



February 11, 2020

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Division of Environmental Health
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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Subject: **SCH No. 2020019033** –Initial Study and Environmental Checklist
Negative Declaration for the Pacific Organics Solutions Composting
Facility SWIS # 23-AA-0053– Mendocino County

Dear Mr. Leonard:

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

PROJECT DESCRIPTION

Yulupa Investments LLC., (Owner)/Pacific Recycling Solutions, dba Pacific Organics Solutions (Applicant) seeks to secure entitlements necessary for permitting a Compostable Materials Handling Facility on the approximately 12-acre property located at 3201 Taylor Drive, Ukiah in unincorporated Mendocino County. The Assessor's Parcel Number (APN) for the site is 184-140-17.

The proposed composting operation at its maximum size will process up to 50,000 tons (125,000 cubic yards) of organic waste per year using GORE® Cover technology will primarily occur on an area comprising approximately 4 acres. GORE® Cover technology is designed to limit potential environmental impacts from the process with simple construction and operational demands. Build out of the project will occur in two (2) phases: Phase I will include six (6) windrows and up to a total annual throughput of 25,000 tons per year, while Phase II will include an additional six (6) windrows to process a total of up to 50,000 tons per year.

Compost feedstock will include Agricultural Material, Agricultural By-Product Material, Biosolids, Digestate, Food Materials and Green Material, in accordance with and as defined in CCR Title 14. The majority of the feedstock will be collected and delivered to the site as part of the Applicant's existing waste collection routes from the City of Clearlake, City of Lakeport, County of Lake, self-haul customers, and other commercial

accounts as they become available with the facility accepting an average of 137 tons of material per day with a peak of 175 tons per day and a maximum annual throughput of 50,000 tons. Incoming tonnage in excess of the facility's peak tonnage will be rejected at the gate.

Proposed development specific to the application includes:

- Indoor and/or outdoor receiving areas for incoming materials;
- Processing area for chipping, grinding, blending, screening;
- Approximately 69,000 square foot concrete composting pad for twelve (12) windrows with a three (3) foot concrete push wall on the east side of the pad for mounting equipment for the GORE® cover system and control boxes for each row located behind the push wall;
- Leachate collection and storage, and reuse system;
- Finished compost screening and storage areas located on a designated area of the site.
- 30,000 square foot receiving building open on the north and south ends to be used for receiving/storing materials delivered to the site;
- Processing areas for chipping and grinding, blending, screening etc.;
- Storage areas for concrete, wood chips, finished compost and bins; and
- Driveways and access roads.

Hours of operation are:

Public hours: 7:00 a.m. to 4:00 p.m. Monday through Saturday/closed on Sundays.

Commercial hauler hours: 5:00 a.m. to 10:00 p.m. Monday through Saturday/closed on Sundays.

Facility operation/processing hours: 24 hours per day, 7 days a week.

COMMENTS ON LEAD AGENCY DESIGNATION

- The Notice of Completion states that the County of Mendocino Environmental Health Department is the Lead Agency. However, on page 13 the box determining a Negative Declaration (ND), which is the appropriate analysis for this project, was not checked and the page is unsigned. All references to the Lead Agency in the ND and related documents should consistently state that the County of Mendocino Environmental Health Department is the Lead Agency and the Negative Declaration should be Adopted pursuant to CEQA Guidelines Section 15074.
- The cover page of the Initial Study and Environmental Checklist, Project Summary (page 3), and the Determination to be completed by the Lead Agency, (page 13) incorrectly identifies the County of Mendocino as Lead Agency.
- A Development Review memo dated January 10, 2020, from the County of Mendocino Department of Planning and Building Services, incorrectly states that

the proposed project is Categorically Exempt from CEQA per Guidelines Section 15332, In-Fill Development. Because the project is located outside of city limits, as acknowledged in the memo, the proposed Categorical Exemption is inapplicable. It is not clear why this memo was submitted to the State Clearinghouse along with the proposed Negative Declaration.

- The Development Review memo also incorrectly states that the project is eligible for a Categorical Exemption under CEQA per Guidelines section 15300.1. This is not a ministerial action for the County of Mendocino Environmental Health Department as the LEA because this permit approval is discretionary. The LEA exercises discretion in setting conditions on the project.

COMMENTS ON PROPOSED NEGATIVE DECLARATION

- The ND limits the operation to the GORE® branded technology. Please be aware that if the operation moves away from the brand and implements alternative method(s), a subsequent CEQA finding may be required.
- The ND states the Applicant's associated property (3515 Taylor Road) is where incoming feedstock will be weighed, and load checked. Will this location also be used initially to receive/process/store incoming materials? This may require additional permitting considerations for this adjacent property.
- The ND states that green material, agricultural material and agricultural by-product material may be stored at the receiving area prior to processing for as long as eight (8) weeks (page 7) and that food material, biosolids and digestate may be stored in the receiving building as long as two weeks. Storing feedstock for the specified lengths of time prior to incorporation into the composting process seems excessive. It is recommended the LEA condition the Solid Waste Facilities Permit to limit storage times for pre-processed materials in accordance with best management practices for odor mitigation.
- As referenced in the Table of Contents, figures 1-3 and appendices A-D are included as cover pages only.

Solid Waste Regulatory Oversight

The Mendocino County, Department of Public Health, Local Enforcement Agency (LEA), is responsible for providing regulatory oversight of solid waste handling activities, including permitting and inspections. CalRecycle acting as a responsible agency, will be required to concur or deny the proposed permit based on the adequacy of the Negative Declaration and all other applicable requirements of Titles 14 and 27 of the California Code of Regulations.

CONCLUSION

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

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

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10-day 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 approval by the decision-making body.

If you have any questions regarding these comments, please contact me at (916) 341-6405 or Christine.Karl@calrecycle.ca.gov.

Sincerely,



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cc: Diane Vlach, Supervisor
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