,000 tons per year of green waste and food waste and capable of storing up to 100,000 cubic yards on-site of organic material. The Department has the following comments:

1. Per our email discussion on November 2, 2023, a traffic engineer is under contract to study the traffic impacts of the project. Their study should be submitted to Caltrans for review and comment prior to project approval.
  - a. This study should include any truck trips that weren't considered when the original expansion was approved.
  - b. Any Synchro/Simtraffic (version 12) electronic files used in the analysis should also be included in the submittal.
  - c. Depending on Trip Generation and Distribution, a full Traffic Impact Study (TIS) may be required. The project proponent would have to prepare this TIS and submit it to Caltrans for review and comment prior to project approval.
2. Caltrans would like to review the pre and post construction stormwater runoff calculations for two (2) 10-year/24-hour storm event and Drainage and Grading Plans showing the flow patterns. The applicant needs to ensure that the existing State drainage facilities will not be significantly impacted by the project. Additional review will be required once the project development plans, including but not limited to, Drainage and Grading Plans and drainage calculations are submitted.
3. The proposed expansion on the above-mentioned parcels has indicated an increase in the imperious (paved) and pervious (unpaved) stormwater runoff area. If historical undeveloped topography shows drainage from this site flowed into the State right-of-way (R/W), it may continue to do so with the conditions that peak flows may not be

increased from the pre-construction quantity Any increase in runoff generated by the proposed development should be stored/mitigated onsite.

4. There are six (6) existing State cross culverts within the proposed landfill expansion vicinity (See attachment). Caltrans would not allow additional runoff draining into the State R/W nor significantly impacting these existing drainage facilities or flow patterns.
5. If any construction related activities associated with the expansion encroach into Caltrans Right of Way (ROW), the project proponent must apply for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application. These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste locations, scenic highways, and/or other environmental resources within Caltrans Right of Way, at the project site(s). Evidence of consultation with local Native American tribes and interested parties will need to be presented within the technical documents for approval of encroachment in the Caltrans ROW. If there are impacts to protected water resources within Caltrans ROW, Caltrans will need to see the correspondence with the permitting authorities (California Department of Fish and Wildlife, United States Army Corps of Engineers, Regional Water Quality Control Board) and be provided copies of any required permits prior to the start of any construction in Caltrans ROW.

If you have any questions, please contact me at (209) 483-2582 or Nicholas Fung at (209) 986-1552.

Sincerely,



FOR

Tom Dumas  
Chief, Office of Metropolitan Planning



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



December 11, 2023

Patrick Womble, Environmental Resources Manager  
Merced County Regional Waste Management Authority  
7040 North Highway 59  
Merced, California 95348  
(209) 723-4481  
[pwomble@mcrwma.org](mailto:pwomble@mcrwma.org)

Subject: **Highway 59 Landfill Valley Fill Project (Project)**  
**Notice of Preparation (NOP)**  
**SCH: 2014061081**

Dear Patrick Womble:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) for an Environmental Impact Report (EIR) from Merced County Regional Waste Management Authority (Authority) for the Highway 59 Landfill Valley Fill Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. While the comment period may have ended, CDFW respectfully requests that the Authority still consider our comments.

## **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, section 711.7, subd. (a) & 1802; Pub. Resources Code, section 21070; CEQA Guidelines section 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, section 1802).

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Patrick Womble, Environmental Resources Manager  
Merced County Regional Waste Management Authority  
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Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, section 21069; CEQA Guidelines, section 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, section 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, section 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Fully Protected Species:** CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Take of any fully protected species was previously prohibited and CDFW was not able authorize their incidental take. Senate Bill No. 147, which became effective on July 10, 2023, amended Fish and Game Code sections 3511, 4700, 5050, and 5515, and added 2081.15, to authorize CDFW the ability to issue a permit under CESA that authorizes the take of a fully protected species resulting from impacts attributable to the implementation of specified projects if certain conditions are satisfied.

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Merced County Regional Waste Management Authority

**Objective:** The proposed Project is a modification to the approved Valley Fill Project, which involves expansion of the current 25,000 ton per year green waste windrow composting facility and development and operation of a covered aerated static pile (CASP) green waste and food waste compost facility to comply with California's Short-Lived Climate Pollutant Reduction Strategy organic waste disposal targets. The compost facility would be designed to accept up to 50,000 tons per year of green waste and food waste and capable of storing up to 100,000 cubic yards on-site of organic



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Merced County Regional Waste Management Authority  
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material. Additional site improvements would include construction of a new lined wastewater storage pond, on-site drainage improvements, and improvements to working surfaces such as paving active composting and/or processing areas or amending/compacting the soil.

The CASP and processing and composting equipment would be installed on a concrete pad draining to a new lined pond within the project site. The organic waste would be delivered to the proposed compost facility by collection vehicles, transfer trailers, and self-haul vehicles. Once received, the organic waste would be sorted to remove non compostable wastes and contamination, then pre-processed by grinding. The active composting area would be located on a compost pad. Some organic material may be delivered pre-processed and feedstock-ready from local material recovery facilities and may be deposited directly into the CASP unit without further processing. Once active composting is complete, the materials are then moved to a curing area, then to final screening and finishing at the compost storage area until products are sold.

**Location:** The Highway 59 Landfill is located immediately east of State Route (SR) 59 in unincorporated Merced County, approximately 6 miles north of the City of Merced (see Figure 1). The street address is 7040 North Highway 59. The Highway 59 Landfill consists of five parcels which are County Assessor's parcel numbers (APNs) 175-050-003, 175-060-001, 175-060-003, 170-070-001 and 170-070-002. The landfill is located in Sections 13, 14, 23, 24, and 25, Township 6 South, Range 13 East on the U.S. Geological Survey Winton and Yosemite Lake 7.5-minute quadrangles. The Valley Fill project site is located in the southwest portion of the landfill, as shown in Figure 2, and within two of the five landfill parcels (APNs 175-060-001 and a portion of 175-060-003). The total land area associated with the Valley Fill Project is approximately 230 acres.

**Timeframe:** Undetermined.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the Authority in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

There are special-status species that may be present at the Project site. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*), State

Patrick Womble, Environmental Resources Manager  
Merced County Regional Waste Management Authority  
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endangered and federally threatened succulent owl's-clover (*Castilleja campestris* ssp. *succulenta*), State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), and State candidate listed endangered Crotch's bumble bee (*Bombus crotchii*).

In order to adequately assess any potential impact to biological resources, focused biological surveys should be conducted by a qualified biologist during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project site. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, and to identify any Project-related impacts under CESA and other species of concern.

To evaluate Project-related impacts to biological species, CDFW recommends that a general habitat assessment be conducted as part of the biological technical studies conducted in support of the Draft EIR.

### **Special Status Plants**

Plants listed pursuant to the federal Endangered Species Act, CESA, and the Native Plant Protection Act, as well as other special status plants such as well as other special status plants identified by the California Native Plant Society Rare Plant Ranking System California Rare Plant Rank (CRPR) may occur in many locations within the Project. Special Status Species include but are not limited to State endangered and federally threatened succulent owl's-clover (*Castilleja campestris* ssp. *succulenta*).

Special-status plant species are threatened with habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and introduction of non-native plant species, all of which may be unintended impacts of the Project. Therefore, impacts of the Project will potentially have significant and cumulative impacts to populations of the species mentioned above if present in the Project vicinity.

CDFW recommends that a qualified botanist conduct a habitat assessment of the Project site well in advance of Project implementation to determine if the Project site or its vicinity contains suitable habitat for special-status plant species. If suitable habitat is present, CDFW recommends that individual Project sites be surveyed for special-status plants by a qualified botanist following the "Protocols for surveying and evaluating impacts to special status native plant populations and sensitive natural communities" (CDFW 2018). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

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If special-status plants are detected, CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

If a State-listed plant species are identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take of that species. If take cannot be avoided, take authorization would need to occur through issuance of an Incidental Take Permit (ITP) by CDFW to comply with CESA and/or Fish and Game Code section 1900 and California Code of Regulations, title 14, section 786.9, subdivision (b).

### **Bald Eagle**

The State endangered and fully protected bald eagle has the potential to occur in the Project site (CDFW 2023a). CDFW recommends that focused bald eagle surveys be conducted by experienced individuals as part of the biological technical studies conducted in support of the CEQA document. To avoid impact to the species, surveys following the survey methodology developed by CDFW (CDFW 2010) is advised. In the event that nests of the species are found within 0.5-mile of the Project site, implementation of avoidance measures are warranted. CDFW recommends that a qualified biologist be on-site during all ground-disturbing/construction related activities and that a 0.5-mile no disturbance buffer be implemented. If the 0.5-mile no disturbance buffer cannot feasibly be implemented, contacting CDFW to assist with providing and implementing additional avoidance measures is suggested. CDFW recommends including full impact avoidance measures for nesting bald eagles in the CEQA document prepared for the Project.

### **Swainson's Hawk**

Swainson's Hawk (SWHA) has the potential to forage on the project site (CDFW 2023a). CDFW recommends that surveys be conducted following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000) for SWHA. In addition, CDFW recommends a minimum no-disturbance buffer of 0.5-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

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### **Tricolored Blackbird**

Tricolored blackbird (TRBL) has the potential to be found at or near the Project site (CDFW 2023a). Without appropriate avoidance and minimization measures for TRBL, potentially significant impacts include nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

TRBL are known to nest in alfalfa, wheat, and other low agricultural crop fields. TRBL aggregate and nest colonially, forming colonies of up to 100,000 nests (Beedy et al. 2020). Nesting can occur synchronously, with all eggs laid within one week (Orians 1961). For these reasons, depending on timing, disturbance to nesting colonies can cause abandonment, significantly impacting TRBL populations (Beedy et al. 2020). CDFW recommends the following avoidance and minimization measures be incorporated into the subsequent CEQA document that will be prepared for this Project.

CDFW recommends that construction be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a survey for suitable habitat be conducted as part of the biological technical studies conducted in support of the CEQA document by a qualified biologist with knowledge of TRBL natural history and behaviors. If suitable habitat is present, CDFW recommends a qualified biologist conduct focused surveys for nesting TRBL as part of the biological technical studies conducted in support of the CEQA document and then repeat those surveys no more than 10 days prior to the start of ground-disturbing activities. If an active TRBL nesting colony is found during the biological technical studies or pre-activity surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer around the colony in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015).

CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time. For this reason, CDFW also recommends conducting pre-construction surveys for nesting colonies within 10 days prior to the start of ground or vegetation disturbing activities to reassess the colony's areal extent. If a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground-disturbing activities.

Patrick Womble, Environmental Resources Manager  
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### **Crotch's Bumble Bee**

Crotch's bumble bee (CBB) are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses. CBB was once common throughout most of central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years.

If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023b), as part of the biological technical studies conducted in support of the Draft EIR.

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project construction warrants consultation with CDFW to discuss how to avoid take.

If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

### **Nesting birds**

CDFW encourages that Project construction occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 1 through September 15), the Project proponent is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct pre-construction surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected.

CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding

Patrick Womble, Environmental Resources Manager  
Merced County Regional Waste Management Authority  
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season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival.

## **Editorial Comments and/or Suggestions**

### **Federally Listed Species**

CDFW recommends consulting with the United States Fish and Wildlife Service (USFWS) regarding potential impacts to federally listed species including but not limited to the federally threatened succulent owl's-clover (*Castilleja campestris ssp. succulenta*).

Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any Project activities.

### **CNDDB**

Please note that the CNDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. All project's tiered from this Plan should adequately assess any potential project-related impacts to biological resources by ensuring biological surveys are conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology as warranted in order to determine whether or not any special status species are present at or near the Project site.

### **Environmental Data**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, section 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDB at the following email address: [CNDDB@wildlife.ca.gov](mailto:CNDDB@wildlife.ca.gov). The types of information reported to CNDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.



Patrick Womble, Environmental Resources Manager  
Merced County Regional Waste Management Authority  
December 11, 2023  
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## Filing Fees

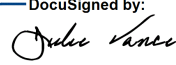
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, section 753.5; Fish & G. Code, section 711.4; Pub. Resources Code, section 21089).

## Conclusion

CDFW appreciates the opportunity to comment on the NOP to assist the Merced County Regional Waste Management Authority in identifying and mitigating this Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or [evelyn.barajas-perez@wildlife.ca.gov](mailto:evelyn.barajas-perez@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

ec: State Clearinghouse  
Governor's Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Patrick Womble, Environmental Resources Manager  
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## References

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Patrick Womble, Environmental Resources Manager  
Merced County Regional Waste Management Authority  
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Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California Fish and Game Commission to list the Crotch's bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. October 2018.

**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM  
(MMRP)**

**PROJECT: Highway 59 Landfill Valley Fill Project (Project)  
Notice of Preparation (NOP)**

**SCH No.: 2014061081**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<b><i>Before Disturbing Soil or Vegetation</i></b>	
<b>Mitigation Measure: Special-status plants</b>	
Special-status plants habitat assessment	
ITP Special-status plants (if applicable)	
<b>Mitigation Measure: Swainson's Hawk (SWHA)</b>	
Surveys done following the methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000)	
ITP SWHA (if applicable)	
<b>Mitigation Measure: Tricolored Blackbird (TRBL)</b>	
TRBL habitat assessment	
<b>Mitigation Measure: Crotch's Bumble Bee (CBB)</b>	
CBB Habitat assessment	
ITP CBB (if applicable)	
<b>Mitigation Measure: Nesting Birds</b>	
Pre-construction surveys for active nests no more than 10 days prior	
<b><i>During Construction</i></b>	
<b>Mitigation Measure: Special-status plants</b>	
Special-status plants avoidance buffer	
<b>Mitigation Measure: Swainson's Hawk</b>	
No buffer of 0.5 mile around active nests until breeding season is over, if SWHA found	
<b>Mitigation Measure: Tricolored Blackbird (TRBL)</b>	
If found, CDFW recommends implementation of a minimum 300-foot no disturbance buffer around the colony in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015".	
<b>Mitigation Measure: Crotch's Bumble Bee (CBB)</b>	

CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts	
<b>Mitigation Measure: Nesting Birds</b>	
CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors.	



November 30, 2023

Patrick Womble, Environmental Resources Manager  
Merced County Regional Waste Management Authority  
7040 N. Highway 59  
Merced, CA 95348  
[pwomble@mcrwma.org](mailto:pwomble@mcrwma.org)

**Subject: SCH No. 2014061081** – Notice of Preparation for the Highway 59 Landfill Composting Facility Supplemental EIR to the Highway 59 Landfill Valley Fill Project EIR

Dear Patrick Womble,

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

### **Project Description**

The current onsite activity is a green waste windrow composting operation that receives no more than 25,000 tons per year of green waste. The proposed project would:

- Increase annual tonnage from 25,000 tons per year to 50,000 tons per year
- Increase onsite storage of organic material to 100,000 cubic yards
- Add food waste as a compost feedstock in addition to the green waste currently accepted on site
- Add covered aerated static pile composting in addition to the windrow composting onsite.

### **Comments**

The addition of food waste and the increase in the amount of materials stored on site would require the activity to be regulated under a Solid Waste Facility Permit (SWFP) issued by the Local Enforcement Agency (LEA) for the County of Merced.

### **Solid Waste Regulatory Oversight**



The County of Merced, Division of Environmental Health, is the Local Enforcement Agency (LEA) and is responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact Esther Canal, the LEA, at 209-381-1081 to discuss the regulatory requirements for the proposed project.

### **Conclusion**

The solid waste facilities permit process requires CalRecycle to concur on the issuance of the proposed permit. This is a discretionary action and therefore requires CalRecycle to comply with CEQA requirements as a Responsible Agency.

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

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

If you have any questions regarding these comments, please contact me at 916.341.6119 or by e-mail at [Harprit.Mattu@calrecycle.ca.gov](mailto:Harprit.Mattu@calrecycle.ca.gov).

Sincerely,

*Harprit Mattu*

Harprit Mattu, REHS, Environmental Scientist

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

cc: Eric Kiruja, Supervisor  
Permitting & Assistance Branch – North

Esther Canal, REHS, LEA  
County of Merced, Division of Environmental Health



## NATIVE AMERICAN HERITAGE COMMISSION

November 2, 2023

Patrick Womble  
Merced County Regional Waste Management Authority  
7040 North Highway 59  
Merced, CA 95348

**Re: 2014061081, Highway 59 Landfill Composting Facility Supplemental EIR to the Highway 59 Landfill Valley Fill Project Environmental Impact Report Project, Merced County**

Dear Mr. Womble:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

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

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

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

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**7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:

- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

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

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

**10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

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

**11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)



3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Pricilla.Torres-Fuentes@nahc.ca.gov](mailto:Pricilla.Torres-Fuentes@nahc.ca.gov).

Sincerely,

*Pricilla Torres-Fuentes*

Pricilla Torres-Fuentes  
Cultural Resources Analyst

cc: State Clearinghouse

ASCENT

DRAFT EIR

# Scoping Report for the Highway 59 Landfill Composting Facility Supplemental Environmental Impact Report

Prepared for:

**Merced County Regional  
Waste Management Authority**  
7040 North Highway 59  
Merced, California 95348

December 2023

DRAFT

# Scoping Report for the Highway 59 Landfill Composting Facility Supplemental Environmental Impact Report

Prepared for:

**Merced County Regional Waste Management Authority**  
Merced County Regional Waste Management Authority  
7040 North Highway 59  
Merced, California 95348

Contact:

**Patrick Womble,**  
Environmental Resources Manager

Prepared by:



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Contact:

**Marianne Lowenthal**  
Senior Environmental Planner

December 2023



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# 1 SCOPING SUMMARY REPORT

Consistent with the California Environmental Quality Act (CEQA), Merced County (County) is the lead agency for the preparation of a supplemental environmental impact report (SEIR) for the Highway 59 Landfill Composting Facility (the project). The project is intended to expand current composting operations within the existing Highway 59 Landfill property to increase organics processing.

The environmental review process began on November 1, 2023, with the issuance of a Notice of Preparation (NOP) to inform agencies and the public that a Draft SEIR would be prepared for the project, and to solicit comments from agencies and the public as to the scope and content of the document. A public scoping meeting was held to provide an opportunity for oral expression of those comments. This document summarizes the comments and issues raised during the scoping process. A complete set of comments received during scoping is attached to this document, and a summary of the scoping process and comments received in response to the NOP is included below.

## 1.1 COMMENTS ON THE NOP

The NOP was distributed on November 1, 2023, and is included as Appendix A. The public scoping period was 30 calendar days, concluding on November 30, 2023. Written comments were received from the four agencies and organizations listed in Table 1. Table 2 summarizes the written comments received in response to the NOP. A complete set of written comments is included as Appendix B.

Project information was provided, and oral comments were sought at a public scoping meeting beginning at 3:00 p.m. on November 16, 2023. Attendees asked general questions and provided anecdotal information about the project area.

The purpose of the NOP is to solicit views of agencies and the public as to the scope and content of the environmental document. The SEIR will include an analysis of the environmental impacts of the project for each resource area.

**Table 1 Commenters on the Notice of Preparation**

Name of Author	Agency/Organization	Date Received/Post Marked
Tom Dumas	California Department of Transportation	November 29, 2023
Julie Vance	California Department of Fish and Wildlife	December 11, 2023
Harprit Mattu	California Department of Resources Recycling and Recovery	November 30, 2023
Pricilla Torres-Fuentes	Native American Heritage Commission	November 2, 2023
Brian Clements	San Joaquin Valley Air Pollution Control District	December 21, 2023

## 1.2 SUMMARY OF COMMENTS

Table 2 summarizes the written comments received in response to the NOP. A complete set of written comments is included in Appendix B.

The purpose of the NOP is to solicit comments from agencies and the public as to the scope and content of the environmental document. The primary environmental issues raised during scoping comments are summarized in Table 2 and organized by major topic. The EIR preparers will consider all comments received in response to the NOP that are germane to the environmental review. The EIR will include a thorough analysis of the environmental impacts of the proposed project.

Some comments do not refer to the contents of the environmental analysis but are related to the merits of the proposed project. Project merits will be considered by agency decision makers upon completion of the environmental review process when deciding whether or not to approve the project. Comments that do not relate to potential physical environmental effects of the project will not be evaluated in the EIR and are not included in Table 2.

**Table 2 Summary of NOP Comments**

General Topic	Specific Concerns/Comments
<b>Tom Dumas, California Department of Transportation November 29, 2023</b>	
<b>Traffic</b>	<p>A traffic study should be conducted for the project and submitted to Caltrans prior to project approval.</p> <p>The project proponent may have to prepare a full Traffic Impact Study (TIS) and submit it to Caltrans for review and comment prior to project approval.</p>
<b>Stormwater</b>	<p>The applicant needs to ensure that existing state drainage facilities will not be substantially affected by the project.</p> <p>If historically undeveloped topography shows that drainage on the project site flows into Caltrans Right-of-Way (ROW), it may continue to do so under the condition that peak flows do not exceed pre-construction levels.</p> <p>Caltrans would not allow additional runoff that drains into the state right-of-way or significantly impacts existing drainage facilities or flow patterns.</p>
<b>Project Description</b>	<p>If any construction related activities associated with the expansion encroach into Caltrans ROW, the project proponent must apply for an encroachment permit to the Caltrans District 10 Encroachment Permit Office.</p>
<b>Julie Vance, California Department of Fish and Wildlife December 11, 2023</b>	
<b>Biological Resources</b>	<p>The California Department of Fish and Wildlife (CDFW) recommends that a qualified botanist conduct a habitat assessment of the project site well in advance of project implementation to determine if the project site or its vicinity contains suitable habitat for special-status plant species.</p> <p>CDFW recommends that focused bald eagle surveys be conducted by experienced individuals as part of the biological technical studies conducted in support of the CEQA document.</p> <p>CDFW recommends that surveys be conducted following the survey methods developed by the Swainson's Hawk Technical Advisory Committee for SWHA.</p> <p>If construction must take place during the Tricolored blackbird breeding season (February 1 through September 15), CDFW recommends that a survey for suitable habitat be conducted as part of the biological technical studies conducted in support of the CEQA document.</p> <p>If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for Crotch's bumble bee.</p> <p>If ground-disturbing or vegetation-disturbing activities must occur during the bird breeding season (February 1 through September 15), CDFW recommends that a qualified biologist conduct pre-construction surveys for active nests no more than ten days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected.</p> <p>CDFW recommends consulting with the United States Fish and Wildlife Service regarding potential impacts to federally listed species including but not limited to the federally threatened succulent owl's-clover.</p> <p>Species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species.</p> <p>CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations.</p> <p>Impact on fish and/or wildlife require assessment of filing fees is necessary.</p>
<b>Harprit Mattu, California Department of Resources Recycling and Recovery November 30, 2023</b>	
<b>Utilities</b>	<p>The addition of food waste and the increase in the number of materials stored onsite would require the activity to be regulated under a Solid Waste Facility Permit (SWFP) issued by the Local Enforcement Agency (LEA) for the County of Merced.</p>

General Topic	Specific Concerns/Comments
<b>Pricilla Torres-Fuentes, Native American Heritage Commission November 2, 2023</b>	
<b>Tribal Cultural Resources</b>	<p>Consultation with a tribe shall be considered concluded when either the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or a party concludes that mutual agreement cannot be reached.</p> <p>Any mitigation measures agreed upon in the consultation shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program.</p> <p>The lead agency shall consider feasible mitigation to be followed if none is identified in the consultation process.</p> <p>Examples of mitigation measures that, if feasible, may be considered to avoid or minimize significant adverse impacts to tribal cultural resources:</p> <ol style="list-style-type: none"> <li>Avoidance and preservation of the resources in place.</li> <li>Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following: i) protecting the cultural character and integrity of the resource; ii) protecting the traditional use of the resource; and iii) protecting the confidentiality of the resource.</li> <li>Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.</li> <li>Protecting the resource.</li> <li>Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.</li> <li>Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.</li> </ol> <p>An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless the consultation process between the tribes and the lead agency has occurred, the tribe that requested consultation failed to provide comments to the lead agency or engage in the consultation process, and the lead agency provided notice of the project to the tribe and the tribe failed to request consultation within 30 days.</p> <p>Contact the NAHC for a sacred lands file search and a Native American tribal consultation list of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.</p> <p>Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.</p>
<b>Brian Clements, San Joaquin Valley Air Pollution Control District December 23, 2023</b>	
<b>Air Quality</b>	<p>The project may result in construction and/or operation emissions that could exceed SJAPCD thresholds.</p> <p>Recommends using the cleanest available off-road construction equipment.</p>
<b>Air Quality and Traffic</b>	<p>Suggests including incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled, and measures that increase energy efficiency.</p>
<b>Air Quality and Traffic</b>	<p>The MCRWMA's environmental review should adequately characterize and justify an appropriate trip length distance for off-site HHD truck travel to and from the Project site. Based on the following factors: 1) the Project consists of an expansion of an existing landfill facility that is expected to generate a high volume of HHD truck trips, and 2) HHD trucks for composting operational related activities generally travel further distances. The District recommends the environmental review include a discussion characterizing an</p>

General Topic	Specific Concerns/Comments
	appropriate trip length distance for HHD truck travel, and reflect such appropriate distance supported by project-specific factors.
<b>Air Quality</b>	Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors.
	The MCRWMA should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.
	The commenter recommends the EIR also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.
	The comment recommends that the EIR include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.
	The District recommends that the EIR include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment.
	The MCRWMA should consider all available pertinent information to determine if the Project could have a significant impact related to nuisance odors.
	Current SJAPCD rules and regulations should be described within the EIR.

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