

**TULARE COUNTY
RESOURCE MANAGEMENT AGENCY**



5961 South Mooney Boulevard
Visalia, CA 93277

**VISALIA DISPOSAL SITE
and
COMPOST FACILITY**

Final Focused Environmental Impact Report
SCH# 2021020054

September 2022

Prepared by:
Tulare County Resources Management Agency
Economic Development and Planning Branch
Environmental Planning Division

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Chapter 10

Introduction & Response to Comments

INTRODUCTION

The Draft Focused Environmental Impact Report (Draft EIR or DEIR) for the Visalia Disposal Site and Compost Facility (Project), previously identified as the Visalia Landfill – Compost and Biomass Conversion Facility, was made available for public review and comment for a period of 57 days starting on December 3, 2021, and ending on January 28, 2022. The purpose of this document is to present public, state agencies, and other interested parties' comments; and responses to comments received on the Project's Draft EIR (SCH # 2021020054).

Individual responses to each of the comment letters received regarding the Draft EIR are included in this chapter. Comments that do not directly relate to the analysis in this document (i.e., that are outside the scope of this document) will be considered.

In order to provide readers with a complete understanding of the comments raised, the County of Tulare Resource Management Agency (RMA), Planning Branch staff prepared a comprehensive response regarding particular subjects. These comprehensive responses provide some background regarding an issue, identify how the comment was addressed in the Draft EIR, and provide additional explanation/elaboration while responding to a comment. In some instances, these comprehensive responses have also been prepared to address specific land use or planning issues associated with the proposed Project, but unrelated to the EIR or environmental issues associated with the proposed Project.

Comments received that present opinions regarding the Project not associated with environmental issues, or raise issues that are not directly associated with the substance of the EIR are noted without a detailed response.

REVISIONS TO THE PROJECT

Revisions and clarifications to the DEIR made in response to comments and information received on the DEIR are indicated by ~~strikeout~~ text (e.g.; ~~strikeout~~), indicating deletions, and underline text (e.g.; underline), indicating additions. Corrections of typographical errors that have been made throughout the document are not indicated by ~~strikeout~~ or underline text. The specific revisions and clarifications are included as Errata pages within this Final Focused EIR (FEIR).

PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Consistent with the California Environmental Quality Act (CEQA), the potential environmental effects of the Visalia Disposal Site and Compost Facility Project have been analyzed in a Draft EIR (SCH# 2021020054) dated December 2021. Consistent with Section 15205 of the State

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CEQA Guidelines, the Draft EIR for the Visalia Disposal Site and Compost Facility Project is subject to a public review period. Section 21091(e) of the Public Resources Code specifies a minimum 30-day shortened review period for an EIR; however, if an EIR is submitted to the State Clearinghouse for review, the review period shall be a minimum of 45-days. Pursuant to CEQA Guidelines and approval by the Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), the County of Tulare provided an initial 45-day review period, which was subsequently extend 12 additional days resulting in a 57-day review period.

The Visalia Disposal Site and Compost Facility Project Draft EIR was distributed to responsible and trustee agencies, other affected agencies/departments/branches within the County of Tulare and RMA, interested parties, and all parties who requested a copy of the Draft EIR in accordance with Section 21092 of the *California Public Resources Code*. As required by CEQA, a Notice of Availability (NOA) for the Draft EIR was published in the *Sun-Gazette* (a newspaper of general circulation) on December 3, 2021.

During the 57-day review period, the Draft EIR and technical studies were also made available at the following location:

Visalia Branch Library	Tuesday through Thursday: 9:00 a.m. – 8:00 p.m.;
200 West Oak Avenue	Friday: 12:00 p.m. – 6:00 p.m.; and
Visalia, CA 93291	Saturday: 9:00 a.m. – 5:00 p.m.

In addition, the DEIR was posted on the Tulare County website during the review period at: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>

RELEVANT CEQA SECTIONS (SUMMARY)

Following is a summary of CEQA Guidelines Sections 15088-15384, et. seq. The complete CEQA Guidelines can be accessed at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAA A70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&cont extData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAA A70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&cont extData=(sc.Default))

Section 15088. Evaluation of and Response to Comments.

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response...
- (b) The lead agency shall provide a written proposed response... to a public agency on comments made by that public agency at least 10 days prior to certifying...
- (c) The written response shall describe the disposition of significant environmental issues raised... In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail...

Section 15088.5. Recirculation of an EIR Prior to Certification.

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification;
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR; and
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

Section 15089. Preparation of Final EIR.

- (a) The Lead Agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of these Guidelines.

Section 15090. Certification of the Final EIR.

- (a) Prior to approving a project, the lead agency shall certify that:
 - (1) The final EIR has been completed in compliance with CEQA;
 - (2) The final EIR was presented to the decision making body ...and that the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and
 - (3) The final EIR reflects the lead agency's independent judgment and analysis.

Section 15091. Findings.

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

Section 15092. Approval.

- (b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:
 - (1) The project as approved will not have a significant effect on the environment, or
 - (2) The agency has
 - (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
 - (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

Section 15093. Statement of Overriding Considerations.

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Section 15095. Disposition of a Final EIR.

The lead agency shall:

- (a) File a copy of the final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.
- (b) Include the final EIR as part of the regular project report which is used in the existing project review and budgetary process if such a report is used.
- (c) Retain one or more copies of the final EIR as public records for a reasonable period of time.
- (d) Require the applicant to provide a copy of the certified, final EIR to each responsible agency.

Section 15151. Standards for Adequacy of an EIR.

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Section 15364. Feasible.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, legal, social, and technological factors.

Section 15384. Substantial Evidence.

"Substantial evidence"... means enough relevant information and reasonable inferences that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

RESPONSES TO COMMENTS

COMMENT LETTERS RECEIVED ON THE DRAFT EIR

The County of Tulare received five (5) written comments on the Draft EIR (see Attachments 2 through 6). In addition, any correspondence or conversations regarding comments from the public are also provided in this document. Each comment letter is also numbered. For example, comment letter 1 is from the California Department of Transportation, February 16, 2021, and December 6, 2021

Consistent with Section 15132 of the CEQA Guidelines, the following is a list of persons, organizations, and public agencies that submitted comments regarding the Draft EIR received as of close of the public review period on January 28, 2022.

Oral comments were received from, or conversations occurred with the following individuals:

None were received.

Comments from Federal, State, or County Agencies:

- | | |
|-------------------------|---|
| <i>Comment Letter 1</i> | <i>California Department of Transportation (Caltrans), February 16, 2021, and December 6, 2021 (See Attachment 2)</i> |
| <i>Comment Letter 2</i> | <i>California Department of Fish and Wildlife (CDFW), March 5, 2021 (See Attachment 3)</i> |
| <i>Comment Letter 3</i> | <i>Tulare County Health & Human Services Agency, Environmental Health Services Division (TCEHSD), December 7, 2021 (See Attachment 4)</i> |
| <i>Comment Letter 4</i> | <i>California Department of Resources Recycling and Recovery (CalRecycle), January 19, 2022 (See Attachment 5)</i> |
| <i>Comment Letter 5</i> | <i>San Joaquin Valley Unified Air Pollution Control District (Air District), February 3, 2022 (See Attachment 6)</i> |

Comments from adjacent property owners or other interested parties:

None were received.

In addition to the comment letters received, this chapter concludes with a list of agencies, tribes, and other interested persons who were notified during the Notice of Preparation (NOP) process and/or received a copy of the Notice of Availability (NOA) for the Draft EIR. (See Attachment 1)

The reader is reminded that the County strictly adheres to and depends upon substantial evidence in drawing conclusions about CEQA documents. Therefore, the County relies on the definition of substantial evidence as provided in CEQA Guidelines Section 15384. (Substantial Evidence)

which states: ““Substantial evidence”...means enough relevant information and reasonable inferences that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.” As such, the County also expects commenters such as public agencies, public entities, or other interested persons/parties to also adhere with the substantial evidence definition as provided in CEQA Guidelines Section 15384.

COMPREHENSIVE LIST OF RESPONSES

Comment Letter 1: California Department of Transportation (Caltrans), February 16, 2021 and December 6, 2021

The following are responses to comments originally provided by Caltrans during the NOP stage; which Caltrans refers to in the comment letter (email) dated December 6, 2021.

Comment Subject 1: Caltrans has determined that once completed, the Project will generate minimal operational traffic. Caltrans has estimated most of the traffic generated by the Project will be during the approximately 5 to 6-month construction phase – due to heavy truck traffic and construction worker trips.

Response: We agree with Caltrans’ assessment of traffic. We also anticipate temporary, short-term, and intermittent traffic during construction phase-related activities which will cease once construction related-activities are completed.

Comment Subject 2: Caltrans concurs with the County’s assessment in the Transportation/Traffic section of the NOP, that the EIR will analyze construction-related impacts, analyze outgoing vehicle trips delivering finished compost and other potential traffic impacts as well as operational impacts.

Response: Chapter 3.8 Transportation of the Draft EIR concluded that the development of the composting facility (including the biomass conversion component) would not result in an increase in population nor correspondingly to an increase in vehicle generation/travel; therefore, new or modified intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit would not be required. The Project is expected to utilize approximately 10-15 employees. To determine the number of daily trips that would occur, the “General Light Industrial” (ITE code 110) category was used for the Project, since there is no specific ITE category for a landfill/composting facility. According to the ITE manual, the Project would result in an additional 45 daily trips. The relatively minor amount of employee trips is not anticipated to have any significant impact on surrounding roadway and intersection operations. Further, the DEIR concluded that there would be no increase in the currently permitted tonnage limits stated in the Solid Waste Facility Permit for the landfill. The current green waste and wood waste streams

would be diverted to a different area of the landfill site (rather than to a disposal cell), and the new organic wastes tons would be diverted directly to the compost facility instead of to its current area within the existing landfill. As such, the Project does not change the number of haul trucks used to import green or wood waste. In summary, the DEIR concluded that traffic impacts because of this Project would be less than significant.

Comment Subject 3: Caltrans reviewed the most recent Monitoring Program Reports to determine if any of the identified locations fall within the Project study area. These programs include the Wrong-Way Collision Monitoring Program, Cross-Over Collision Monitoring Program, Run-Off Road Monitoring Program, Pedestrian Monitoring Program, and Bicycle Monitoring Program. The Project is not located within or near any of the monitoring locations for the above-mentioned programs.

Response: The County appreciates Caltrans' diligence in providing the above-noted information.

Comment Subject 4: No Traffic Investigation Reports (TIRs) have been conducted at or near the Project site.

Response: The County appreciates Caltrans' diligence in providing the above-noted information.

Comment Subject 5: Caltrans recommends the Project implement "smart growth" principles regarding parking solutions, providing alternative transportation choices to residents and employees. Alternative transportation choices may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs.

Response: Due to the rural nature of Project and its existing remote location, "smart growth" principles are not practical for this Project. The County encourages carpools/vanpools, car-share and/or ride-share programs as alternative transportation.

Comment Subject 6: Based on Caltrans VMT-Focused Transportation Impact Study Guide, dated May 20, 2020 and effective as of July 1, 2020, Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita Vehicle Miles Traveled (VMT), increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the project proponent continue to work with the County of Tulare to further implement improvements to reduce vehicles miles traveled and offer a variety of transportation modes for its employees.

Response: As noted in the adopted Tulare County SB 743 Guidelines, "It is important to note that goods movement (e.g., the transport of raw or finished products from one location to another, for example, transfer of milk to an ice cream producing plant and then the transfer of ice cream to a distributor or directly to a retailer) is not subject to SB 743 and only passenger trips need to be considered in a VMT analysis."¹ As noted earlier, green waste and wood waste deliveries are currently being accepted at the disposal site and diverted to a different area of the site, and the new

¹ County of Tulare. SB 743 Guidelines. June 2020. Page 6. Accessed March 2021 at: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-planning-resources/tulare-county-sb-743-guidelines/>

organic wastes tonnage would be diverted directly to the compost facility instead of its current area within the existing landfill. As such, the Project does not change the number of haul trucks used to import green or wood wastes. Since “raw” products (i.e., green or wood wastes) and finished product (i.e., composting material) are considered goods movement; they are exempt from VMT.

Comment Letter 2: California Department of Fish and Wildlife (CDFW), March 5, 2021

The following are responses to comments originally provided by CDFW (or Department) during the Notice of Preparation stage; as the Department did not provide comments to the Draft EIR. As such, the following responses refer to the comments made in the Department’s letter dated March 5, 2021. In summary, CDFW generally provided comments regarding Swainson’s Hawk (SWHA), San Joaquin Kit Fox (SJKF), and Tricolored Blackbird (TRBL). The Draft EIR contains a more recent CNDDDB search conducted by RMA staff than the search conducted by CDFW, as such, RMA is relying on the more recent search as CDFW’s search is older than the RMA’s search. It is also noted that the Draft EIR provided an analysis and determination of special status species that included SWHA, SJKF, and Burrowing Owl (BUOW). As such, the following responses address CDFW comments relative to TRBL, environmental data and filing fees.

Comment Subject 1: San Joaquin Kit Fox (SJKF) Habitat Assessment, Surveys, and Take.

Because suitable foraging habitat for SJKF is located on most of the land surrounding the Project site, CDFW recommends conducting the following evaluation of the Project site. The DEIR should include the following measures specific to SJKF and these measures be made conditions of approval for the Project: a qualified biologist conduct a habitat assessment prior to Project implementation and if potential SJKF dens occur on the Project site, an assessment of presence/absence of SJKF by conducting surveys following the USFWS “Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance” (2011). Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground disturbing activities. If SJKF is detected during surveys, consultation with CDFW is warranted to avoid take.

Response: The Draft EIR includes Mitigation Measures 3.2-7, 3.2-8, 3.9, and 3.2-11 which incorporate the Department’s recommendations for pre-construction surveys, avoidance, minimization, and mortality reporting, respectively. The Draft EIR also includes Mitigation Measure 3.2-10 which requires pre-construction training for all construction staff prior to the start of construction. Mitigation Measure 3.2-7 will be amended to clarify that pre-construction surveys shall be conducted by a qualified biologist in accordance with the USFWS 2011 Standardized Recommendations.

Comment Subject 2: Swainson’s Hawk (SWHA) Surveys.

Because suitable habitat for SWHA is present throughout and adjacent to the Project site, CDFW recommends conducting the following evaluation of the Project site. The DEIR should include the following measures specific to SWHA and these measures be made conditions of approval for the Project: a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson’s Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to implementation.

Response: The Draft EIR includes Mitigation Measures 3.3-1 and 3.2-2 which incorporate the Department's recommendations for temporal avoidance and pre-construction surveys, respectively. Mitigation Measure 3.2-2 will be amended to clarify that pre-construction surveys shall be conducted by a qualified biologist in accordance with the SWHA TAC 2000 survey methods.

Comment Subject 2: SWHA No-disturbance Buffer and Take. 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. If this buffer is not feasible, consultation with CDFW is warranted to avoid take.

Response: The Draft EIR includes Mitigation Measure 3.2-3 requiring any observations discovered within the survey area to be submitted to the CNDDDB, and in the unlikely event that observations are made within the Project site, requires the establishment of buffer areas based on local conditions and in consultation with the CDFW (the Department). The nearest identified nesting sites of SWHA are all farther than the 0.5 mile as recommended by CDFW. The nearest nesting sites are approximately 1.34 miles northwest, 1.14 miles west, and 0.71 miles south-southwest of the site on lands over which the applicant has no control, and, as such, the applicant cannot delineate a buffer where it has no control over the proposed buffer areas. Respectfully, as the 0.5-mile criteria or the take would not apply to this Project, the County is not compelled to add this recommendation as either mitigation or as a condition of approval. Please see the attached map showing the locations and distances from the Project site to the known nesting sites. (Note, due to the sensitivity of the data, this map will not be provided in the Attachments to Chapter 10 Response to Comments of the Final Focused EIR).

Comment Subject 3: Tricolored Blackbird (TRBL), Habitat Assessment, Nest Avoidance, Nesting Bird Surveys, Buffers, and Take. Adjacent properties include crops that are suitable for TRBL nest colony sites; CDFW recommends TRBL habitat assessment, surveys, avoidance measures, and take in the event that TRBL are detected.

Response: In regard to habitat assessment, the Project site is actively used as part of the Visalia Disposal Site (Landfill or landfill) operations and does not contain any suitable habitat such as silage fields. As the site will ultimately (and permanently) convert from its operationally inactive status to an active composting facility/operation (including stormwater retention basin, wastewater storage pond, composting area, compost screening and storage area, windrow curing area, 50,000 square foot tipping and blending building, organic waste processing and storage area, and tipping area) and a biomass conversion facility (including a biomass conversion facility area and wood storage piles), the proposed Project use and area (including the balance of the current Landfill site) will remain unsuitable as habitat for TRBL.

The applicant (County of Tulare) has no control over adjacent site uses, and the applicant can only take measures in areas over which the applicant has control. The Department's comment that "Review of aerial imagery indicates that the Project site is near dense low vegetation fields and silage fields that may serve as nest colony sites. Directly to the West of the Project site there is a

dairy which has the potential for TRBL to aggregate.” is speculative. The Department did not specifically identify any areas within Tulare County where TRBL were recently detected. The closest known occurrence of a breeding colony was documented in a wheat field approximately 16 miles southwest of the project site in 2000; which is more than 20 years ago. Please see the attached map showing the distance between the Project site and the location of the colony. (Note, due to the sensitivity of the data, this map will not be provided in the Attachments to Chapter 10 Response to Comments of the Final Focused EIR). However, Mitigation Measure 3.2-12 has been added to require a pre-construction survey of the Project site and to the extent feasible a 500-foot buffer from the Project site, no more than 10 days prior to start of Project implementation.

In regard to buffer areas, the County disagrees with the Department’s recommendation that a 300-foot no-disturbance buffer be established for two reasons: (1) the applicant does not control areas beyond 300 feet of the Project’s limits; and (2) the Department’s recommendations are not consistent with the Guidance referenced by the Department in three areas; (i) the Guidance “advises” rather than “recommends” a buffer distance; (ii) the Guidance suggests a buffer zone beginning at 60 feet and be adjusted as necessary/applicable; and (iii) the Guidance (which cites Meese et al. 2008) specifies a typical breeding season range (that is, from nest building to fledging) of 68 days whereas, the Department’s recommendation (Feb. 1 thru September 15) spans 227 days; a substantial difference of 159 days (or roughly 5.3 months). However, Weintraub (2016) writes, “We conducted the study during the Tricolored Blackbird breeding season from March 10 to July 16, 2011, and from March 6 to June 28, 2012.”² This citation clearly shows a much different timeframe than the Department’s comments noting a February 1 to September 15 breeding timeframe. Further, as stated by Weintraub (which cites Orians (1961), Hamilton (1998) and others) an individual female can complete an entire nesting cycle in “as little as 28 days.” Weintraub further states that TRBL breeding is not limited to synchronous breeding as asynchronous breeding also occurs, to wit, “The timing of nest-building in a Tricolored Blackbird colony falls along a continuum represented by 2 extremes: (1) synchrony, in which all nests are built and all eggs laid within one week; or (2) asynchrony, in which a colony grows over several weeks through the addition of new birds to the colony’s periphery (Neff 1937, Orians 1961, Hamilton 1998, Beedy and Hamilton 1999). In the latter case, young may have hatched in one area of the colony while females in another area were still building nests (Neff 1937, Orians 1961). Thus, the nest-building phase may last 7–34 days or more in a single colony (Orians 1961, Hamilton 1998). For an individual female, however, an entire nesting cycle can be completed in as little as 28 days: 3 days for nest building (Orians 1961, Hamilton 1998), 3–4 days for egg laying (Hamilton 1998), 12 days for incubation (Orians 1961, Hamilton 1998, Beedy and Hamilton 1999), and a minimum of 10 days for the nestling period (Hamilton 1998).”³

² “Nest survival of Tricolored Blackbirds in California’s Central Valley.” Page 853. Published October 26, 2016. Kelly Weintraub, T. Luke George, and Stephen J. Dinsmore. Accessed March 2022 at: https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1256&=&context=nrem_pubs&=&seid=1&referer=https%253A%252F%252Fwww.bing.com%252Fsearch%253Fq%253DNest%252520Survival%252520of%252520tricolored%252520blackbirds%252520in%252520Central%252520California%2527s%252520Central%252520Valley%2526qs%253Dn%2526form%253DQBRE%2526sp%253D-1%2526pq%253Dnest%252520survival%252520of%252520tricolored%252520blackbirds%252520in%252520central%252520california%2527s%252520central%252520valley%2526sc%253D1-76%2526sk%253D%2526cvid%253D2BF6D9D68A0840C29F713F9EA63FE171#search=%22Nest%20Survival%20tricolored%20blackbirds%20Central%20Californias%20Central%20Valley%22 (Use the “Collections” drop down and choose “By Title”, then enter “Nest survival” in the “Browse” box.)

³ Ibid. 852.

According to the citations noted by the Department, TRBL counts (censuses) varied significantly year-by-year due to a variety of factors such as weather events (including El Nino and La Nina), timing, number of persons conducting a census, nest density, predation, loss of natural habitat, use of anthropogenic habitat (e.g., dairies and associated stored grains and adjacent grain fields (typically silage), timing of harvest of silage fields, regional variations, breeding substrates, etc.). The 2017 Census conducted by Meese shows that Tulare County accounted for only 4.6% of statewide TRBL, while Kern (34.4%) and Merced counties (16.9%) plus Tulare's count total 55.9% of TRBL statewide (Meese 2017. Table 1 at page 12). As such, the data indicate that TRBL are not abundant in Tulare County and typically are adapted to nesting within silage fields. As noted earlier, the Project has been and remains operationally inactive and will likely be converted in FY 2022-2023 to the proposed composting and biomass conversion facilities/operations as a result of this Project.

In regard to its vicinity, the presence of dairies and likely associated use of the dairies' adjacent fields to grow silage, TRBL could occur in proximity to the Project site. However, as noted earlier, the applicant has no control of adjacent uses. As noted earlier, the Guidance suggests a buffer zone beginning at 60 feet; this distance can be satisfied based on Avenue 328's 60-foot right-of-way and Road 80's 80-foot right of way; no additional separation (i.e., greater than 60 feet) would be necessary. Regardless of neighboring uses, the fact remains that the Project site itself has not been and will not be used for agricultural purposes so it remains highly unlikely that TRBL would use the site as habitat.

In regard to surveys and take authorization, as noted earlier, as the site has not been and will not be used for agricultural purposes it remains highly unlikely that TRBL would use the site as habitat; and will be converted to the proposed Project during FY 2022-2023. As such, it is highly unlikely that TRBL would occur when and after the Project is initiated and subsequently operational. To reiterate, the applicant has no control of adjacent uses and would be powerless to control activities outside of the County's legal control regardless of presence or absence of TRBL on an adjacent site.

Comment Subject 4: Environmental Data and Filing Fees. Please report any special status species and natural communities detected during Project surveys to CNDDB. 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.

Response: The County agrees that it would be appropriate to report any special status species and natural communities detected during project surveys to the CNDDB; and the applicant is well aware that a \$3,539.25 CDFW filing fee will be required for filing of a Notice of Determination following approval/certification of the Final Environmental Impact Report.

Comment Letter 3 Tulare County Health & Human Services Agency, Environmental Health Services Division (TCEHSD), December 2021

Comment Subject 1: Based upon our review, we have no comments for this project, at this time.

Response: Thank you for your response. It is important for our administrative record to receive your response as it provides evidence/documentation that your department is aware of and has indeed received the Draft EIR for your consideration/review. As an aside, we have also separately copied our response to CalRecycle's comments regarding the Draft EIR to Jessica Gocke of your office.

Comment Letter 4: California Department of Resources Recycling and Recovery (CalRecycle) January 19, 2022

Comment Subject 1: Facility Boundary: The project description describes that the compost activity will operate on a soil borrow area. Does this borrow area encompass the 36 acres, and include both the Compost Facility and the Biomass Facility? Please clarify how many acres will be dedicated to each of the two activities.

Response: The borrow pit area will encompass approximately 36 acres of total area. The compost facility will operate on a compost pad of 24 acres, while the biomass conversion component will encompass approximately 2.5 acres east of the compost facility.

Comment Subject 2: Facility Boundary: Will there be any overlap of operations between the two proposed activities and/or with the landfill activities (i.e., equipment or scales, etc.)?

Response: There will be no operational or equipment overlap between the landfill and compost facility. Organic waste will be directed to the compost facility and any residuals generated during composting operations will be transferred and disposed at the landfill. The compost facility will have its own gate house and a scale will be used to weigh and record the incoming material. Presently, the organic waste is directed to the landfill for disposal from the landfill scale house. When the compost facility is operational, it will be directed to the compost facility after being weighed at the compost facility's scale house. The compost facility will be a separate and distinct operation and may be operated by an independent contractor with personnel not associated with any landfill activities.

Comment Subject 3: Facility Boundary: Will any portion of these activities be located on top of the landfill waste footprint? Since the proposed project also includes new structures in close proximity to the landfill waste footprint and there is the potential for landfill gas migration from the landfill, the design and construction of any structures need to meet the requirements of Title 27, California Code of Regulations (27 CCR), Section 21190.

Response: The Project will comply with Structures (27 CCR 21190(c-g)), as applicable.

The final design proposal will include a 50,000 square foot Tipping and Processing Building and will be enclosed. This building will be within 1,000 feet of the waste footprint, but entirely within the existing property (i.e., Visalia Disposal Site) boundary.

The compost facility will have its own gate house and its own scale will be used to weigh and record the incoming material.

The biomass conversion component (facility) will occupy approximately 2.5 acres in the southeast corner of the landfill SWFP boundary, as shown on the attached update Site Map, and will be included in the landfill SWFP as an ancillary facility. There will also be associated offices and maintenance rooms.

The construction design standards of 27 CCR 21190(e) will be incorporated into plans and specifications for these structures and be presented to the Local Enforcement Agency (LEA) for design approval (27 CCR 21190(c)). A Construction Quality Assurance (CQA) Plan will ensure that construction is completed in accordance with required design standards. The CQA Plan will also include submittal and certification of as-built plans and specifications upon completion of construction.

Comment Subject 4: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: The current name of the facility on the SWFP is “Visalia Disposal Site”. Although disposal site and landfill can be used interchangeably, it is best to stay consistent with the name of the facility. Does the operator plan to change the name of the facility to Visalia Landfill or keep the name as Visalia Disposal Site?

Response: We concur, documents will be adjusted to stay consistent with the current landfill naming designation. However, as the compost facility will have a separate and distinct SWFP, it will be named the “Visalia Compost Facility.”

Comment Subject 5: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: The current permitted maximum tonnage at the Visalia Disposal Site is 2,000 tons per day (TPD). Will the facility need to increase its daily tonnage to accommodate the proposed project? The Focused EIR will need to evaluate the potential impacts for the additional daily tonnage for the proposed activities and if the 2,000 TPD is proposed to be exceeded.

Response: The facility **WILL NOT** [emphasis added] need to increase its daily tonnage to accommodate the proposed Project. Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009 will remain at 2,000 TPD, and the 24-acre compost facility will be carved out from the SWFP. The County will need to file for a SWFP Modification with a Joint Technical Document (JTD) Amendment to carve out the 24 acres while keeping all of the other portions of the SWFP intact. The 200,000 tons per year (TPY) tonnage amount is based upon the County’s fair-share targeted tons to comply with SB 1383, including growth, for the material that has already disposed of at this location. The storage capacity is 200,000 cubic yards for the compost facility for the new compost SWFP, and 40,000 cubic yards of wood chip for the biomass conversion component as part of the landfill SWFP.

The County (as owner and the operator) will need to apply for a new SWFP for the ‘Visalia Compost Facility’ for up to 200,000 TPY which translates to a peak inbound of 1,000 TPD, and an average of 770 TPD, and will add 155 vehicles per day (VPD). This is the same tonnage and

traffic that has been going to the landfill that will now go (i.e., be directed) to the compost facility. The storage capacity is 200,000 cubic yards for the compost facility for the new compost SWFP.

The biomass conversion component will occupy approximately 2.5 acres in the southeast corner of the landfill SWFP and will have 8 stockpiles of 2,500 cubic yards (CYD) of chipped biomass material nearby to total 40,000 CYD. Most of material will be generated on-site at the compost facility and would be transferred over to the biomass conversion component (facility). In the event that pre-processed wood chips are delivered directly to the biomass conversion component; those tons and traffic would then be directed toward the landfill SWFP.

Comment Subject 6: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: The current permitted traffic volume is 900 vehicles per day. Will this number need be increased? An increase in the permitted traffic volume will need to be analyzed in the Focused EIR.

Response: The current permitted traffic volume of 900 vehicles per day **WILL NOT** [emphasis added] be increased. Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009 will remain at 2,000 TPD and 900 VPD, and the 24-acre compost facility will remain a part of the comprehensive landfill footprint; however, it will function separately from the SWFP.

The County (as owner, and operator) will apply for a new SWFP for the “Visalia Compost Facility” for up to 200,000 TPY (which translates to a peak inbound of 1,000 TPD), or an average of 770 TPD. The Project will result in the addition of 155 VPD. As such, this is the same tonnage and traffic volume that enters the landfill, but will, however, be diverted to the compost facility. In the event that pre-processed wood chips are delivered to the biomass facility, those tons and traffic would be directed toward the landfill SWFP.

Comment Subject 7: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: Will the compost activity be added as an activity to the current SWFP, or will the proposed activities be permitted as separate facilities? The compost activity may need a Compostable Materials Handling Facility Permit.

Response: See earlier responses regarding a new SWFP, TPD, and VPD. In summary, the County (as owner and the operator) will need to apply for a new SWFP for the “Visalia Compost Facility” for up to 200,000 TPY which translates to a peak inbound of 1,000 TPD, and an average of 770 TPD, and will add 155 VPD.

Comment Subject 8: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: The biomass activity may not be subject to CalRecycle’s permitting requirements if the activity meets biomass conversion as defined in PRC Section 40106.

Response: The facility will qualify and operate as a biomass conversion facility accepting wood waste. The operations of the biomass conversion component (facility) will not interfere with the operations of the Visalia Disposal Site (landfill).

Comment Subject 9: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: Page 1-6: 1.4 Facility Permitting History. The Visalia Landfill currently operates under Solid Waste Facility Permit No. 54-AA-0009, issued by CalRecycle on July 29, 2014. The permit is due for renewal on July 29, 2024. The permit authorizes the disposal of up to 2,000 TPD.

- This information does not impact the project description, however, is incorrect. CalRecycle did not issue the SWFP, rather concurred on the Tulare County Local Enforcement Agency's (LEA) issuance of the SWFP. Also, SWFPs are not required to be "renewed", rather reviewed every 5 years. The next five-year permit review for Visalia Landfill is due by July 29, 2024.

Response: The County appreciates the clarification that CalRecycle concurred with the Tulare County Local Enforcement Agency's (LEA) issuance of the SWFP and that a SWFP is reviewed every 5 years. We agree that the next five-year permit review for Visalia Landfill is due by July 29, 2024.

Comment Subject 10: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: Page 896/1013 (PDF pages): CalRecycle E-1-77 Form. This application form states that a "New" Solid Waste Facility Permit (SWFP) is requested. The operator may permit the proposed project under the same SWFP as the Visalia Disposal Site. Please contact the Tulare County LEA for SWFP options.

- Also, part 3, Facility Information of the application is filled out for the landfill and therefore is incorrect. The application will need to be filed for the Compost and Biomass Facility. Please see the application instructions for filing.
- Directions for Completion of Form E-1-77
<https://www.calrecycle.ca.gov/LEA/Forms/#Permit>

Response: We appreciate the guidance provided by CalRecycle. Tulare County's LEA is collaborating with the Solid Waste Department, as applicable, to ensure that permits are secured prior to initiation of the Project.

Comment Subject 11: Incoming material: Please include all the types of materials/feedstocks that will be accepted for each proposed activity.

Response: The landfill will continue accepting the materials allowed in the current SWFP.

The biomass conversion facility will only accept clean, screened, pre-processed, and processed wood waste from urban, agricultural, and forestry sources. This material may be delivered pre-processed or processed on-site at the compost facility and/or part of the landfill operations that process construction and demolition (C&D) materials. No municipal solid waste (MSW), mixed waste, engineered municipal solid waste (eMSW), medical waste, plastics, or any other type of material other than woody biomass will be accepted.

The proposed compost facility would be authorized to receive and handle any 'compostable material' or 'digestate' as authorized under current regulations. Some organic material may be delivered pre-processed and feedstock-ready from local material recovery facilities and may be

deposited directly into the covered aerated static pile (CASP) composting area without further processing. The definitions presented herein are consistent with current and future state regulations as administered by CalRecycle and the State Water Resources Control Board (SWRCB), as defined in 14 CCR and SB 1383. Any feedstocks approved to be processed at the composting facility would comply with all applicable regulations. The compost facility will accept the organic material types clearly listed on page 2-10, and copied as follows:

For Mixed Materials (14 CCR): Any compostable material that is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed demolition or mixed construction debris, or plastics. A feedstock that is not source separated or contains 1.0% or more of physical contaminants by dry weight is mixed material (14 CCR § 17852).

For Organic Wastes (SB1383): Solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green waste material, landscape and pruning waste, applicable organic textiles and carpets, wood, lumber, fiber, paper products, printing and writing paper, manure, digestate, and sludges.

For Green Material (14 CCR §17852): Any plant material except food material and vegetative food material that is separated at the point of generation, contains no greater than 1.0% of physical contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes, but is not limited to tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste from silviculture and manufacturing, and construction and demolition wood waste. Green material does not include food material, vegetative food material, mixed material, material separated from commingled solid waste collection or processing, wood containing lead-based paint or wood preservative, or mixed construction and demolition debris. Agricultural material, as defined in this section 17852(a) (5), that meets this definition of “green material” may be handled as either agricultural material or green material.

For Food Material (14 CCR §17852): A waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption and that is separated from the municipal solid waste stream. Food material includes, but is not limited to, food waste from food facilities as defined in Health and Safety Code Section 113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as, prisons, schools and hospitals) and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations.

For Agricultural Materials (14 CCR §17852): Waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace or material generated during nut or grain hulling, shelling, and processing, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential

character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this Section 17852 as “food material” or “vegetative food material” is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pumice, and crop residues.

For Digestate: Organic by-product (solid or liquid) of anaerobic digestion process.

Comment Subject 12: Incoming material: Will the material be source-separated?

Response: 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.

Most material will be curbside collected residential organics (that has been source-separated) that will be processed outside in the designated area and composted on-site.

Some material would be considered ‘mixed material,’ such as source-separated commercial organics because the typical contamination rate is about 30% and will need to be processed inside the Tipping and Processing Building.

MSW from the black container will not be accepted at the compost facility. Page 2-11 describes the material that will not be accepted for composting.

Comment Subject 13: Incoming material: Where will all the material be accepted for both the CASP and the biomass operation?

Response: The biomass conversion facility will only accept clean, screened, pre-processed and processed wood waste from urban, agricultural, and forestry sources. This material may be delivered pre-processed or processed on-site at the compost facility and/or part of the landfill operations that process C&D materials. No MSW, mixed waste, eMSW, medical waste, plastics, or any other type of material other than woody biomass will be accepted.

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.

Curbside co-collection residential organics material and self-haul landscape material may be received at the outdoor organic waste tipping/processing/storage pad. If significant contamination removal is required, the material would be tip inside the Tipping and Processing Building.

Source-separated commercial organic waste would be delivered into the Tipping and Processing Building and typically be processed on day of receipt, or within 48 hours.

Comment Subject 14: Incoming material: Where and how will incoming material be processed?

Response: Pages 2-10 to 2-17 fully describe where and how the material will be processed at the compost facility; the following is a summary:

Composting is the biological decomposition of organic material under aerobic conditions (i.e., in the presence of oxygen). Composting is a self-limiting biological process. Conditions that limit the microbial population include nutrient availability, temperature, aeration, moisture content, and pH. The composting process requires that micro-organisms be supplied with the primary nutrients carbon and nitrogen. Carbon to nitrogen ratios (C/N), which range from 20:1 to 30:1, are considered optimal for microorganisms. The more the C/N ratio deviates from this range, the slower the decomposition process becomes. With a ratio greater than 40:1, nitrogen represents a limiting factor, and the reaction rate slows. With a C/N ratio lower than 15:1, excess nitrogen is driven off as ammonia. While this loss of nitrogen is not detrimental to the decomposition process, it does lower the nutrient value of the compost product.

CASP technology can be permitted to receive a variety of composting feedstocks including all types of compostable organic wastes, green wastes, food wastes, and clean wood wastes. Many composting facilities receive feedstocks that are predominately composed of tree prunings, leaves, grass clippings, and contain a small percentage of food waste. Leaves generally have a high C/N ratio. Lawn clippings lack structure to maintain porosity for aeration but have a favorable C/N ratio and moisture content for composting, as does food waste. The CASP compost 'recipe' would vary over time as the participation in residential food waste collection programs increases over time, along with SB 1383 commercial organic wastes, however the recipe would be a balanced C/N ratio and would yield an excellent finished compost product. Pages 2-17 to 2-20 fully describe where and how the material will be handled at the biomass conversion facility.

Comment Subject 15: Incoming material: Will additional material be accepted from new sources?

Response: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009 will remain at 2,000 TPD, and the 24-acre compost facility will be delineated from the existing SWFP footprint. The 200,000 TPY tonnage amount is based upon the County's fair-share targeted tons to comply with SB 1383 at full buildout; including growth to provide 15-years of processing capacity for the material that has already disposed of at this location.

The County intends to develop and operate a CASP composting facility to comply with the upcoming SB 1383 regulations. The composting facility would be designed to process organic waste that would be considered new tons to comply with SB 1383, as well as current tons that may be recycled on-site or at other facilities in the County.

The only new sources would be woody biomass material from the agricultural and forestry sectors (which could be delivered pre-processed or raw) and would be used for fuel at the biomass conversion facility.

Comment Subject 16: Incoming material: How will any residual material be handled and/or disposed of?

Response: Non-compostable residual material would be sorted and placed in containers on-site at the compost facility and transported for disposal at the landfill within 48 hours of being generated.

Comment Subject 17: Daily tonnage: How much material can be accepted in one day for each proposed activity? Will there be a daily limit on incoming material (in tons)?

Response: It is estimated that the average and seasonal peak flows for the composting facility would be 770 TPD and 1000 TPD, respectively. The capacity of the CASP composting system is 200,000 TPY.

The biomass conversion facility will be able to accept 120 TPD of woody biomass fuel, where those tons may be delivered pre-processed or processed on-site at the compost facility or the landfill's C&D operations. If generated within the compost facility, those tons would be part of the SWFP for the compost facility or, when delivered directly to or generated from landfill operations, those tons would be part of the landfill SWFP. The storage capacity is 40,000 CYD.

Comment Subject 18: Storage: Does the 200,000 cubic yard capacity include all material onsite including incoming material, pre-processed material, CASP capacity, and finished stored material? Please clarify the total site design capacity.

Response: The composting facility is designed to store up to approximately 200,000 cubic yards of organic material at any time which includes all organic feedstocks in all phases of processing.

Comment Subject 19: Storage: What is the storage capacity of the biomass activity?

Response: The biomass conversion facility needs a 3-day surge pile near-by, and at 210 TPD, or 630 tons, a surge pile of 2,500 cubic yards is needed. Additional nearby supply will also be stored to dry out prior to conversion where up to 40,000 CYD of storage is designated on the updated Site Plan. If woody biomass is processed at the compost facility or as part of the landfill C&D operations, those wood chips will be part of those facilities, until the wood chips are transferred over to the surge piles.

Comment Subject 20: Storage: Please describe how material will be stored and for how long. Will there be a limit on the amount of material or how long the material can be stored onsite?

Response: Wood waste would be stored outdoors for up to 30 days in a designated area as part of the compost operations or as part of the landfill C&D operations.

Processed biomass wood chip will be stored adjacent to the biomass conversion facility for up to 3 days of supply with 2,500 cubic yards of capacity per pile, and with 8 piles, up to 40,000 cubic yards will be stored nearby to dry the fuel prior to conversion.

Green waste from both commercial and self-haul sources would be stored outdoors for up to 48 hours in the green waste processing and storage tipping area (outdoor pad).

Co-collected residential organic wastes would be stored on the outdoor organic waste tipping area for up to 48 hours. If highly contaminated or odoriferous, it would be placed inside the Tipping and Processing Building for up to 48 hours.

The composting facility will have a storage capacity of 200,000 cubic yards. Chipping and grinding of co-collected residential/commercial organics, green waste, or any highly putrescible food waste would generally occur on the day of receipt or within 48 hours.

Stockpiles would be separated by fire lanes consistent with Tulare County Fire Department's (Fire Department) 20-foot standard. Further, per the Fire Department's standards, compost piles shall not exceed 12 feet in height, 125 feet in length, and 75 feet in width.

Comment Subject 21: Hours of Operation: The project description for proposed hours of operation for the Compost Facility are Monday-Friday between 6:00 a.m. to 4:00 p.m., and 7:00 a.m. to 12:00 p.m. (noon) on Saturdays; summer hours may begin earlier than 6:00 a.m. and 24/7 for the Biomass Facility. Page 9 of the Composting Facility Operation Plan lists hours for receiving material as Monday – Friday from 7:00 a.m. to 4:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m., and processing hours will be 24 hours, 7 days per week. The hours in the Operation Plan are not consistent with the project description above. The proposed hours should be consistent throughout the Focused EIR and clearly identified for each activity.

Response: The proposed hours will be consistent throughout the Final EIR and any required permitting documents. The gate hours of operations for receiving waste material will harmonize with the landfill as stated in the SWFP, which is Monday – Friday, 7 am to 4 pm, and Saturday from 8 am to 4 pm.

CASP processing will have fans and blowers running 24 hours per day, 7 days per week; as such, processing will occur continuously over a 24-hour period throughout the year.

The biomass conversion facility will run 24 hours per day, 7 days per week.

Comment Subject 22: Hours of Operation: Please clarify the allowable hours of operation for the Compost Facility. Will any hours during the day or night be restricted? Is operation on Sundays restricted? Please include operation hours as well as ancillary hours (i.e., maintenance), and/or emergency hours.

Response: The gate hours of operations for receiving waste material will harmonize with the landfill as stated in the SWFP, which is Monday – Friday, 7 am to 4 pm, and Saturday from 8 am to 4 pm.

The hours of operations of composting materials with the CASP system and operating inside of the Tipping and Processing Building will be 24 hours per day, up to 7 days per week. The organic waste received inside the Tipping and Processing Building may be processed 24 hours per day to accommodate peak flows and to ensure processing within a 48-hour holding time period from the

time of receipt. The CASP piles will be provided moisture control and oxygen will be introduced via fans that are controlled electronically on a timer throughout the 24-hour day. CASP piles may be processed throughout the day to accommodate wind patterns that could limit processing during the calmer portions of the day.

The receipt of waste will be restricted on Sundays to harmonize with the landfill operations. The outdoor grinding operation will be restricted on Sundays. However, the CASP system and the biomass conversion facility will operate 24 hours per day, 7 days per week as a continual processing operation.

Comment Subject 23: Hours of Operation: Additionally, the proposed project states, “A majority of the trips will occur between 7:00 a.m. and 9:00 a.m., and between 4:00 p.m. and 6:00 p.m.” These hours are inconsistent with the proposed project hours. Please clarify hours and traffic.

Response: Language will be adjusted to align with permissible operating parameters. Based on hauling route schedules, there will be peak unloading hours. It is anticipated that there will be one peak in the morning and one peak in the afternoon.

Comment Subject 24: Hours of Operation: Will any hours, such as receipt of material be restricted at the Biomass Facility?

Response: The receipt of offsite waste will harmonize with the landfill operations. The outdoor grinding operation will be restricted on Sundays. However, the biomass conversion facility will operate 24 hours per day, 7 days per week as a continual processing operation.

**Comment Letter 5 San Joaquin Valley Unified Air Pollution Control District (Air District),
February 3, 2022**

Comment 1a: Cleanest Available Truck: Although there would be no new HHD truck trips, the District recommends that the project proponent considers the following clean air measures.

- Advise fleets associated with Project operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NOx) technologies as feasible.
- Advise all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) to utilize zero-emissions technologies as feasible.

Response: Comment noted. Tulare County endeavors to utilize the cleanest available HHD truck technologies and on-site service equipment. As indicated in the Air Quality Impact Analysis and GHG Technical Report (AQ/GHG Report) included in Appendix “A” of the Draft EIR, dedicated project off-road equipment will employ Tier 4 engines where feasible/applicable. Appendix C of the AQ/GHG Report (at page C-5) notes that the equipment used for processing organic feedstock and finished compost are assumed to be equipped with Tier 4-final engines.

Comment 1b: Truck Routing: The District recommends the County evaluate HHD truck routing patterns to help limit emission exposure to residential communities and sensitive receptors. More

specifically, this measure would assess current truck routes, in consideration of the number and type of each vehicle, destination/origin of each vehicular trip, time of day/week analysis, vehicle miles traveled and emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT, and air quality.

Response: As concluded in the AQ/GHG Report (included in Appendix “A” of the Draft EIR), “A risk prioritization analysis is presented in Appendix F and summarized in Table 4-7. It assesses the potential health risk from the proposed Project by calculating a prioritization score at the nearest residential and business receptors. The prioritization score was determined to be an intermediate risk. Since there are no sensitive receptors within 0.5 miles of the Project site, and there is a low population density in the vicinity of the Project, the proposed Project’s TAC emissions would have less-than-significant health risk impacts.” “Based on the intermediate prioritization score, the absence of any nearby sensitive receptors, and low population density in the vicinity of the Project, it is reasonable to conclude that the construction and operation of the proposed Project will not expose sensitive receptors to substantial pollutant concentrations or health risks. Therefore, the Project will have a less than significant impact on sensitive receptors.” (see AQ/GHG Report (at pages 4-10 and 4-11). It is noted that prevailing winds are predominantly from the northwest to the southeast; the nearest potential sensitive receptor is **directly east and slightly north** (emphasis added) of the Project. The compost facility’s site location actually adds an additional 0.5-mile distance to the nearest potential sensitive receptor thereby increasing the distance from the potential sensitive receptor to approximately one (1) mile. As such, not only would distance dilute emissions, but the prevailing winds would also direct the remaining emissions’ trajectory away from the potential sensitive receptor.

As the number of haul trucks will remain at their present levels (and ultimately within permitted limits as stated in the current Solid Waste Facility Permit (SWFP)) and will continue to use Avenue 328 as the only point of ingress/egress, emissions will neither increase nor decrease. The current green waste and wood waste streams would be diverted internally to a different area of the landfill site (rather than to a disposal cell), and the new organic wastes tons would be diverted directly to the compost facility instead of to its current area within the existing landfill. As such, diversion of the green and wood waste streams would reduce the distance travelled to a disposal cell, thereby reducing VMT and air quality emissions. Lastly, as noted in Tulare County SB 743 Guidelines, “It is important to note that goods movement (e.g., the transport of raw or finished products from one location to another, for example, transfer of milk to an ice cream producing plant and then the transfer of ice cream to a distributor or directly to a retailer) is not subject to SB 743 and **only passenger trips** (emphasis added) need to be considered in a VMT analysis.”⁴ Since “raw” products (i.e., green or wood waste) and finished product (i.e., composting material) are considered goods movement; they are exempt from VMT.

Comment 2: Health Risk Assessment Screening: The Health Risk Screening should evaluate toxic emissions associated with biomass/biochar or the cooling tower. The District recommends a health risk screening ensure that all sources of toxic emissions associated with the Project be included.

⁴ County of Tulare. SB 743 Guidelines. June 2020. Page 6. See: <https://tularecounty.ca.gov/rma/index.cfm/rma-documents/planning-documents/tulare-county-sb-743-guidelines-final/>

Response: The AQ/GHG Report provides the health risk information that the Air District has suggested that the CEQA document should contain. Specifically, the bioenergy (biomass) facility toxic emissions for the material handling, dryer, internal combustion engines (ICEs) and flare are summarized in Appendix E, Section 5 (Tables 5-1 to 5-5) of the AQ/GHG Report. Appendix F, Attachment 2 of the of the AQ/GHG Report summarizes the risk prioritization score calculations. As summarized in Attachment 2, the toxic emissions for the material handling, dryer, ICEs and flare of the bioenergy facility were included in the prioritization calculation. With respect to the cooling tower TAC emissions, Yorke assumed that there would be no TAC emissions from the cooling tower because the cooling tower will use the municipal water supply for makeup water. This is a common assumption when assessing cooling tower emissions.

Comment 3a-d: District Rules and Regulations: District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources; District Rule 9510 (Indirect Source Review); District Regulation VIII - Fugitive PM 10 Prohibitions; Other District Rules and Regulations

Response: Comment noted. In addition to applicable rules/regulations, the County will be seeking Authorities to Construct and Permits to Operate for the Project.

PROJECT SUMMARY

The County of Tulare intends to develop and operate a covered aerated static pile (CASP) compost facility to comply with the upcoming SB 1383 regulations. The compost facility will be located on the County's Visalia Disposal Site (Landfill or landfill) property that encompasses approximately 634 acres, of which the borrow pit area will encompass approximately 36 acres of total area. The compost facility will operate on a compost pad of 24 acres (approximately 20 feet below grade). The compost facility will be designed to accept up to 200,000 tons per year (TPY) in increments of 50,000 TPY technology modules and store up to 200,000 cubic yards of organic material on-site that would have otherwise been landfilled. The compost facility would include installation of processing and composting equipment, a 50,000 square foot processing building, compacted compost pads, and a lined pond.

The proposed 2.0 mega-watt (MW) biomass conversion facility will produce electricity, heat and biochar using wood waste as fuel. The facility will utilize approximately 18,000 bone dry tons (BDT) of wood chips per year or 25,000 TPY of wet recovered wood waste. The facility is anticipated to produce approximately 20-30 MM BTU of waste heat and approximately 300-600 pounds of biochar per hour and operate 24 hours, 7 days a week. However, due to maintenance requirements for the equipment it is anticipated that the gas production equipment and internal combustion engine "gensets" will likely operate between 80-90% capacity (or approximately 7,000 and 8,000 hours per year).

Operational details for the compost facility (and biomass conversion component) are provided in Chapter 2 Project Description of the Draft EIR. See **Figures 2-1** through **2-5** of the Draft EIR for maps and site plans illustrating the Project's location and features.

LOCAL REGULATORY CONTEXT

The Tulare County General Plan Update 2030 was adopted on August 28, 2012. As part of the General Plan, a Background Report and an EIR were also prepared. The General Plan Background Report contained contextual environmental analysis for the General Plan. The Housing Element for 2015 was certified by State of California Department of Housing and Community Development on November 2, 2015 and adopted by the Tulare County Board of Supervisors on November 17, 2015.

SCOPE AND METHODOLOGY

The County of Tulare has determined that a project level EIR fulfills the requirements of CEQA and is the appropriate level evaluation to address the potential environmental impacts of the proposed project. A project level EIR is described in Section 15161 of the State CEQA Guidelines as one that examines the environmental impacts of a specific development project. A project level EIR must examine all phases of the project, including planning, construction, and operation.

This document addresses environmental impacts to the level that they can be assessed without undue speculation (CEQA Guidelines Section 15145). This Final Focused Environmental Impact

Report (FEIR) acknowledges this uncertainty and incorporates these realities into the methodology to evaluate the environmental effects of the Project, given the uncertainty of future market demand. The degree of specificity in an EIR corresponds to the degree of specificity of the underlying activity being evaluated (CEQA Guidelines Section 15146). Also, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project (CEQA Guidelines Sections 15151 and 15204(a)).

CEQA Guidelines Section 15002(a) specifies that, “[t]he basic purposes of CEQA are to:

- (1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.”⁵

CEQA Guidelines Section 15002(f) specifies that, “[a]n Environmental Impact Report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

- (1) An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment...
- (2) When the agency finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare “Negative Declaration” instead of an EIR...”⁶

Pursuant to CEQA Guidelines Section 15021 Duty to Minimize Environmental Damage and Balance Competing Public Objectives:

- “(a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.
- (1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.
 - (2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.

⁵ CEQA Guidelines Section 15002(a).

⁶ Ibid. Section 15002 (f).

- (b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.
- (c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.
- (d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.”⁷

IDENTIFICATION OF POTENTIALLY SIGNIFICANT IMPACTS

CEQA Guidelines Section 15002(h) addresses potentially significant impacts, to wit, “CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project could cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:

- (1) Changing a proposed project;
- (2) Imposing conditions on the approval of the project;
- (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
- (4) Choosing an alternative way of meeting the same need;
- (5) Disapproving the project;
- (6) Finding that changes in, or alterations, the project are not feasible.
- (7) Finding that the unavoidable, significant environmental damage is acceptable as provided in Section 15093.”⁸ (See Chapter 7)

This *Final EIR* identifies potentially significant impacts that would be anticipated to result from implementation of the proposed Project. Significant impacts are defined as a “substantial or potentially substantial, adverse change in the environment” (Public Resources Code Section 21068). Significant impacts must be determined by applying explicit significance criteria to compare the future Plan conditions to the existing environmental setting (CEQA Guidelines Section 15126.2(a)).

The existing setting is described in detail in each resource section of Chapter 3 of this document and represents the most recent, reliable, and representative data to describe current regional

⁷ Op. Cit. Section 15021.

⁸ Op. Cit. Section 15002(h).

conditions. The criteria for determining significance are also included in each resource section in Chapter 3 of this document.

CONSIDERATION OF SIGNIFICANT IMPACTS

Pursuant to CEQA Guidelines Section 15126.2(a), “[a]n EIR shall identify and focus on the significant effects of the proposed project on the environment. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected. For example, the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”⁹

As the Project will have no significant and unavoidable effects; a Statement of Overriding Considerations is not necessary or required as part of this Final Focused EIR.

MITIGATION MEASURES

CEQA Guidelines Section 15126.4 specifies that:

- “(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
 - (A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.
 - (B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of

⁹ Op. Cit. Section 15126.2(a).

- mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.
- (C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.
 - (D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)
- (2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.
 - (3) Mitigation measures are not required for effects which are not found to be significant.
 - (4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
 - (A) There must be an essential nexus (i.e.; connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and
 - (B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.
 - (5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination."¹⁰

ORGANIZATION OF THE EIR

With the exception of Chapter 10, Response to Comments, the EIR consists of the following sections:

¹⁰ Op. Cit. Section 15126.4.

EXECUTIVE SUMMARY

The Executive Summary Chapter summarizes the analysis in the Final Environmental Impact Report.

CHAPTER 1

Provides a brief introduction to the Environmental Analysis required by the California Environmental Quality Act (CEQA).

CHAPTER 2

Describes the proposed Project. The chapter also includes the objectives of the proposed Project. The environmental setting is described and the regulatory context within which the proposed Project is evaluated is outlined.

CHAPTER 3

Includes the Environmental Analysis in response to each Checklist Item contained in Appendix G of the CEQA Guidelines. Within each analysis the following is included:

Summary of Findings

Each chapter notes a summary of findings.

Introduction

Each chapter begins with a summary of impacts, pertinent CEQA requirements, applicable definitions and/or acronyms, and thresholds of significance.

Environmental Setting

Each environmental factor analysis in Chapter 3 outlines the environmental setting for each environmental factor. In addition, methodology is explained when complex analysis is required.

Regulatory Setting

Each environmental factor analysis in Chapter 3 outlines the regulatory setting for that resource.

Project Impact Analysis

Each evaluation criteria is reviewed for potential Project-specific impacts.

Cumulative Impact Analysis

Each evaluation criteria is reviewed for potential cumulative impacts.

Mitigation Measures

Mitigation Measures are proposed as deemed applicable.

Conclusion

Each conclusion outlines whether recommended mitigation measures will, based on the impact evaluation criteria, substantially reduce or eliminate potentially significant environmental impacts. If impacts cannot be mitigated, unavoidable significant impacts are identified.

Definitions/Acronyms

Some sub-chapters of Chapter 3 have appropriate definitions and/or acronyms.

References

Reference documents used in each chapter are listed at the end of each sub-chapter.

CHAPTER 4

Summarizes the cumulative impacts addressed in Chapter 3.

CHAPTER 5

Describes and evaluates alternatives to the proposed Project. The proposed Project is compared to each alternative, and the potential environmental impacts of each are analyzed.

CHAPTER 6

Evaluates or describes CEQA-required subject areas: Economic Effects, Social Effects, and Growth Inducement.

CHAPTER 7

Evaluates or describes CEQA-required subject areas: Environmental Effects That Cannot be Avoided, Irreversible Impacts, and Statement of Overriding Considerations.

CHAPTER 8

Provides a Mitigation Monitoring and Reporting Program that summarizes the environmental issues, the significant mitigation measures, and the agency or agencies responsible for monitoring and reporting on the implementation of the mitigation measures.

CHAPTER 9

Outlines persons preparing the EIR and sources utilized in the Analysis.

CHAPTER 10

Contains the Response to Comments received on the Draft EIR during the 45-day review period.

APPENDICES

Following the main body of text in the EIR, several appendices and technical studies have been included as reference material.

ENVIRONMENTAL REVIEW PROCESS

Pursuant to CEQA Guidelines Section 15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for review and comment January 18, 2019 and circulated for a 30-day comment period ending February 19, 2019. Tulare County RMA received eight (8) comments on the NOP. Comments were received from the following agencies, individuals, and/or organizations:

- Native American Heritage Commission, dated February 3, 2021;
- Regional Water Quality Control Board Region 5, dated February 3, 2021;
- Tulare County Agricultural Commissioner/Sealer, dated February 5, 2021;
- California Department of Transportation District 6, dated February 16, 2021;
- California Department of Resources Recycling and Recovery, dated March 3, 2021;
- California Department of Fish and Wildlife, dated March 5, 2021;
- San Joaquin Valley Unified Air Pollution Control District, dated March 5, 2021; and
- Tulare County Health & Human Services Agency, dated March 8, 2021.

A copy of the NOP is included in Appendix “E” of the Draft EIR, along with copies of letters received in response to the NOP.

Consistent with CEQA Guidelines Section 15103, “Responsible and Trustee Agencies, and the Office of Planning and Research shall provide a response to a Notice of Preparation to the Lead Agency within 30 days after receipt of the notice. If they fail to reply within the 30 days with either a response or a well justified request for additional time, the lead agency may assume that none of those entitles have a response to make and may ignore a late response.”¹¹

¹¹ CEQA Guidelines, Section 15103.

A scoping meeting was noticed in the Notice of Preparation and submitted to the OPR/SCH and sent to Responsible and Trustee agencies. The scoping meeting was held at 1:30 P.M. on Thursday, February 18, 2021; Resource Management Agency, Main Conference Room at 5961 So. Mooney Boulevard and remotely via a Zoom meeting.

No comments were received during this meeting. Appendix “E” of the Draft EIR contains a copy of the NOP process including: the NOP that was submitted to the OPR/SCH and agencies, and the written comments that were received on the NOP.

Section 15093 of the CEQA Guidelines requires decision-makers to balance the benefits of a proposed project against any unavoidable adverse environmental effects of the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, then the decision-makers may adopt a statement of overriding considerations, finding that the environmental effects are acceptable in light of the project's benefits to the public.

As noted in CEQA Guidelines Section 15105, whenever a Draft EIR is submitted to the State Clearinghouse for review by state agencies, the minimum public review period shall be 45 days (unless a shortened review period is granted by the OPR/SCH pursuant to CEQA Guidelines 15105(d)(1) thru -(d)(3)). Consistent with CEQA Guidelines Section 15087, the Draft EIR was circulated publicly for a comment period beginning on December 3, 2021. Following completion of the public review period ending on January 28, 2022, RMA staff prepared responses to comments and a Final Focused EIR was completed. The Final Focused EIR was forwarded to the County of Tulare Board of Supervisors (Board) for review for either certification and adoption of the Final Focused EIR, and approval for the Visalia Disposal Site and Compost Facility (including a biomass conversion component) Project, or for denial of the Project. If the Board approves the Project, a Notice of Determination will then be filed with the County of Tulare County Clerk and also submitted to the Office of Planning and Research/State Clearinghouse.

ORGANIZATIONS AND PARTIES CONSULTED

Appendix “E” of the Draft EIR contains the NOP process, which includes a listing all of the agencies receiving the NOP. Attachment 1 of this Final Focused EIR includes a table identifying the recipients of NOA.

Attachment 1

Notice of Availability Tracking Table

NOTICE OF AVAILABILITY OF ENVIRONMENTAL IMPACT REPORT

Visalia Disposal Site and Compost Facility (SCH# 2021020054)

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED	
	Electronic				Hard Copy		Hand Delivered / Interoffice	E-mail	FedEx	US Mail		
	Electronic Submittal Form	NOC	NOA	DEIR	NOA	DEIR						
AVAILABILITY OF PUBLIC VIEWING												
Tulare County Website: https://tularecounty.ca.gov/rma/index.cfm/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/												
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277-9394					X		12/3/21					
Tulare County Clerk/Recorder County Civic Center Courthouse, Room 105 221 S. Mooney Blvd. Visalia, CA 93291					X		12/3/21					
Visalia Main Branch Library 200 W. Oak Ave. Visalia, CA 93291 DWegener@tularecounty.ca.gov questions@tularecountylibrary.org			X		X		12/7/21	12/3/21				
STATE CLEARINGHOUSE (Agencies below were marked with “X” on the NOC)	X	X	X	X			12/31/21, direct upload to CEQAnet				12/3/21, email from Meng Heu that the document was published	
• Air Resources Board												
• Caltrans District #6												See below.
• Department of Conservation												
• Energy Commission												
• Department of Fish and Wildlife Region #4												See below.
• California Department of Resources Recycling and Recovery (CalRecycle, previously Integrated Waste Management Board)												See below.
• Native American Heritage Commission												
• Public Utilities Commission												
• Regional Water Quality Control Board – District #5F												
• Resources Agency												
• State Water Resources Control Board – Water Quality												
• Toxic Substances Control												
MILITARY												
Mr. David S. Hulse Naval Facilities Engineering Command Community Plans Liaison Officer (CPLO) 1220 Pacific Highway AM-3 San Diego, CA 92132					X					12/6/21		

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	Electronic				Hard Copy		Hand Delivered / Interoffice	E-mail	FedEx	US Mail	
	Electronic Submittal Form	NOC	NOA	DEIR	NOA	DEIR					
FEDERAL AGENCIES											
United States Fish and Wildlife Service Sacramento Fish & Wildlife Office 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846					X					12/6/21	
STATE & REGIONAL AGENCIES											
CA Environmental Protection Agency P.O. Box 2815 Sacramento, CA 95812-2815					X					12/6/21	
CA Dept. of Fish and Wildlife Region 4 – Central Region 1234 E. Shaw Avenue Fresno, CA 93710 R4CEQA@wildlife.ca.gov julie.vance@wildlife.ca.gov aimee.braddock@wildlife.ca.gov			X					12/3/21			3/5/21, letter commenting on NOP received from Julie Vance, Regional Manager – NO COMMENTS ON DEIR RECEIVED RTC letter to be prepared to address NOP comments
CA Dept. of Toxic Substances Control P.O. Box 806 Sacramento, CA 95812-0806					X					12/6/21	
CA Dept. of Transportation, District 6 1352 W. Olive Ave P.O. Box 12616 Fresno, CA 93778-2616 david.deel@dot.ca.gov lorena.mendibles@dot.ca.gov			X					12/3/21			12/6/21 – letter commenting on DEIR received from David Deel, Associate Transportation Planner RTC letter to be prepared
CA Dept. Resources Recycling and Recovery Waste Permitting, Compliance & Mitigation Div. Permitting & Assistance Branch – South Unit P.O. Box 4025 Sacramento, CA 95812 Joy.Isaacson@calrecycle.ca.gov								12/3/21			1/19/22, letter commenting on DEIR received from Joy Isaacson, Environmental Scientist RTC letter to be prepared

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	Electronic				Hard Copy		Hand Delivered / Interoffice	E-mail	FedEx	US Mail	
	Electronic Submittal Form	NOC	NOA	DEIR	NOA	DEIR					
CA Department of Water Resources 1416 Ninth Street Sacramento, CA 95814					X					12/6/21	
CA Natural Resources Agency 1416 Ninth Street, Suite 1311 Sacramento, CA 95814					X					12/6/21	
CA Public Utilities Commission Energy Division 3 rd Floor 505 Van Ness Avenue San Francisco, CA 94102					X					12/6/21	
Native American Heritage Commission 1550 Harbor Blvd, Suite 100 West Sacramento, CA 95691 NAHC@nahc.ca.gov Nancy.Gonzalez-Lopez@nahc.ca.gov			X					12/3/21			
State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812					X					12/6/21	
Regional Water Quality Control Board Region 5 – Central Valley 1685 E Street Fresno, CA 93706 CentralValleyFresno@waterboards.ca.gov			X					12/3/21			
San Joaquin Valley APCD Permit Services – CEQA Division 1990 E. Gettysburg Ave. Fresno, CA 93726 CEQA@valleyair.org Eric.McLaughlin@valleyair.org John.Stagnaro@valleyair.org			X					12/3/21			2/3/22, letter commenting on DEIR received from Brian Clements, Director of Permit Services RTC letter to be prepared
Southern California Edison Attn: Calvin Rossi, Region Manager Local Public Affairs 2425 S. Blackstone St. Tulare, CA 93274 calvin.rossi@sce.com			X		X			12/3/21		12/6/21	

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	Electronic Submittal Form	NOC	NOA	DEIR	NOA	DEIR					
Southern California Gas Company 404 N. Tipton Street Visalia, CA 93292 envreview@semprautilities.com			X		X			12/3/21		12/6/21	
LOCAL AGENCIES											
City of Visalia Attn: Leslie Caviglia, City Manager 220 N. Santa Fe Street Visalia, CA 93292 Leslie.Caviglia@visalia.city			X					12/3/21			
City of Visalia Attn: Planning Director 315 E. Acequia Avenue Visalia, CA 93291 Paul.Bernal@visalia.city			X					12/3/21			
City of Visalia Solid Waste Attn: Jason Serpa, Manager Jason.Serpa@visalia.city			X					12/3/21			
Tulare County Agricultural Commissioner 4437 S. Laspina Street Tulare CA 93274 TTucker@co.tulare.ca.us			X					12/3/21			
Tulare County Association of Governments Attn: Ted Smalley 210 N. Church Street, Suite B Visalia, CA 93291 TSmalley@tularecog.org			X					12/3/21			
Tulare County Farm Bureau Tricia Stever Blattler, Exec. Director P.O. Box 748 Visalia, CA 93291 pstever@tulcofb.org			X					12/3/21			
Tulare County Fire Warden 835 S. Akers Street Visalia, CA 93277					X		12/6/21				

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	Electronic Submittal Form	NOC	NOA	DEIR	NOA	DEIR					
Tulare County Health & Human Services Agency Environmental Health Department Attn: Allison Shuklian 5957 S. Mooney Blvd Visalia, CA 93277 AShuklia@tularehhsa.org Jessica Gocke , Supervising Environmental Health Specialist: JGocke@tularecounty.ca.gov			X					12/3/21			12/7/21, letter commenting on DEIR received from Ted Martin, Registered Environmental Health Specialist RTC letter to be prepared
Tulare County Local Agency Formation Commission 210 N. Church Street, Suite B Visalia, CA 93291					X		12/6/21				
Tulare County Office of Emergency Services Attn: Sabrina Bustamante / Megan Fish 5957 S. Mooney Blvd Visalia, CA 93277 slbustamante@co.tulare.ca.us mfish@co.tulare.ca.us			X				12/6/21	12/3/21			
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277 Economic Development - jmartinez2@co.tulare.ca.us Fire – gportillo@co.tulare.ca.us Flood Control – rschenke@co.tulare.ca.us rmiller@co.tulare.ca.us Public Works – hbeltran@co.tulare.ca.us ; jwong@co.tulare.ca.us			X					12/3/21			
Tulare County Resources Conservation District 3530 W. Orchard Ct Visalia, CA 93277					X					12/6/21	

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	Electronic Submittal Form	NOC	NOA	DEIR	NOA	DEIR					
Tulare County Sheriff's Office – Headquarters 2404 W. Burrel Avenue Visalia, CA 93291					X		12/6/21				
Tulare County U.C. Cooperative Extension UC Cooperative Extension 4437 S. Laspina Street Tulare, CA 93274					X					12/6/21	
TRIBES											
Kern Valley Indian Tribe Robert Robinson, Co-Chairperson P.O. Box 1010 Lake Isabella, CA 93240 bbutterbredt@gmail.com			X		X			12/3/21		12/6/21	
Kern Valley Indian Tribe Julie Turner, Secretary P. Box 1010 Lake Isabella, CA 93240 meindiangirl@sbcglobal.net			X		X			12/3/21		12/6/21	
Kern Valley Indian Tribe Brandi Kendricks 30741 Foxridge Court Tehachapi, CA 93561 krazykendricks@hotmail.com			X		X			12/3/21		12/6/21	
Santa Rosa Rancheria Tachi Yokut Tribe Leo Sisco, Chairperson P. O. Box 8 Lemoore, CA 93245 LSisco@tachi-yokut-nsn.gov			X		X			12/3/21		12/6/21	Mitigation measure added per Tribal recommendation during the AB 52 consultation process.
Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Shana Powers, Director P. O. Box 8 Lemoore, CA 93245 SPowers@tachi-yokut-nsn.gov			X		X			12/3/21		12/6/21	
Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P.O. Box 226 Lake Isabella, CA 93240 rgomez@tubatulabal.org			X		X			12/3/21		12/6/21	

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	Electronic				Hard Copy		Hand Delivered / Interoffice	E-mail	FedEx	US Mail	
	Electronic Submittal Form	NOC	NOA	DEIR	NOA	DEIR					
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258 neil.peyron@tulerivertribe-nsn.gov			X		X			12/3/21		12/6/21	
Tule River Indian Tribe Dept. of Environmental Protection Kerri Vera, Director P. O. Box 589 Porterville, CA 93258 tuleriverenv@yahoo.com			X		X			12/3/21		12/6/21	
Tule River Indian Tribe Felix Christman, Council Member P. O. Box 589 Porterville, CA 93258 felix.christman@tulerivertribe-nsn.gov Tuleriverarchmon1@gmail.com			X		X			12/3/21		12/6/21	
Wuksache Indian Tribe/ Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906 Kwood8934@aol.com			X		X			12/3/21		12/6/21	
OTHER INTERESTED PARTIES											
Tulare County Solid Waste 5955 S. Mooney Blvd. Visalia, CA 93277 bhoward@tularecounty.ca.gov jtrevino@tularecounty.ca.gov lbfeldstein@tularecounty.ca.gov			X					12/3/21			
Edgar Engineering Inc. 1822 21 st Street Sacramento, CA 95811 evan@edgarinc.org neil@edgarinc.org			X					12/3/21			
Yorke Engineering 1000 Business Center Circle, Ste 216 Newbury Park, CA 91320 RKingsley@YorkeEngr.com			X					12/3/21			

NOTICE OF AVAILABILITY OF ENVIRONMENTAL IMPACT REPORT

Visalia Disposal Site and Compost Facility (SCH# 2021020054)

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Electronic				Hard Copy		Hand Delivered / Interoffice	E-mail	FedEx	US Mail	
	Electronic Submittal Form	NOC	NOA	DEIR	NOA	DEIR					
Lozeau Drury LLP 1939 Harrison St, Ste 150 Oakland, CA 94612 Michael Lozeau - michael@lozeaudrury.com Hannah Hughes - hannah@lozeaudrury.com Maya Vishwanath - maya@lozeaudrury.com			X					12/3/21			
Crawford & Bowen 113 N. Church St. #302 Visalia, CA 93291 emily@candbplanning.com			X					12/7/21			

Attachment 2

Comments Received from
California Department of Transportation (Caltrans),
January 6, 2021 and December 6, 2021
and
County Response to Comments



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277 .
PHONE (559) 624-7000
FAX (559) 615-3002

Aaron R. Bock	Economic Development and Planning
Reed Schenke	Public Works
Sherman Dix	Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

September 15, 2022

SENT VIA EMAIL

David Deel, Associate Transportation Planner
Transportation Planning – North
California Department of Transportation – District 6
1352 West Olive Avenue
Fresno, CA 93778-2616

Subject: Response to Comments – Visalia Disposal Site and Compost Facility (SCH# 2021020054)

Dear Mr. Deel:

Thank you for providing the California Department of Transportation (Caltrans) letter response (dated December 6, 2021) regarding the Draft Focused Environmental Impact Report (DEIR) for the Visalia Disposal Site and Compost Facility (“Project”) (and biomass conversion component; formerly titled “Visalia Landfill – Compost and Biomass Conversion Facility”), SCH# 2021020054.

The County of Tulare (County) acknowledges and recognizes Caltrans’ authority and expertise regarding transportation issues relative to the proposed Project. Based on your comment letter(s) and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the Project’s environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final Focused EIR (see below for website link) also includes RMA’s response to your comments (below) as well as the revisions to the Project’s environmental documents. The following responses were originally provided in Caltrans’ comments during the Notice of Preparation stage, which Caltrans refers to in the comment letter dated December 6, 2021.

Comment Subject 1: Caltrans has determined that once completed, the Project will generate minimal operational traffic. Caltrans has estimated most of the traffic generated by the Project will be during the approximately 5 to 6-month construction phase – due to heavy truck traffic and construction worker trips.

Response: *We agree with Caltrans’ assessment of traffic. We also anticipate temporary, short-term, and intermittent traffic during construction phase-related activities which will cease once construction related-activities are completed.*

Comment Subject 2: Caltrans concurs with the County’s assessment in the Transportation/Traffic section of the NOP, that the EIR will analyze construction-related impacts, analyze outgoing vehicle trips delivering finished compost and other potential traffic impacts as well as operational impacts.

Response: Chapter 3.8 Transportation of the Draft EIR concluded that the development of the composting facility (including the biomass conversion component) would not result in an increase in population nor correspondingly to an increase in vehicle generation/travel; therefore, new or modified intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit would not be required. The Project is expected to utilize approximately 10-15 employees. To determine the number of daily trips that would occur, the “General Light Industrial” (ITE code 110) category was used for the Project, since there is no specific ITE category for a landfill/composting facility. According to the ITE manual, the Project would result in an additional 45 daily trips. The relatively minor amount of employee trips is not anticipated to have any significant impact on surrounding roadway and intersection operations. Further, the DEIR concluded that there would be no increase in the currently permitted tonnage limits stated in the Solid Waste Facility Permit for the landfill. The current green waste and wood waste streams would be diverted to a different area of the landfill site (rather than to a disposal cell), and the new organic wastes tons would be diverted directly to the compost facility instead of to its current area within the existing landfill. As such, the Project does not change the number of haul trucks used to import green or wood waste. In summary, the DEIR concluded that traffic impacts because of this Project would be less than significant.

Comment Subject 3: Caltrans reviewed the most recent Monitoring Program Reports to determine if any of the identified locations fall within the Project study area. These programs include the Wrong-Way Collision Monitoring Program, Cross-Over Collision Monitoring Program, Run-Off Road Monitoring Program, Pedestrian Monitoring Program, and Bicycle Monitoring Program. The Project is not located within or near any of the monitoring locations for the above-mentioned programs.

Response: The County appreciates Caltrans’ diligence in providing the above-noted information.

Comment Subject 4: No Traffic Investigation Reports (TIRs) have been conducted at or near the Project site.

Response: The County appreciates Caltrans’ diligence in providing the above-noted information.

Comment Subject 5: Caltrans recommends the Project implement “smart growth” principles regarding parking solutions, providing alternative transportation choices to residents and employees. Alternative transportation choices may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs.

Response: Due to the rural nature of Project and its existing remote location, “smart growth” principles are not practical for this Project. The County encourages carpools/vanpools, car-share and/or ride-share programs as alternative transportation.

Comment Subject 6: Based on Caltrans VMT-Focused Transportation Impact Study Guide, dated May 20, 2020 and effective as of July 1, 2020, Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita Vehicle Miles Traveled (VMT), increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the project proponent continue to work with the County

of Tulare to further implement improvements to reduce vehicles miles traveled and offer a variety of transportation modes for its employees.

Response: *As noted in the adopted Tulare County SB 743 Guidelines, “It is important to note that goods movement (e.g., the transport of raw or finished products from one location to another, for example, transfer of milk to an ice cream producing plant and then the transfer of ice cream to a distributor or directly to a retailer) is not subject to SB 743 and only passenger trips need to be considered in a VMT analysis.”¹ As noted earlier, green waste and wood waste deliveries are currently being accepted at the disposal site and diverted to a different area of the site, and the new organic wastes tonnage would be diverted directly to the compost facility instead of its current area within the existing landfill. As such, the Project does not change the number of haul trucks used to import green or wood wastes. Since “raw” products (i.e., green or wood wastes) and finished product (i.e., composting material) are considered goods movement; they are exempt from VMT.*

The project will be heard before the Tulare County Board of Supervisors on September 27, 2022 for consideration of certification of the Final Focused EIR and approval of the Project. The Final Focused EIR will be available beginning September 16, 2022 at the following website:

<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>

In closing, we sincerely appreciate Caltrans’ comments which will be useful toward ensuring that the proposed Project complies with Caltrans’ requirements/standards and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me at (559) 624-7121.

Very Best Regards,



Hector Guerra, Chief
Environmental Planning Division

*Attachment: Caltrans comment letter on the Draft Focused EIR dated December 6, 2021
Caltrans comment letter on the Notice of Preparation dated February 16, 2021*

Cc: File

¹ County of Tulare. SB 743 Guidelines. June 2020. Page 6. Accessed March 2021 at: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-planning-resources/tulare-county-sb-743-guidelines/>

DEPARTMENT OF TRANSPORTATION**DISTRICT 6 OFFICE**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7396
FAX (559) 488-4088
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life*

February 16, 2021

TUL-99-47.74
NOP FOR EIR
COMPOST AND BIOMASS FACILITY
VISALIA LANDFILL
SCH # NOT ASSIGNED
GTS PROJECT #21878

SENT VIA EMAIL

Mr. Hector Guerra, Chief Environmental Planner
Tulare County Resource Management Agency
Economic Development and Planning Branch
5961 South Mooney Boulevard
Visalia, CA 93277-9394

Dear Mr. Guerra:

Thank you for the opportunity to review the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for a proposed Compost and Biomass Conversion Facility (Project) at the Visalia Landfill.

The Project will be constructed on 36 acres of the 634-acre Visalia Landfill property. The Compost facility will be designed to accept up to 200,000 tons per year (TPY) of landfill material. The Project proposes to operate Monday-Friday between 6:00 a.m. to 4:00 p.m. and on Saturdays from 7:00 a.m. to 12:00 p.m.(noon). The Compost facility would utilize approximately 15-20 employees.

The Project is located at the northeast corner of Avenue 328 and Road 80, approximately 3 miles east of the State Route (SR) 99/Betty Drive Interchange, approximately 4 miles north of the SR 198/Plaza Drive interchange and about 6-miles northwest of the City of Visalia.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:


1. Caltrans has determined that once completed, the Project will generate minimal operational traffic. Caltrans has estimated most of the traffic generated by the Project will be during the approximately 5 to 6-month construction phase - due to heavy truck traffic and construction worker trips.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

2. Caltrans concurs with the County's assessment in the Transportation/Traffic section of the NOP, that the EIR will analyze construction-related impacts, analyze outgoing vehicle trips delivering finished compost and other potential traffic impacts as well as operational impacts.
3. Caltrans reviewed the most recent Monitoring Program Reports to determine if any of the identified locations fall within the Project study area. These programs include the Wrong-Way Collision Monitoring Program, Cross-Over Collision Monitoring Program, Run-Off Road Monitoring Program, Pedestrian Monitoring Program, and Bicycle Monitoring Program. The Project is not located within or near any of the monitoring locations for the above-mentioned programs.
4. No Traffic Investigation Reports (TIRs) have been conducted at or near the Project site.
5. Caltrans recommends the Project implement "smart growth" principles regarding parking solutions, providing alternative transportation choices to residents and employees. Alternative transportation choices may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs.
6. Based on Caltrans VMT-Focused Transportation Impact Study Guide, dated May 20, 2020 and effective as of July 1, 2020, Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita Vehicle Miles Traveled (VMT), increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the project proponent continue to work with the County of Tulare to further implement improvements to reduce vehicles miles traveled and offer a variety of transportation modes for its employees.

If you have any other questions, please call me at (559) 488-7396.

Sincerely,



DAVID DEEL
Associate Transportation Planner
Transportation Planning – South

From: [Deel, David@DOT](mailto:Deel.David@DOT)
To: [Jessica R Willis](mailto:Jessica.R.Willis@tularecountylibrary.org); [Darla F Wegener](mailto:Darla.F.Wegener@tularecountylibrary.org); questions@tularecountylibrary.org; [CDFW Tracking \(R4CEQA@wildlife.ca.gov\)](mailto:CDFW.Tracking@wildlife.ca.gov); [Vance, Julie@Wildlife](mailto:Vance.Julie@Wildlife.ca.gov); [Braddock, Aimee@Wildlife](mailto:Braddock.Aimee@Wildlife.ca.gov); [Mendibles, Lorena@DOT](mailto:Mendibles.Lorena@DOT); [Isaacson, Joy@CalRecycle](mailto:Isaacson.Joy@CalRecycle.ca.gov); NAHC@NAHC; [Gonzalez-Lopez, Nancy@NAHC](mailto:Gonzalez-Lopez.Nancy@NAHC); [WB-RB5F-CentralValleyFresno](mailto:WB-RB5F-CentralValleyFresno@waterboards.ca.gov); [CEQA Division \(CEQA@valleyair.org\)](mailto:CEQA.Division@valleyair.org); [Eric McLaughlin \(Eric.McLaughlin@valleyair.org\)](mailto:Eric.McLaughlin@valleyair.org); john.stagnaro@valleyair.org; [Cal Rossi](mailto:Cal.Rossi@sce.com); [SoCal Gas \(envreview@semprautilities.com\)](mailto:SoCal.Gas@semprautilities.com); Leslie.Caviglia@visalia.city; [Paul Bernal \(Paul.Bernal@visalia.city\)](mailto:Paul.Bernal@visalia.city); [Jason Serpa](mailto:Jason.Serpa@visalia.city); [Tom T Tucker II](mailto:Tom.T.Tucker@tularecounty.ca.gov); [Theodore Smalley](mailto:Theodore.Smalley@tulcofb.org); [Tricia Stever](mailto:Tricia.Stever@tulcofb.org); [Allison A Shuklian](mailto:Allison.A.Shuklian@tularecounty.ca.gov); [Jessica Gocke](mailto:Jessica.Gocke@tularecounty.ca.gov); [Sabrina L Bustamante](mailto:Sabrina.L.Bustamante@tularecounty.ca.gov); [Megan Gilles](mailto:Megan.Gilles@tularecounty.ca.gov); [Julieta Martinez](mailto:Julieta.Martinez@tularecounty.ca.gov); [Gilbert Portillo](mailto:Gilbert.Portillo@tularecounty.ca.gov); [Ross W Miller](mailto:Ross.W.Miller@tularecounty.ca.gov); [Hernan Beltran Herrera](mailto:Hernan.Beltran.Herrera@tularecounty.ca.gov); [Johnny Wong](mailto:Johnny.Wong@tularecounty.ca.gov); [Bryce F Howard](mailto:Bryce.F.Howard@tularecounty.ca.gov); [Jonah J Trevino](mailto:Jonah.J.Trevino@tularecounty.ca.gov); [Lucas Feldstein](mailto:Lucas.Feldstein@tularecounty.ca.gov); [Evan Edgar \(evan@edgarinc.org\)](mailto:Evan.Edgar@edgarinc.org); neil@edgarinc.org; [Russ Kingsley](mailto:Russ.Kingsley@yorkengr.com); [Michael Lozeau \(michael@lozeaudrury.com\)](mailto:Michael.Lozeau@lozeaudrury.com); [Hannah Hughes \(hannah@lozeaudrury.com\)](mailto:Hannah.Hughes@lozeaudrury.com); [Maya Vishwanath](mailto:Maya.Vishwanath@lozeaudrury.com)
Cc: [Hector Guerra](mailto:Hector.Guerra@lozeaudrury.com); [Aaron R Bock](mailto:Aaron.R.Bock@lozeaudrury.com); [Michael G Washam](mailto:Michael.G.Washam@lozeaudrury.com); [Reed Schenke](mailto:Reed.Schenke@lozeaudrury.com); [Mendibles, Lorena@DOT](mailto:Mendibles.Lorena@DOT)
Subject: RE: Draft EIR for Visalia Landfill Compost and Biomass Conversion Facility project - Caltrans No Comment
Date: Monday, December 6, 2021 10:31:27 AM
Attachments: [TUL-99-47 74 \(Compost and Biomass Conversion Facility - Visalia Landfill - NOP for EIR\).pdf](#)

Jessica –

Caltrans has No Comment on the EIR as comments are still valid per our February 16, 2021 letter for the NOP as attached.

Respectfully,
[DAVID DEEL | CALTRANS D6 | Office: 559.981.1041](#)

From: Jessica R Willis <JWillis@tularecounty.ca.gov>
Sent: Friday, December 3, 2021 4:56 PM
To: Darla F Wegener <DWegener@tularecounty.ca.gov>; questions@tularecountylibrary.org; [CDFW Tracking \(R4CEQA@wildlife.ca.gov\)](mailto:CDFW.Tracking@wildlife.ca.gov) <r4ceqa@wildlife.ca.gov>; [Vance, Julie@Wildlife](mailto:Vance.Julie@Wildlife.ca.gov) <Julie.Vance@wildlife.ca.gov>; [Braddock, Aimee@Wildlife](mailto:Braddock.Aimee@Wildlife.ca.gov) <Aimee.Braddock@Wildlife.ca.gov>; [Deel, David@DOT](mailto:Deel.David@DOT) <david.deel@dot.ca.gov>; [Mendibles, Lorena@DOT](mailto:Mendibles.Lorena@DOT) <lorena.mendibles@dot.ca.gov>; [Isaacson, Joy@CalRecycle](mailto:Isaacson.Joy@CalRecycle.ca.gov) <Joy.Isaacson@CalRecycle.ca.gov>; NAHC@NAHC <NAHC@nahc.ca.gov>; [Gonzalez-Lopez, Nancy@NAHC](mailto:Gonzalez-Lopez.Nancy@NAHC) <Nancy.Gonzalez-Lopez@nahc.ca.gov>; [WB-RB5F-CentralValleyFresno](mailto:WB-RB5F-CentralValleyFresno@waterboards.ca.gov) <CentralValleyFresno@waterboards.ca.gov>; [CEQA Division \(CEQA@valleyair.org\)](mailto:CEQA.Division@valleyair.org) <ceqa@valleyair.org>; [Eric McLaughlin \(Eric.McLaughlin@valleyair.org\)](mailto:Eric.McLaughlin@valleyair.org) <eric.mclaughlin@valleyair.org>; john.stagnaro@valleyair.org; [Cal Rossi](mailto:Cal.Rossi@sce.com) <calvin.rossi@sce.com>; [SoCal Gas \(envreview@semprautilities.com\)](mailto:SoCal.Gas@semprautilities.com) <envreview@semprautilities.com>; Leslie.Caviglia@visalia.city; [Paul Bernal \(Paul.Bernal@visalia.city\)](mailto:Paul.Bernal@visalia.city) <paul.bernal@visalia.city>; [Jason Serpa](mailto:Jason.Serpa@visalia.city) <Jason.Serpa@visalia.city>; [Tom T Tucker II](mailto:Tom.T.Tucker@tularecounty.ca.gov) <TTucker@tularecounty.ca.gov>; [Theodore Smalley](mailto:Theodore.Smalley@tulcofb.org) <tsmalley@tularecag.ca.gov>; [Tricia Stever](mailto:Tricia.Stever@tulcofb.org) <pstever@tulcofb.org>; [Allison A Shuklian](mailto:Allison.A.Shuklian@tularecounty.ca.gov) <AShuklia@tularecounty.ca.gov>; [Jessica Gocke](mailto:Jessica.Gocke@tularecounty.ca.gov) <JGocke@tularecounty.ca.gov>; [Sabrina L Bustamante](mailto:Sabrina.L.Bustamante@tularecounty.ca.gov) <SLBustamante@tularecounty.ca.gov>; [Megan Gilles](mailto:Megan.Gilles@tularecounty.ca.gov) <MGilles@tularecounty.ca.gov>; [Julieta Martinez](mailto:Julieta.Martinez@tularecounty.ca.gov) <JMartinez2@tularecounty.ca.gov>; [Gilbert Portillo](mailto:Gilbert.Portillo@tularecounty.ca.gov) <GPortillo@tularecounty.ca.gov>; [Ross W Miller](mailto:Ross.W.Miller@tularecounty.ca.gov) <RMiller@tularecounty.ca.gov>; [Hernan Beltran Herrera](mailto:Hernan.Beltran.Herrera@tularecounty.ca.gov) <HBeltran@tularecounty.ca.gov>; [Johnny Wong](mailto:Johnny.Wong@tularecounty.ca.gov) <jwong@tularecounty.ca.gov>; [Bryce F Howard](mailto:Bryce.F.Howard@tularecounty.ca.gov) <BHoward@tularecounty.ca.gov>; [Jonah J Trevino](mailto:Jonah.J.Trevino@tularecounty.ca.gov) <JTrevino@tularecounty.ca.gov>; [Lucas Feldstein](mailto:Lucas.Feldstein@tularecounty.ca.gov) <lbfeldstein@tularecounty.ca.gov>; [Evan Edgar \(evan@edgarinc.org\)](mailto:Evan.Edgar@edgarinc.org) <evan@edgarinc.org>; neil@edgarinc.org; [Russ Kingsley](mailto:Russ.Kingsley@yorkengr.com) <rkingsley@yorkengr.com>; [Michael Lozeau \(michael@lozeaudrury.com\)](mailto:Michael.Lozeau@lozeaudrury.com) <michael@lozeaudrury.com>; [Hannah Hughes \(hannah@lozeaudrury.com\)](mailto:Hannah.Hughes@lozeaudrury.com) <hannah@lozeaudrury.com>; [Maya Vishwanath](mailto:Maya.Vishwanath@lozeaudrury.com)

<maya@lozeaudrury.com>

Cc: Hector Guerra <HGuerra@tularecounty.ca.gov>; Aaron R Bock <ABock@tularecounty.ca.gov>; Michael G Washam <mwasham@tularecounty.ca.gov>; Reed Schenke <rschenke@tularecounty.ca.gov>

Subject: Draft EIR for Visalia Landfill Compost and Biomass Conversion Facility project

Good afternoon all.

Attached please find the Notice of Availability (NOA) of the Draft Focused Environmental Impact Report (EIR) for the Visalia Landfill Compost and Biomass Conversion Facility project.

The NOA and EIR are available on the following websites:

- Tulare County RMA: <https://tularecounty.ca.gov/rma/index.cfm/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>
- State Clearinghouse CEQAnet: <https://ceqanet.opr.ca.gov/2021020054/4>.

The 45-day public review period begins December 3, 2021 and ends on January 17, 2022.

Please feel free to contact myself or Hector Guerra, Chief Environmental Planner (by email at hguerra@tularecounty.ca.gov or by phone at 559-624-7121) if we can be of further assistance.

Jessica Willis, Planner IV

Tulare County Resource Management Agency
Economic Development and Planning Branch
Environmental Planning Division
Phone: (559) 624-7122
E-mail: JWillis@tularecounty.ca.gov

DEPARTMENT OF TRANSPORTATION**DISTRICT 6 OFFICE**

1352 WEST OLIVE AVENUE

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*Making Conservation
a California Way of Life*

February 16, 2021

TUL-99-47.74
NOP FOR EIR
COMPOST AND BIOMASS FACILITY
VISALIA LANDFILL
SCH # NOT ASSIGNED
GTS PROJECT #21878

SENT VIA EMAIL

Mr. Hector Guerra, Chief Environmental Planner
Tulare County Resource Management Agency
Economic Development and Planning Branch
5961 South Mooney Boulevard
Visalia, CA 93277-9394

Dear Mr. Guerra:

Thank you for the opportunity to review the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for a proposed Compost and Biomass Conversion Facility (Project) at the Visalia Landfill.

The Project will be constructed on 36 acres of the 634-acre Visalia Landfill property. The Compost facility will be designed to accept up to 200,000 tons per year (TPY) of landfill material. The Project proposes to operate Monday-Friday between 6:00 a.m. to 4:00 p.m. and on Saturdays from 7:00 a.m. to 12:00 p.m.(noon). The Compost facility would utilize approximately 15-20 employees.

The Project is located at the northeast corner of Avenue 328 and Road 80, approximately 3 miles east of the State Route (SR) 99/Betty Drive Interchange, approximately 4 miles north of the SR 198/Plaza Drive interchange and about 6-miles northwest of the City of Visalia.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:


1. Caltrans has determined that once completed, the Project will generate minimal operational traffic. Caltrans has estimated most of the traffic generated by the Project will be during the approximately 5 to 6-month construction phase - due to heavy truck traffic and construction worker trips.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

2. Caltrans concurs with the County's assessment in the Transportation/Traffic section of the NOP, that the EIR will analyze construction-related impacts, analyze outgoing vehicle trips delivering finished compost and other potential traffic impacts as well as operational impacts.
3. Caltrans reviewed the most recent Monitoring Program Reports to determine if any of the identified locations fall within the Project study area. These programs include the Wrong-Way Collision Monitoring Program, Cross-Over Collision Monitoring Program, Run-Off Road Monitoring Program, Pedestrian Monitoring Program, and Bicycle Monitoring Program. The Project is not located within or near any of the monitoring locations for the above-mentioned programs.
4. No Traffic Investigation Reports (TIRs) have been conducted at or near the Project site.
5. Caltrans recommends the Project implement "smart growth" principles regarding parking solutions, providing alternative transportation choices to residents and employees. Alternative transportation choices may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs.
6. Based on Caltrans VMT-Focused Transportation Impact Study Guide, dated May 20, 2020 and effective as of July 1, 2020, Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita Vehicle Miles Traveled (VMT), increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the project proponent continue to work with the County of Tulare to further implement improvements to reduce vehicles miles traveled and offer a variety of transportation modes for its employees.

If you have any other questions, please call me at (559) 488-7396.

Sincerely,



DAVID DEEL
Associate Transportation Planner
Transportation Planning – South

Attachment 3

Comments Received from
California Department of Fish and Wildlife (CDFW),
March 5, 2021
and
County Response to Comments



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277 .
PHONE (559) 624-7000
FAX (559) 615-3002

Aaron R. Bock	Economic Development and Planning
Reed Schenke	Public Works
Sherman Dix	Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

September 15, 2022

SENT VIA EMAIL

Julie Vance, Regional Manager
California Department of Fish and Wildlife
Central Region
1234 East Shaw Avenue
Fresno, CA 93710

Subject: Response to Comments Visalia Disposal Site and Compost Facility (SCH# 2021020054)

Dear Ms. Vance:

Thank you for providing the California Department of Fish and Wildlife's (CDFW or Department) letter response (dated March 5, 2021) regarding the Draft Focused Environmental Impact Report (DEIR) for the Visalia Disposal Site and Compost Facility ("Project") (and biomass conversion component; formerly titled "Visalia Landfill – Compost and Biomass Conversion Facility"), SCH# 2021020054.

The County of Tulare (County) acknowledges and recognizes the Department's authority and expertise regarding biological resources relative to the proposed Project. Based on your comment letter(s) and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the Project's environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter during the Notice of Preparation process (attached for your ease of reference) as RMA did not receive any CDFW comments during the Notice of Availability process for the Draft EIR. The Final Focused EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents, where applicable.

Comment Subject 1: San Joaquin Kit Fox (SJKF) Habitat Assessment, Surveys, and Take. Because suitable foraging habitat for SJKF is located on most of the land surrounding the Project site, CDFW recommends conducting the following evaluation of the Project site. The DEIR should include the following measures specific to SJKF and these measures be made conditions of approval for the Project: a qualified biologist conduct a habitat assessment prior to Project implementation and if potential SJKF dens occur on the Project site, an assessment of presence/absence of SJKF by conducting surveys following the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011). Specifically, CDFW advises conducting these surveys in all areas of

potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground disturbing activities. If SJKF is detected during surveys, consultation with CDFW is warranted to avoid take.

Response: *The Draft EIR includes Mitigation Measures 3.2-7, 3.2-8, 3.9, and 3.2-11 which incorporate the Department's recommendations for pre-construction surveys, avoidance, minimization, and mortality reporting, respectively. The Draft EIR also includes Mitigation Measure 3.2-10 which requires pre-construction training for all construction staff prior to the start of construction. Mitigation Measure 3.2-7 will be amended to clarify that pre-construction surveys shall be conducted by a qualified biologist in accordance with the USFWS 2011 Standardized Recommendations.*

Comment Subject 2: Swainson's Hawk (SWHA) Surveys. Because suitable habitat for SWHA is present throughout and adjacent to the Project site, CDFW recommends conducting the following evaluation of the Project site. The DEIR should include the following measures specific to SWHA and these measures be made conditions of approval for the Project: a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to implementation.

Response: *The Draft EIR includes Mitigation Measures 3.3-1 and 3.2-2 which incorporate the Department's recommendations for temporal avoidance and pre-construction surveys, respectively. Mitigation Measure 3.2-2 will be amended to clarify that pre-construction surveys shall be conducted by a qualified biologist in accordance with the SWHA TAC 2000 survey methods.*

Comment Subject 2: SWHA No-disturbance Buffer and Take. 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. If this buffer is not feasible, consultation with CDFW is warranted to avoid take.

Response: *The Draft EIR includes Mitigation Measure 3.2-3 requiring any observations discovered within the survey area to be submitted to the CNDDDB, and in the unlikely event that observations are made within the Project site, requires the establishment of buffer areas based on local conditions and in consultation with the CDFW (the Department). The nearest identified nesting sites of SWHA are all farther than the 0.5 mile as recommended by CDFW. The nearest nesting sites are approximately 1.34 miles northwest, 1.14 miles west, and 0.71 miles south-southwest of the site on lands over which the applicant has no control, and, as such, the applicant cannot delineate a buffer where it has no control over the proposed buffer areas. Respectfully, as the 0.5-mile criteria or the take would not apply to this Project, the County is not compelled to add this recommendation as either mitigation or as a condition of approval. Please see the attached map showing the locations and distances from the Project site to the known nesting sites. (Note, due to the sensitivity of the data, this map will not be provided in the Attachments to Chapter 10 Response to Comments of the Final Focused EIR).*

Comment Subject 3: Tricolored Blackbird (TRBL), Habitat Assessment, Nest Avoidance, Nesting Bird Surveys, Buffers, and Take. Adjacent properties include crops that are suitable for TRBL nest colony sites; CDFW recommends TRBL habitat assessment, surveys, avoidance measures, and take in the event that TRBL are detected.

Response: *In regard to habitat assessment, the Project site is actively used as part of the Visalia Disposal Site (Landfill or landfill) operations and does not contain any suitable habitat such as silage fields. As the site will ultimately (and permanently) convert from its operationally inactive status to an active composting facility/operation (including stormwater retention basin, wastewater storage pond, composting area, compost screening and storage area, windrow curing area, 50,000 square foot tipping and blending building, organic waste processing and storage area, and tipping area) and a biomass conversion facility (including a biomass conversion facility area and wood storage piles), the proposed Project use and area (including the balance of the current Landfill site) will remain unsuitable as habitat for TRBL.*

The applicant (County of Tulare) has no control over adjacent site uses, and the applicant can only take measures in areas over which the applicant has control. The Department's comment that "Review of aerial imagery indicates that the Project site is near dense low vegetation fields and silage fields that may serve as nest colony sites. Directly to the West of the Project site there is a dairy which has the potential for TRBL to aggregate." is speculative. The Department did not specifically identify any areas within Tulare County where TRBL were recently detected. The closest known occurrence of a breeding colony was documented in a wheat field approximately 16 miles southwest of the project site in 2000; which is more than 20 years ago. Please see the attached map showing the distance between the Project site and the location of the colony. (Note, due to the sensitivity of the data, this map will not be provided in the Attachments to Chapter 10 Response to Comments of the Final Focused EIR). However, Mitigation Measure 3.2-12 has been added to require a pre-construction survey of the Project site and to the extent feasible a 500-foot buffer from the Project site, no more than 10 days prior to start of Project implementation.

In regard to buffer areas, the County disagrees with the Department's recommendation that a 300-foot no-disturbance buffer be established for two reasons: (1) the applicant does not control areas beyond 300 feet of the Project's limits; and (2) the Department's recommendations are not consistent with the Guidance referenced by the Department in three areas; (i) the Guidance "advises" rather than "recommends" a buffer distance; (ii) the Guidance suggests a buffer zone beginning at 60 feet and be adjusted as necessary/applicable; and (iii) the Guidance (which cites Meese et al. 2008) specifies a typical breeding season range (that is, from nest building to fledging) of 68 days whereas, the Department's recommendation (Feb. 1 thru September 15) spans 227 days; a substantial difference of 159 days (or roughly 5.3 months). However, Weintraub (2016) writes, "We conducted the study during the Tricolored Blackbird breeding season from March 10 to July 16, 2011, and from March 6 to June 28, 2012." This citation clearly shows a much different timeframe than the Department's comments noting a February 1 to September 15 breeding timeframe. Further, as stated by Weintraub (which cites Orians (1961), Hamilton (1998) and others) an individual female can complete an entire nesting cycle in "as little as 28 days." Weintraub further states that TRBL breeding is not limited to synchronous breeding as asynchronous breeding also occurs, to wit,

“The timing of nest-building in a Tricolored Blackbird colony falls along a continuum represented by 2 extremes: (1) synchrony, in which all nests are built and all eggs laid within one week; or (2) asynchrony, in which a colony grows over several weeks through the addition of new birds to the colony’s periphery (Neff 1937, Orians 1961, Hamilton 1998, Beedy and Hamilton 1999). In the latter case, young may have hatched in one area of the colony while females in another area were still building nests (Neff 1937, Orians 1961). Thus, the nest-building phase may last 7–34 days or more in a single colony (Orians 1961, Hamilton 1998). For an individual female, however, an entire nesting cycle can be completed in as little as 28 days: 3 days for nest building (Orians 1961, Hamilton 1998), 3–4 days for egg laying (Hamilton 1998), 12 days for incubation (Orians 1961, Hamilton 1998, Beedy and Hamilton 1999), and a minimum of 10 days for the nestling period (Hamilton 1998).”

According to the citations noted by the Department, TRBL counts (censuses) varied significantly year-by-year due to a variety of factors such as weather events (including El Nino and La Nina), timing, number of persons conducting a census, nest density, predation, loss of natural habitat, use of anthropogenic habitat (e.g., dairies and associated stored grains and adjacent grain fields (typically silage), timing of harvest of silage fields, regional variations, breeding substrates, etc.). The 2017 Census conducted by Meese shows that Tulare County accounted for only 4.6% of statewide TRBL, while Kern (34.4%) and Merced counties (16.9%) plus Tulare’s count total 55.9% of TRBL statewide (Meese 2017, Table 1 at page 12). As such, the data indicate that TRBL are not abundant in Tulare County and typically are adapted to nesting within silage fields. As noted earlier, the Project has been and remains operationally inactive and will likely be converted in FY 2022-2023 to the proposed composting and biomass conversion facilities/operations as a result of this Project.

In regard to its vicinity, the presence of dairies and likely associated use of the dairies’ adjacent fields to grow silage, TRBL could occur in proximity to the Project site. However, as noted earlier, the applicant has no control of adjacent uses. As noted earlier, the Guidance suggests a buffer zone beginning at 60 feet; this distance can be satisfied based on Avenue 328’s 60-foot right-of-way and Road 80’s 80-foot right of way; no additional separation (i.e., greater than 60 feet) would be necessary. Regardless of neighboring uses, the fact remains that the Project site itself has not been and will not be used for agricultural purposes so it remains highly unlikely that TRBL would use the site as habitat.

In regard to surveys and take authorization, as noted earlier, as the site has not been and will not be used for agricultural purposes it remains highly unlikely that TRBL would use the site as habitat; and will be converted to the proposed Project during FY 2022-2023. As such, it is highly unlikely that TRBL would occur when and after the Project is initiated and subsequently operational. To reiterate, the applicant has no control of adjacent uses and would be powerless to control activities outside of the County’s legal control regardless of presence or absence of TRBL on an adjacent site.

Comment Subject 4: Environmental Data and Filing Fees. Please report any special status species and natural communities detected during Project surveys to CNDDB. 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.

Response: The County agrees that it would be appropriate to report any special status species and natural communities detected during project surveys to the CNDDB; and the applicant is well aware that a \$3,539.25 CDFW filing fee will be required for filing of a Notice of Determination following approval/certification of the Final Environmental Impact Report.

The project will be heard before the Tulare County Board of Supervisors on September 27, 2022 for consideration of certification of the Final Focused EIR and approval of the project. The Final Focused EIR will be available beginning September 16, 2022 at the following website:

<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>

In closing, we sincerely appreciate CDFW's comments which will be useful toward ensuring that the proposed Project complies with CDFW's requirements/standards and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me at (559) 624-7121.

Best Regards,

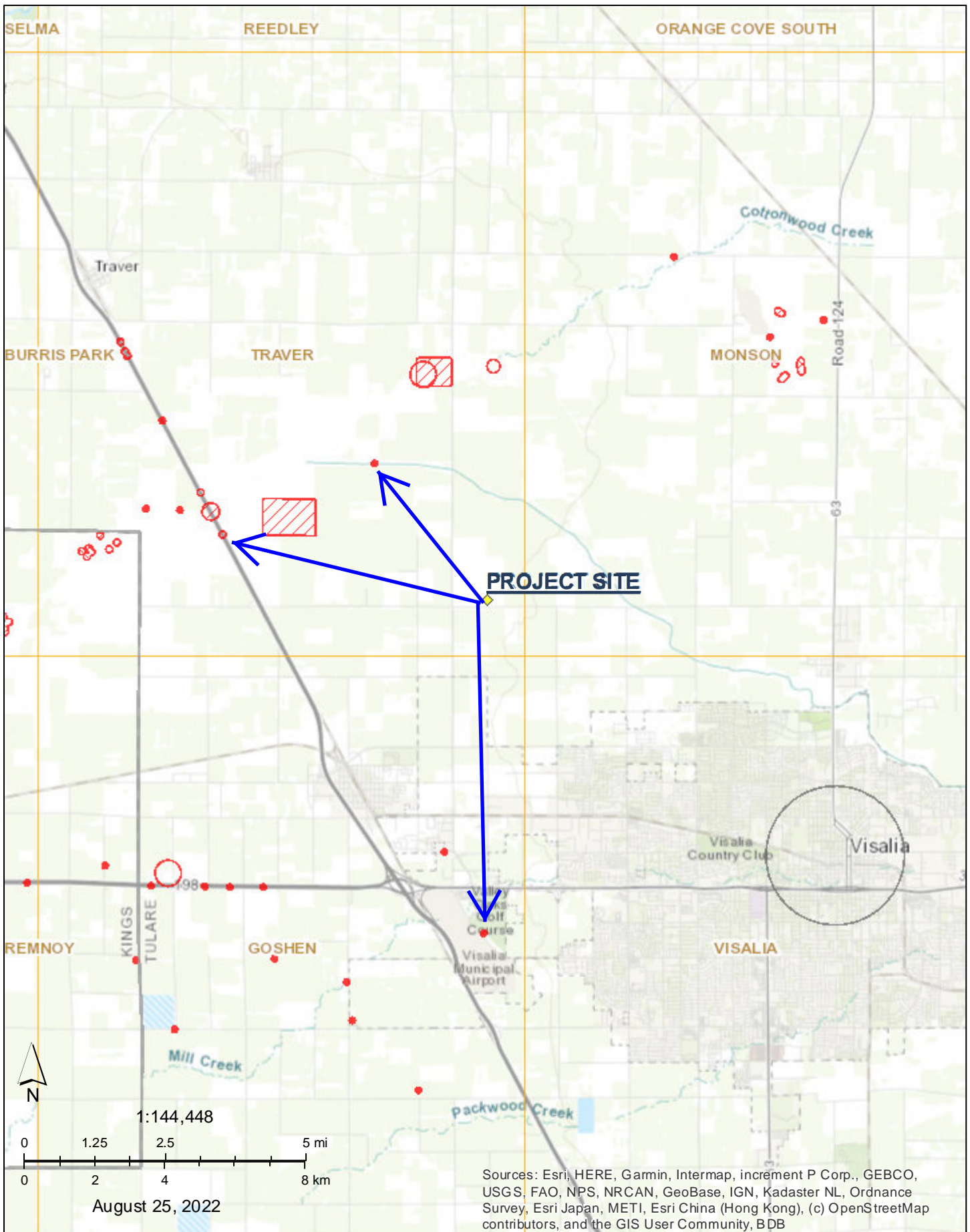
A handwritten signature in blue ink, appearing to read "Hector Guerra".

Hector Guerra, Chief
Environmental Planning Division

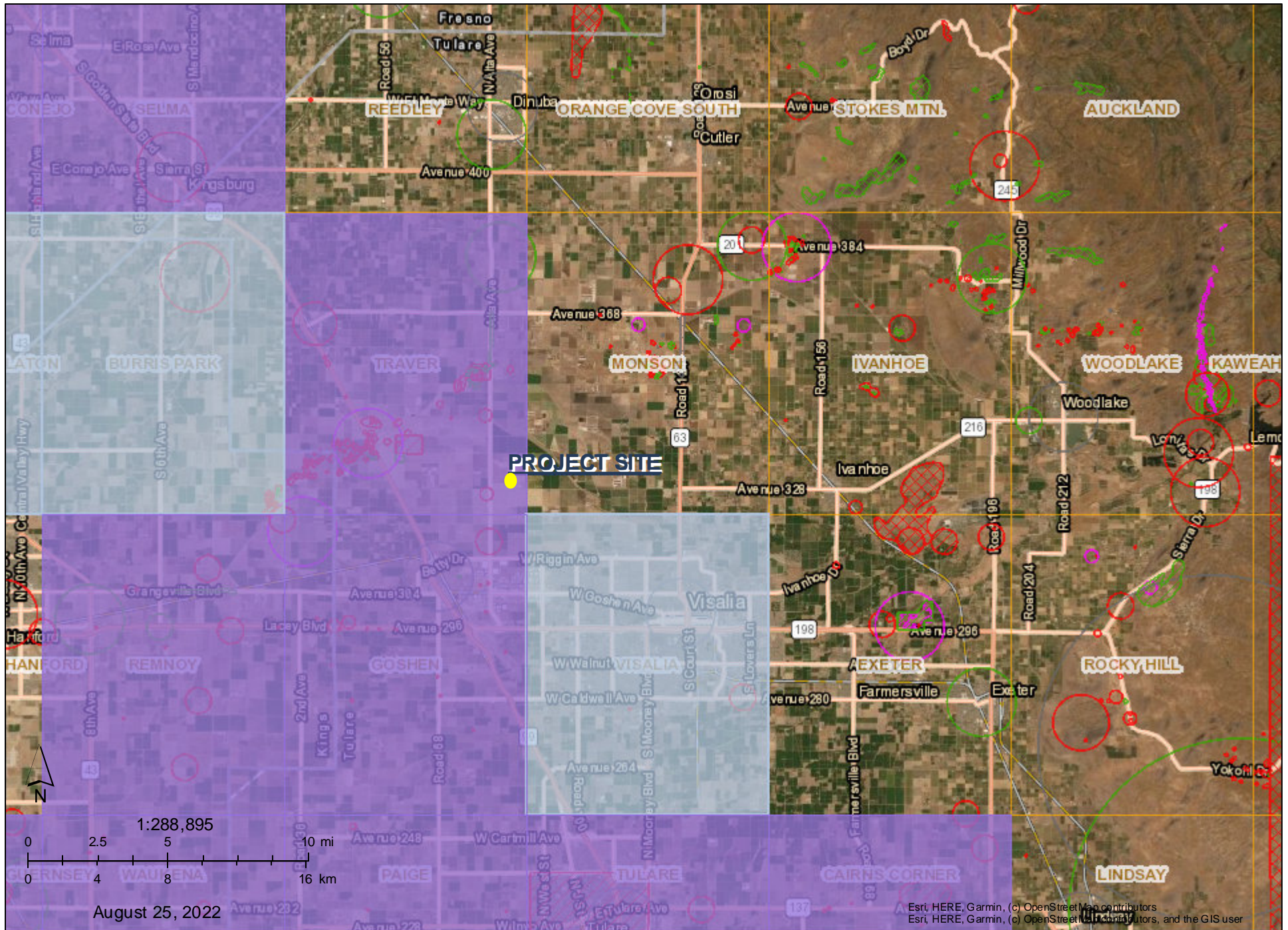
*Attachment: CDFW comment letter on the NOP for the Draft Focused EIR dated March 5, 2021
Maps of Project Vicinity*

Cc: File

Map of Project Area - Bird Species

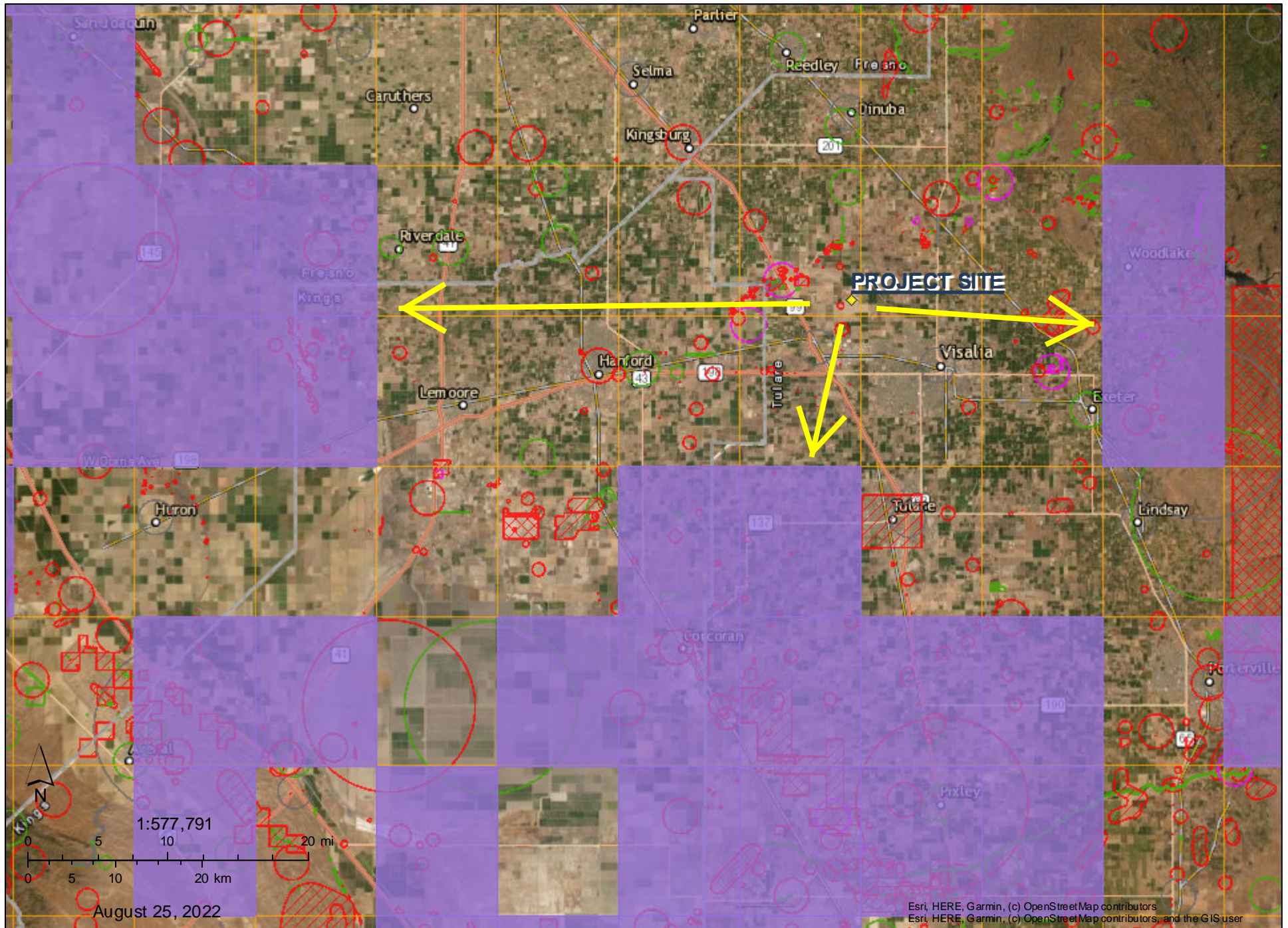


Map of Project Area - Quads with SWHA



Esri, HERE, Garmin, (c) OpenStreetMap contributors
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user

Map of Project Area - Quads with TRBL





State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Ave
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 5, 2021

Hector Guerra
Chief Environmental Planner
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, California 93277

Subject: Visalia Landfill – Compost and Biomass Conversion Facility
Notice of Preparation (NOP)
SCH No.: 2021020054

Dear Mr. Guerra:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an NOP from Tulare County Resource Management Agency for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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, we appreciate 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.

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, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 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.*, § 1802). 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, § 21069; CEQA Guidelines, § 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

¹ 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.

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Tulare County Resource Management Agency
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authority (Fish & G. Code, § 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, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Tulare County Public Works; Visalia Landfill

Objective: The objective of the Project is to development of a Compost and Biomass Conversion Facility at the existing Visalia Landfill. The compost facility will include a processing and composting equipment, a 50,000-square foot processing building, compacted compost pads, 1,000-square foot office, and a lined pond. The biomass facility will produce electricity, heat and biochar using wood fuel that will be provided by local activities to reduce landfill disposal.

Location: 8614 Avenue 328, Visalia, California 93291. APN's: 077-020-030, and 077-020-021. Approximately 36-aces on the northeast corner of Avenue 328 and Road 80.

Timeframe: Unspecified

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Tulare County Resource Management Agency 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 document.

Special-status resources have been documented in and adjacent to the Project area. Though the Landfill has present in the Project area for several years, there is still potential for these resources to occur as a result of habitat presence in the Project area vicinity. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. The NOP indicates there are potentially significant impacts without implementation of mitigation measures, but the mitigation measures listed in the NOP are non-specific and/or may be inadequate to reduce impacts to less than significant. CDFW is concerned regarding potential impacts to special-status species including, but not limited to: the state threatened and federally endangered San Joaquin Kit Fox (*Vulpes macrotis mutica*), and the State threatened Swainson's Hawk (*Buteo swainsoni*) and Tricolored Blackbird (*Agelaius tricolor*). To adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether any special-status species and/or suitable habitat features may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance

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measures and/or the need for additional or protocol-level surveys, especially in the areas not in irrigated agriculture, and to identify any Project-related impacts under CESA and other species of concern.

I. Environmental Setting and Related Impact

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS)?

COMMENT 1: San Joaquin Kit Fox (SJKF)

Issue: SJKF have been documented to occur near the vicinity of the Project site (CDFW 2021). SJKF den in right-of-ways, vacant lots, etc., and populations can fluctuate over time. Based on aerial imagery, most of the land use surrounding the Project site is active agriculture with isolated patches of annual or ruderal grasslands. SJKF are known to forage in fallow and agricultural fields as well as natural habitats. Fallow fields, annual grasslands, and ruderal grasslands may provide denning opportunities. Presence/absence in any one year is not necessarily a reliable indicator of SJKF potential to occur on a site. SJKF may be attracted to the Project area because of ground-disturbing activities and the loose, friable soils resulting from intensive ground disturbance. As a result, there is potential for SJKF to occur the Project site.

Specific impact: Without appropriate avoidance and minimization measures for SJKF, potential significant impacts include den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to SJKF (Cypher et al. 2013). Subsequent ground-disturbing activities have the potential to significantly impact local SJKF populations.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to SJKF associated with the Project, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 1: SJKF Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project site or its immediate vicinity contains suitable habitat for SJKF.

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Recommended Mitigation Measure 2: SJKF Surveys

If potential SJKF dens occur on the Project site, CDFW recommends assessing presence/absence of SJKF by conducting surveys following the USFWS “Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance” (2011). Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground disturbing activities.

Recommended Mitigation Measure 3: SJKF Take Authorization

SJKF detection warrants consultation with CDFW to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

COMMENT 2: Swainson’s Hawk (SWHA)

Issue: SWHA has the potential to nest or forage near the Project site. The Project location is within known SWHA range and the species occurs throughout the area (CDFW 2021). SWHA have the potential to forage near or on the Project site. The California Natural Diversity Database (CNDDB) shows SWHA occurrences throughout the area near the Project sites (CDFW 2021). In addition to annual grasslands, SWHA are known to forage in alfalfa, fallow fields, dry-land and irrigated pasture, rice land (during the non-flooded period), cereal grain crops (including corn after harvest), beet, tomato, and other low-growing row or field crops.

Specific impacts: Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

Evidence impact is potentially significant: SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). The Project as proposed will involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA.

Recommended Potentially Feasible Mitigation Measure(s)

Because suitable habitat for SWHA is present at and adjacent to the Project site, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

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Recommended Mitigation Measure 4: SWHA Surveys

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation if Project activities will occur in the normal bird breeding season (March 1 through September 15). The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

Recommended Mitigation Measure 5: No-disturbance Buffer

CDFW recommends a minimum no-disturbance buffer of ½-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.

Recommended Mitigation Measure 6: SWHA Take Authorization

CDFW recommends that in the event an active SWHA nest is detected during surveys and the ½-mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. In addition, compensatory habitat mitigation would be warranted to offset impacts to nesting habitat or habitat utilized by migrating individuals.

Recommended Mitigation Measure 7: SWHA Foraging Habitat

CDFW recommends compensation for the loss of SWHA foraging habitat to reduce impacts to SWHA foraging habitat to less than significant based on CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG, 1994), which recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites and the amount of habitat compensation is dependent on nest proximity. In addition to fee title acquisition or conservation easement recorded on property with suitable grassland habitat features, mitigation may occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

COMMENT 3: Tricolored Blackbird (TRBL)

Issue: TRBL have been documented in the Project vicinity (CDFW 2021). Review of aerial imagery indicates that the Project site is near dense low vegetation fields and

Hector Guerra, Chief Environmental Planner
Tulare County Resource Management Agency
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silage fields that may serve as nest colony sites. Directly to the West of the Project site there is a dairy which has the potential for TRBL to aggregate.

Specific impact: Without appropriate avoidance and minimization measures for TRBL, potential significant impacts include nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: As mentioned above, aerial imagery indicates that the Project site is near dense low vegetation and silage fields that may serve as nest colony sites. TRBL aggregate and nest colonially, forming colonies of up to 100,000 nests (Meese. 2017). Approximately 86% of the global population is found in the San Joaquin Valley (Kelsey 2008, Weintraub et al. 2016). Increasingly, TRBL are forming larger colonies that contain progressively larger proportions of the species' total population (Kelsey 2008). In 2008, for example, 55% of the species' global population nested in only two colonies, which were located in silage fields (Kelsey 2008). In 2017, approximately 30,000 TRBL were distributed among only 16 colonies in Merced County (TBWG 2007). 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 (Meese. 2017).

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential Project-related impacts to TRBL, CDFW recommends conducting the following evaluation of the Project area prior to ground-disturbing activities, incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 8: TRBL Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment of the Project site in advance of Project implementation, to determine if the Project site or its vicinity contains suitable habitat for TRBL.

Recommended Mitigation Measure 9: TRBL Surveys

If suitable habitat occurs on the Project site or its vicinity, CDFW recommends that Project activities be timed to avoid the typical bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for TRBL, within a minimum 500-foot buffer from the Project site, no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

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Recommended Mitigation Measure 10: TRBL Avoidance

If an active TRBL nesting colony is found during pre-activity surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "*Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015*" (CDFW 2015b). 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 and for this reason, the colony may need to be reassessed to determine the extent of the breeding colony within 10 days prior to Project initiation.

Recommended Mitigation Measure 11: TRBL Take Authorization

In the event that 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.

II. Editorial Comments and/or Suggestions

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, SJKF. Take under 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 ground-disturbing activities.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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FILING FEES

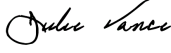
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order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

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist Tulare County Resource Management Agency in identifying and mitigating Project 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 Aimee Braddock, Environmental Scientist at (559) 243-4014 extension 243 or aimee.braddock@wildlife.ca.gov.

Sincerely,

DocuSigned by:

EA83F09FE08945A...
Julie A. Vance
Regional Manager

Attachment

cc: Office of Planning and Research, State Clearinghouse, Sacramento

Hector Guerra, Chief Environmental Planner
Tulare County Resource Management Agency
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REFERENCES

- CDFG, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.
- CDFW. 2015. Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015. March 19, 2015.
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Attachment 1**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)****PROJECT: Visalia Landfill – Compost and Biomass Conversion Facility****SCH No.: 2021020054**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: SJKF Habitat Assessment	
Mitigation Measure 2: SJKF Surveys	
Mitigation Measure 3: SJKF Take Authorization	
Mitigation Measure 4: SWHA Surveys	
Mitigation Measure 6: SWHA Take Authorization	
Mitigation Measure 7: SWHA Foraging Habitat	
Mitigation Measure 8: TRBL Habitat Assessment	
Mitigation Measure 9: TRBL Surveys	
Mitigation Measure 11: TRBL Take Authorization	
<i>During Construction</i>	
Mitigation Measure 5: SWHA No-disturbance Buffer	
Mitigation Measure 10: TRBL Avoidance	

Attachment 4

Comments Received from
Tulare County Health and Human Services Agency
Environmental Health Services Division,
December 7, 2021
and
County Response to Comments



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277 .
PHONE (559) 624-7000
FAX (559) 615-3002

Aaron R. Bock	Economic Development and Planning
Reed Schenke	Public Works
Sherman Dix	Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

September 15, 2022

SENT VIA EMAIL

Ted Martin, Environmental Health Specialist
Tulare County Health & Human Services Agency
Environmental Health Services Division
5957 S. Mooney Blvd.
Visalia, CA 93277

Subject: Response to Comments – Visalia Disposal Site and Compost Facility (SCH# 2021020054)

Dear Mr. Martin:

Thank you for providing the Tulare County Environmental Health Services Division (TCEHSD) letter response (dated December 7, 2021) regarding the Draft Focused Environmental Impact Report (DEIR) for the Visalia Disposal Site and Compost Facility (“Project”) (and biomass conversion component; formerly titled “Visalia Landfill – Compost and Biomass Conversion Facility”), SCH# 2021020054.

The County of Tulare (County) acknowledges and recognizes TCEHSD’s authority and expertise regarding environmental health related issues relative to the proposed Project. Based on comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the Project’s environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final Focused EIR (see below for website link) also includes RMA’s response to your comments (below).

Comment Subject 1: Based upon our review, we have no comments for this project, at this time.

Response: *Thank you for your response. It is important for our administrative record to receive your response as it provides evidence/documentation that your department is aware of and has indeed received the Draft EIR for your consideration/review. As an aside, we have also separately copied our response to CalRecycle’s comments regarding the Draft EIR to Jessica Gocke of your office.*

As noted by CalRecycle, TCEHSD (as the Local Enforcement Agency (LEA)) is the responsible party for regulatory oversight of solid waste handling activities. As such, we appreciate and thank

you for your collaboration as the LEA in assisting the Solid Waste Department and RMA as we undertake the permitting and environmental processes for this Project.

The project will be heard before the Tulare County Board of Supervisors on September 27, 2022 for consideration of certifying the Final Focused EIR and approving the Project. The Final Focused EIR will be available beginning September 16, 2022 at the following website:

<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>

If you have any questions regarding the above, please contact me at (559) 624-7121.

Very Best Regards,

A handwritten signature in blue ink, appearing to read "Hector Guerra", written in a cursive style.

Hector Guerra, Chief
Environmental Planning Division

Attachment: Tulare County Environmental Health Services Division comment letter dated December 7, 2021

Cc: File



**TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY**

Timothy W. Lutz, MBA
Agency Director

Nilsa Gonzalez • Public Health Branch Deputy Director • Environmental Health Director

December 7, 2021

HECTOR GUERRA
RESOURCE MANAGEMENT AGENCY
5961 SOUTH MOONEY BLVD
VISALIA CA 93277

**RE: NOA FOR DRAFT-FOCUSED ENVIRONMENTAL IMPACT REPORT: VISALIA
LANDFILL – COMPOST & BIOMASS CONVERSION FACILITY**

Dear Mr. Guerra:

This office has reviewed the above referenced matter. Based upon our review, we have no comments for this project, at this time.

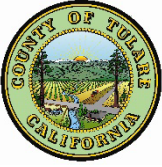
Sincerely,

A handwritten signature in blue ink, appearing to read "Ted Martin", is written over a light blue horizontal line.

Ted Martin
Registered Environmental Health Specialist
Environmental Health Services Division

Attachment 5

Comments Received from
California Environmental Protection Agency
Department of Resources Recycling and Recovery (CalRecycle),
January 19, 2022
and
County Response to Comments



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277 .
PHONE (559) 624-7000
FAX (559) 615-3002

Aaron R. Bock	Economic Development and Planning
Reed Schenke	Public Works
Sherman Dix	Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

September 15, 2022

SENT VIA EMAIL & CERTIFIED MAIL

Joy Isaacson, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812

Subject: Response to Comments – Visalia Disposal Site and Compost Facility (SCH# 2021020054)

Dear Ms. Isaacson:

Thank you for providing the California Department of Resources Recycling and Recovery (CalRecycle) letter response (dated January 19, 2022) regarding the Draft Focused Environmental Impact Report (DEIR) for the Visalia Disposal Site and Compost Facility (“Project”) (and biomass conversion component; formerly titled “Visalia Landfill – Compost and Biomass Conversion Facility”), SCH# 2021020054.

The County of Tulare (County) acknowledges and recognizes CalRecycle’s authority and expertise regarding waste disposal and recycling issues relative to the proposed Project. Based on your comment letter and comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the Project’s environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final Focused EIR (see page 11 for website link) also includes RMA’s response to CalRecycle’s comments which were prepared with assistance from consulting experts Edgar Associates, Inc. as follows:

Comment Subject 1: Facility Boundary: The project description describes that the compost activity will operate on a soil borrow area. Does this borrow area encompass the 36 acres, and include both the Compost Facility and the Biomass Facility? Please clarify how many acres will be dedicated to each of the two activities.

Response: *The borrow pit area will encompass approximately 36 acres of total area. The compost facility will operate on a compost pad of 24 acres, while the biomass conversion component will encompass approximately 2.5 acres east of the compost facility.*

Comment Subject 2: Facility Boundary: Will there be any overlap of operations between the two proposed activities and/or with the landfill activities (i.e., equipment or scales, etc.)?

Response: *There will be no operational or equipment overlap between the landfill and compost facility. Organic waste will be directed to the compost facility and any residuals generated during composting operations will be transferred and disposed at the landfill. The compost facility will have its own gate house and a scale will be used to weigh and record the incoming material. Presently, the organic waste is directed to the landfill for disposal from the landfill scale house. When the compost facility is operational, it will be directed to the compost facility after being weighed at the compost facility's scale house. The compost facility will be a separate and distinct operation and may be operated by an independent contractor with personnel not associated with any landfill activities.*

Comment Subject 3: Facility Boundary: Will any portion of these activities be located on top of the landfill waste footprint? Since the proposed project also includes new structures in close proximity to the landfill waste footprint and there is the potential for landfill gas migration from the landfill, the design and construction of any structures need to meet the requirements of Title 27, California Code of Regulations (27 CCR), Section 21190.

Response: *The Project will comply with Structures (27 CCR 21190(c-g)), as applicable.*

The final design proposal will include a 50,000 square foot Tipping and Processing Building and will be enclosed. This building will be within 1,000 feet of the waste footprint, but entirely within the existing property (i.e., Visalia Disposal Site) boundary.

The compost facility will have its own gate house and its own scale will be used to weigh and record the incoming material.

The biomass conversion component (facility) will occupy approximately 2.5 acres in the southeast corner of the landfill SWFP boundary, as shown on the attached update Site Map, and will be included in the landfill SWFP as an ancillary facility. There will also be associated offices and maintenance rooms.

The construction design standards of 27 CCR 21190(e) will be incorporated into plans and specifications for these structures and be presented to the Local Enforcement Agency (LEA) for design approval (27 CCR 21190(c)). A Construction Quality Assurance (CQA) Plan will ensure that construction is completed in accordance with required design standards. The CQA Plan will also include submittal and certification of as-built plans and specifications upon completion of construction.

Comment Subject 4: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: The current name of the facility on the SWFP is "Visalia Disposal Site". Although disposal site and landfill can be used interchangeably, it is best to stay consistent with the name of the facility. Does the operator plan to change the name of the facility to Visalia Landfill or keep the name as Visalia Disposal Site?

Response: *We concur, documents will be adjusted to stay consistent with the current landfill naming designation. However, as the compost facility will have a separate and distinct SWFP, it will be named the “Visalia Compost Facility.”*

Comment Subject 5: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: The current permitted maximum tonnage at the Visalia Disposal Site is 2,000 tons per day (TPD). Will the facility need to increase its daily tonnage to accommodate the proposed project? The Focused EIR will need to evaluate the potential impacts for the additional daily tonnage for the proposed activities and if the 2,000 TPD is proposed to be exceeded.

Response: *The facility **WILL NOT** [emphasis added] need to increase its daily tonnage to accommodate the proposed Project. Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009 will remain at 2,000 TPD, and the 24-acre compost facility will be carved out from the SWFP. The County will need to file for a SWFP Modification with a Joint Technical Document (JTD) Amendment to carve out the 24 acres while keeping all of the other portions of the SWFP intact. The 200,000 tons per year (TPY) tonnage amount is based upon the County’s fair-share targeted tons to comply with SB 1383, including growth, for the material that has already disposed of at this location. The storage capacity is 200,000 cubic yards for the compost facility for the new compost SWFP, and 40,000 cubic yards of wood chip for the biomass conversion component as part of the landfill SWFP.*

The County (as owner and the operator) will need to apply for a new SWFP for the ‘Visalia Compost Facility’ for up to 200,000 TPY which translates to a peak inbound of 1,000 TPD, and an average of 770 TPD, and will add 155 vehicles per day (VPD). This is the same tonnage and traffic that has been going to the landfill that will now go (i.e., be directed) to the compost facility. The storage capacity is 200,000 cubic yards for the compost facility for the new compost SWFP.

The biomass conversion component will occupy approximately 2.5 acres in the southeast corner of the landfill SWFP and will have 8 stockpiles of 2,500 cubic yards (CYD) of chipped biomass material nearby to total 40,000 CYD. Most of material will be generated on-site at the compost facility and would be transferred over to the biomass conversion component (facility). In the event that pre-processed wood chips are delivered directly to the biomass conversion component; those tons and traffic would then be directed toward the landfill SWFP.

Comment Subject 6: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: The current permitted traffic volume is 900 vehicles per day. Will this number need be increased? An increase in the permitted traffic volume will need to be analyzed in the Focused EIR.

Response: *The current permitted traffic volume of 900 vehicles per day **WILL NOT** [emphasis added] be increased. Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009 will remain at 2,000 TPD and 900 VPD, and the 24-acre compost facility will remain a part of the comprehensive landfill footprint; however, it will function separately from the SWFP.*

The County (as owner, and operator) will apply for a new SWFP for the “Visalia Compost Facility” for up to 200,000 TPY (which translates to a peak inbound of 1,000 TPD), or an

average of 770 TPD. The Project will result in the addition of 155 VPD. As such, this is the same tonnage and traffic volume that enters the landfill, but will, however, be diverted to the compost facility. In the event that pre-processed wood chips are delivered to the biomass facility, those tons and traffic would be directed toward the landfill SWFP.

Comment Subject 7: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: Will the compost activity be added as an activity to the current SWFP, or will the proposed activities be permitted as separate facilities? The compost activity may need a Compostable Materials Handling Facility Permit.

Response: See earlier responses regarding a new SWFP, TPD, and VPD. In summary, the County (as owner and the operator) will need to apply for a new SWFP for the “Visalia Compost Facility” for up to 200,000 TPY which translates to a peak inbound of 1,000 TPD, and an average of 770 TPD, and will add 155 VPD.

Comment Subject 8: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: The biomass activity may not be subject to CalRecycle’s permitting requirements if the activity meets biomass conversion as defined in PRC Section 40106.

Response: The facility will qualify and operate as a biomass conversion facility accepting wood waste. The operations of the biomass conversion component (facility) will not interfere with the operations of the Visalia Disposal Site (landfill).

Comment Subject 9: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: Page 1-6: 1.4 Facility Permitting History. The Visalia Landfill currently operates under Solid Waste Facility Permit No. 54-AA-0009, issued by CalRecycle on July 29, 2014. The permit is due for renewal on July 29, 2024. The permit authorizes the disposal of up to 2,000 TPD.

- This information does not impact the project description, however, is incorrect. CalRecycle did not issue the SWFP, rather concurred on the Tulare County Local Enforcement Agency’s (LEA) issuance of the SWFP. Also, SWFPs are not required to be “renewed”, rather reviewed every 5 years. The next five-year permit review for Visalia Landfill is due by July 29, 2024.

Response: The County appreciates the clarification that CalRecycle concurred with the Tulare County Local Enforcement Agency’s (LEA) issuance of the SWFP and that a SWFP is reviewed every 5 years. We agree that the next five-year permit review for Visalia Landfill is due by July 29, 2024.

Comment Subject 10: Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009: Page 896/1013 (PDF pages): CalRecycle E-1-77 Form. This application form states that a “New” Solid Waste Facility Permit (SWFP) is requested. The operator may permit the proposed project under the same SWFP as the Visalia Disposal Site. Please contact the Tulare County LEA for SWFP options.

- Also, part 3, Facility Information of the application is filled out for the landfill and therefore is incorrect. The application will need to be filed for the Compost and Biomass Facility. Please see the application instructions for filing.

- o Directions for Completion of Form E-1-77
<https://www.calrecycle.ca.gov/LEA/Forms/#Permit>

Response: *We appreciate the guidance provided by CalRecycle. Tulare County's LEA is collaborating with the Solid Waste Department, as applicable, to ensure that permits are secured prior to initiation of the Project.*

Comment Subject 11: Incoming material: Please include all the types of materials/feedstocks that will be accepted for each proposed activity.

Response: *The landfill will continue accepting the materials allowed in the current SWFP.*

The biomass conversion facility will only accept clean, screened, pre-processed, and processed wood waste from urban, agricultural, and forestry sources. This material may be delivered pre-processed or processed on-site at the compost facility and/or part of the landfill operations that process construction and demolition (C&D) materials. No municipal solid waste (MSW), mixed waste, engineered municipal solid waste (eMSW), medical waste, plastics, or any other type of material other than woody biomass will be accepted.

The proposed compost facility would be authorized to receive and handle any 'compostable material' or 'digestate' as authorized under current regulations. Some organic material may be delivered pre-processed and feedstock-ready from local material recovery facilities and may be deposited directly into the covered aerated static pile (CASP) composting area without further processing. The definitions presented herein are consistent with current and future state regulations as administered by CalRecycle and the State Water Resources Control Board (SWRCB), as defined in 14 CCR and SB 1383. Any feedstocks approved to be processed at the composting facility would comply with all applicable regulations. The compost facility will accept the organic material types clearly listed on page 2-10, and copied as follows:

For Mixed Materials (14 CCR): *Any compostable material that is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed demolition or mixed construction debris, or plastics. A feedstock that is not source separated or contains 1.0% or more of physical contaminants by dry weight is mixed material (14 CCR § 17852).*

For Organic Wastes (SB1383): *Solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green waste material, landscape and pruning waste, applicable organic textiles and carpets, wood, lumber, fiber, paper products, printing and writing paper, manure, digestate, and sludges.*

For Green Material (14 CCR §17852): *Any plant material except food material and vegetative food material that is separated at the point of generation, contains no greater than 1.0% of physical contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes, but is not limited to tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste from silviculture and manufacturing, and construction and demolition wood waste. Green material does not include food material, vegetative food*

material, mixed material, material separated from commingled solid waste collection or processing, wood containing lead-based paint or wood preservative, or mixed construction and demolition debris. Agricultural material, as defined in this section 17852(a) (5), that meets this definition of “green material” may be handled as either agricultural material or green material.

For Food Material (14 CCR §17852): A waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption and that is separated from the municipal solid waste stream. Food material includes, but is not limited to, food waste from food facilities as defined in Health and Safety Code Section 113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as, prisons, schools and hospitals) and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations.

For Agricultural Materials (14 CCR §17852): Waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace or material generated during nut or grain hulling, shelling, and processing, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this Section 17852 as “food material” or “vegetative food material” is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pumice, and crop residues.

For Digestate: Organic by-product (solid or liquid) of anaerobic digestion process.

Comment Subject 12: Incoming material: Will the material be source-separated?

Response: *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.*

Most material will be curbside collected residential organics (that has been source-separated) that will be processed outside in the designated area and composted on-site.

Some material would be considered ‘mixed material,’ such as source-separated commercial organics because the typical contamination rate is about 30% and will need to be processed inside the Tipping and Processing Building.

MSW from the black container will not be accepted at the compost facility. Page 2-11 describes the material that will not be accepted for composting.

Comment Subject 13: Incoming material: Where will all the material be accepted for both the CASP and the biomass operation?

Response: *The biomass conversion facility will only accept clean, screened, pre-processed and processed wood waste from urban, agricultural, and forestry sources. This material may be delivered pre-processed or processed on-site at the compost facility and/or part of the landfill operations that process C&D materials. No MSW, mixed waste, eMSW, medical waste, plastics, or any other type of material other than woody biomass will be accepted.*

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.

Curbside co-collection residential organics material and self-haul landscape material may be received at the outdoor organic waste tipping/processing/storage pad. If significant contamination removal is required, the material would be tip inside the Tipping and Processing Building.

Source-separated commercial organic waste would be delivered into the Tipping and Processing Building and typically be processed on day of receipt, or within 48 hours.

Comment Subject 14: Incoming material: Where and how will incoming material be processed?

Response: *Pages 2-10 to 2-17 fully describe where and how the material will be processed at the compost facility; the following is a summary:*

Composting is the biological decomposition of organic material under aerobic conditions (i.e., in the presence of oxygen). Composting is a self-limiting biological process. Conditions that limit the microbial population include nutrient availability, temperature, aeration, moisture content, and pH. The composting process requires that micro-organisms be supplied with the primary nutrients carbon and nitrogen. Carbon to nitrogen ratios (C/N), which range from 20:1 to 30:1, are considered optimal for microorganisms. The more the C/N ratio deviates from this range, the slower the decomposition process becomes. With a ratio greater than 40:1, nitrogen represents a limiting factor, and the reaction rate slows. With a C/N ratio lower than 15:1, excess nitrogen is driven off as ammonia. While this loss of nitrogen is not detrimental to the decomposition process, it does lower the nutrient value of the compost product.

CASP technology can be permitted to receive a variety of composting feedstocks including all types of compostable organic wastes, green wastes, food wastes, and clean wood wastes. Many composting facilities receive feedstocks that are predominately composed of tree prunings, leaves, grass clippings, and contain a small percentage of food waste. Leaves generally have a high C/N ratio. Lawn clippings lack structure to maintain porosity for aeration but have a favorable C/N ratio and moisture content for composting, as does food waste. The CASP compost 'recipe' would vary over time as the participation in residential food waste collection programs increases over time, along with SB 1383 commercial organic wastes, however the

recipe would be a balanced C/N ratio and would yield an excellent finished compost product. Pages 2-17 to 2-20 fully describe where and how the material will be handled at the biomass conversion facility.

Comment Subject 15: Incoming material: Will additional material be accepted from new sources?

Response: *Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009 will remain at 2,000 TPD, and the 24-acre compost facility will be delineated from the existing SWFP footprint. The 200,000 TPY tonnage amount is based upon the County's fair-share targeted tons to comply with SB 1383 at full buildout; including growth to provide 15-years of processing capacity for the material that has already been disposed of at this location.*

The County intends to develop and operate a CASP composting facility to comply with the upcoming SB 1383 regulations. The composting facility would be designed to process organic waste that would be considered new tons to comply with SB 1383, as well as current tons that may be recycled on-site or at other facilities in the County.

The only new sources would be woody biomass material from the agricultural and forestry sectors (which could be delivered pre-processed or raw) and would be used for fuel at the biomass conversion facility.

Comment Subject 16: Incoming material: How will any residual material be handled and/or disposed of?

Response: *Non-compostable residual material would be sorted and placed in containers on-site at the compost facility and transported for disposal at the landfill within 48 hours of being generated.*

Comment Subject 17: Daily tonnage: How much material can be accepted in one day for each proposed activity? Will there be a daily limit on incoming material (in tons)?

Response: *It is estimated that the average and seasonal peak flows for the composting facility would be 770 TPD and 1000 TPD, respectively. The capacity of the CASP composting system is 200,000 TPY.*

The biomass conversion facility will be able to accept 120 TPD of woody biomass fuel, where those tons may be delivered pre-processed or processed on-site at the compost facility or the landfill's C&D operations. If generated within the compost facility, those tons would be part of the SWFP for the compost facility or, when delivered directly to or generated from landfill operations, those tons would be part of the landfill SWFP. The storage capacity is 40,000 CYD.

Comment Subject 18: Storage: Does the 200,000 cubic yard capacity include all material onsite including incoming material, pre-processed material, CASP capacity, and finished stored material? Please clarify the total site design capacity.

Response: *The composting facility is designed to store up to approximately 200,000 cubic yards of organic material at any time which includes all organic feedstocks in all phases of processing.*

Comment Subject 19: Storage: What is the storage capacity of the biomass activity?

Response: *The biomass conversion facility needs a 3-day surge pile near-by, and at 210 TPD, or 630 tons, a surge pile of 2,500 cubic yards is needed. Additional nearby supply will also be stored to dry out prior to conversion where up to 40,000 CYD of storage is designated on the updated Site Plan. If woody biomass is processed at the compost facility or as part of the landfill C&D operations, those wood chips will be part of those facilities, until the wood chips are transferred over to the surge piles.*

Comment Subject 20: Storage: Please describe how material will be stored and for how long. Will there be a limit on the amount of material or how long the material can be stored onsite?

Response: *Wood waste would be stored outdoors for up to 30 days in a designated area as part of the compost operations or as part of the landfill C&D operations.*

Processed biomass wood chip will be stored adjacent to the biomass conversion facility for up to 3 days of supply with 2,500 cubic yards of capacity per pile, and with 8 piles, up to 40,000 cubic yards will be stored nearby to dry the fuel prior to conversion.

Green waste from both commercial and self-haul sources would be stored outdoors for up to 48 hours in the green waste processing and storage tipping area (outdoor pad).

Co-collected residential organic wastes would be stored on the outdoor organic waste tipping area for up to 48 hours. If highly contaminated or odoriferous, it would be placed inside the Tipping and Processing Building for up to 48 hours.

The composting facility will have a storage capacity of 200,000 cubic yards. Chipping and grinding of co-collected residential/commercial organics, green waste, or any highly putrescible food waste would generally occur on the day of receipt or within 48 hours.

Stockpiles would be separated by fire lanes consistent with Tulare County Fire Department's (Fire Department) 20-foot standard. Further, per the Fire Department's standards, compost piles shall not exceed 12 feet in height, 125 feet in length, and 75 feet in width.

Comment Subject 21: Hours of Operation: The project description for proposed hours of operation for the Compost Facility are Monday-Friday between 6:00 a.m. to 4:00 p.m., and 7:00 a.m. to 12:00 p.m. (noon) on Saturdays; summer hours may begin earlier than 6:00 a.m. and 24/7 for the Biomass Facility. Page 9 of the Composting Facility Operation Plan lists hours for receiving material as Monday – Friday from 7:00 a.m. to 4:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m., and processing hours will be 24 hours, 7 days per week. The hours in the Operation Plan are not consistent with the project description above. The proposed hours should be consistent throughout the Focused EIR and clearly identified for each activity.

Response: *The proposed hours will be consistent throughout the Final EIR and any required permitting documents. The gate hours of operations for receiving waste material will harmonize with the landfill as stated in the SWFP, which is Monday – Friday, 7 am to 4 pm, and Saturday from 8 am to 4 pm.*

CASP processing will have fans and blowers running 24 hours per day, 7 days per week; as such, processing will occur continuously over a 24-hour period throughout the year.

The biomass conversion facility will run 24 hours per day, 7 days per week.

Comment Subject 22: Hours of Operation: Please clarify the allowable hours of operation for the Compost Facility. Will any hours during the day or night be restricted? Is operation on Sundays restricted? Please include operation hours as well as ancillary hours (i.e., maintenance), and/or emergency hours.

Response: *The gate hours of operations for receiving waste material will harmonize with the landfill as stated in the SWFP, which is Monday – Friday, 7 am to 4 pm, and Saturday from 8 am to 4 pm.*

The hours of operations of composting materials with the CASP system and operating inside of the Tipping and Processing Building will be 24 hours per day, up to 7 days per week. The organic waste received inside the Tipping and Processing Building may be processed 24 hours per day to accommodate peak flows and to ensure processing within a 48-hour holding time period from the time of receipt. The CASP piles will be provided moisture control and oxygen will be introduced via fans that are controlled electronically on a timer throughout the 24-hour day. CASP piles may be processed throughout the day to accommodate wind patterns that could limit processing during the calmer portions of the day.

The receipt of waste will be restricted on Sundays to harmonize with the landfill operations. The outdoor grinding operation will be restricted on Sundays. However, the CASP system and the biomass conversion facility will operate 24 hours per day, 7 days per week as a continual processing operation.

Comment Subject 23: Hours of Operation: Additionally, the proposed project states, “A majority of the trips will occur between 7:00 a.m. and 9:00 a.m., and between 4:00 p.m. and 6:00 p.m.” These hours are inconsistent with the proposed project hours. Please clarify hours and traffic.

Response: *Language will be adjusted to align with permissible operating parameters. Based on hauling route schedules, there will be peak unloading hours. It is anticipated that there will be one peak in the morning and one peak in the afternoon.*

Comment Subject 24: Hours of Operation: Will any hours, such as receipt of material be restricted at the Biomass Facility?

Response: *The receipt of offsite waste will harmonize with the landfill operations. The outdoor grinding operation will be restricted on Sundays. However, the biomass conversion facility will operate 24 hours per day, 7 days per week as a continual processing operation.*

As noted earlier, Tulare County RMA, Solid Waste Department, and Environmental Health Services Division (as the LEA) are working collaboratively on this Project. As such, they will continue to involve and recognize the LEA as the responsible party for regulatory oversight of solid waste handling activities.

The project will be heard before the Tulare County Board of Supervisors on September 27, 2022 for consideration of certification of the Final Focused EIR and approval of the Project. The Final Focused EIR will be available beginning September 16, 2022 at the following website:

<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>

In closing, we sincerely appreciate CalRecycle's comments which will be useful toward ensuring that the proposed Project complies with CalRecycle's requirements/standards and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me at (559) 624-7121.

Very Best Regards,



Hector Guerra, Chief
Environmental Planning Division

*Attachment: CalRecycle comment letter dated January 19, 2022
Site Plan Map*

Cc: Eric Tanner, Cal Recycle
Jessica Gocke, Tulare County LEA
File



January 19, 2022

Governor's Office of Planning & Research

Jan 19 2022

Mr. Hector Guerra, Chief Environmental Planner
County of Tulare Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

STATE CLEARINGHOUSE

**Subject: Draft Focused Environmental Impact Report for
the Visalia Landfill - Compost and Biomass Conversion Facility
SCH# 2021020054, Facility No. 54-AA-0009, Tulare County**

Dear Mr. Guerra:

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

The Tulare County Resource Management Agency (RMA), acting as Lead Agency, has prepared and circulated a Notice of Completion (NOC) for a Focused Environmental Impact Report (FEIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The proposed Compost and Biomass Conversion Facility (proposed project) is located at the existing Visalia Disposal Site, on an approximately 36 acre site located at the northeast corner of Avenue 328 and Road 80 approximately six miles northwest of the City of Visalia. The site is currently zoned as AE-40.

The proposed project would allow the operation of a covered aerated static pile (CASP) compost facility. The compost facility would occupy 36 acres of the 634 acre landfill parcel. The compost facility will be designed to accept up to 200,000 tons per year (TPY) in increments of 50,000 TPY and can store up to 200,000 cubic yards on-site of organic material; installation and use of composting equipment; installation of a 50,000 square foot processing building and 1,000 square foot office building; construction of compost pads, and a lined pond. The proposed project would employ 15-20 employees and operate Monday-Friday between 6:00 a.m. to 4:00 p.m., and 7:00 a.m. to 12:00 p.m. (noon) on Saturdays; summer hours may begin earlier than 6:00 a.m.

The hours of operations for receiving waste material will harmonize with the landfill with the following hours of operations: Monday – Friday 7:00 am to 4:00 pm Saturday 8:00 am to 4:00 pm. The hours of operations of processing material will be 24 hours per day, 7 days per week. The waste material received in the processing building may be processed 24 hours per day to accommodate surge piles and to ensure processing within a 48-hour holding time period from the time of receipt.

The proposed project would also allow a 2.0 mega-watt (MW) biomass conversion facility at the landfill. The facility will produce electricity, heat and biochar using wood fuel which includes wood waste. The facility will utilize approximately 18,000 bone dry tons (BDT) of wood chips per year or 25,000 tons per year of wet recovered wood waste and produce approximately a net amount (after parasitic load) 2.0 MW of electrical energy per hour. In addition to this the facility will also produce approximately 20-30 MM BTU of waste heat and approximately 300-600 pounds of biochar per hour. The facility is planned to operate 24/7.

COMMENTS/QUESTIONS

CalRecycle staff's comments on the proposed project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the FEIR in addition to the specific location noted.

Facility Boundary:

- The project description describes that the compost activity will operate on a soil borrow area. Does this borrow area encompass the 36 acres, and include both the Compost Facility and the Biomass Facility? Please clarify how many acres will be dedicated to each of the two activities.
- Will there be any overlap of operations between the two proposed activities and/or with the landfill activities (i.e., equipment or scales, etc.)?
- Will any portion of these activities be located on top of the landfill waste footprint?
- Since the proposed project also includes new structures in close proximity to the landfill waste footprint and there is the potential for landfill gas migration from the landfill, the design and construction of any structures need to meet the requirements of Title 27, California Code of Regulations (27 CCR), Section 21190.

Solid Waste Facility Permit (SWFP), Facility No. 54-AA-0009:

- The current name of the facility on the SWFP is "Visalia Disposal Site". Although disposal site and landfill can be used interchangeably, it is best to stay consistent with the name of the facility. Does the operator plan to change the name of the facility to Visalia Landfill or keep the name as Visalia Disposal Site?
- The current permitted maximum tonnage at the Visalia Disposal Site is 2,000 tons per day (tpd). Will the facility need to increase its daily tonnage to accommodate the proposed project? The FEIR will need to evaluate the potential

impacts for the additional daily tonnage for the proposed activities and if the 2,000 tpd is proposed to be exceeded.

- The current permitted traffic volume is 900 vehicles per day. Will this number need be increased? An increase in the permitted traffic volume will need to be analyzed in the FEIR.
- Will the compost activity be added as an activity to the current SWFP, or will the proposed activities be permitted as separate facilities?
 - The compost activity may need a Compostable Materials Handling Facility Permit.
 - The biomass activity may not be subject to CalRecycle's permitting requirements if the activity meets biomass conversion as defined in PRC Section 40106.
 - See the following link for CalRecycle's regulatory tiers - <https://www.calrecycle.ca.gov/lea/regs/tiered/tierchart>.
- Page 1-6: 1.4 Facility Permitting History. The Visalia Landfill currently operates under Solid Waste Facility Permit No. 54-AA-0009, issued by CalRecycle on July 29, 2014. The permit is due for renewal on July 29, 2024. The permit authorizes the disposal of up to 2,000 TPD.
 - This information does not impact the project description, however, is incorrect. CalRecycle did not issue the SWFP, rather concurred on the Tulare County Local Enforcement Agency's (LEA) issuance of the SWFP. Also, SWFPs are not required to be "renewed", rather reviewed every 5 years. The next five year permit review for Visalia Landfill is due by July 29, 2024.
- Page 896/1013 (PDF pages): CalRecycle E-1-77 Form. This application form states that a "New" Solid Waste Facility Permit (SWFP) is requested. The operator may permit the proposed project under the same SWFP as the Visalia Disposal Site. Please contact the Tulare County LEA for SWFP options.
 - Also, part 3, Facility Information of the application is filled out for the landfill and therefore is incorrect. The application will need to be filed for the Compost and Biomass Facility. Please see the application instructions for filing.
 - Directions for Completion of Form E-1-77 <https://www.calrecycle.ca.gov/LEA/Forms/#Permit>

Incoming material:

- Please include all the types of materials/feedstocks that will be accepted for each proposed activity.
- Will the material be source-separated?
- Where will all the material be accepted for both the CASP and the biomass operation? Where and how will incoming material be processed?
- Will additional material be accepted from new sources?

- How will any residual material be handled and/or disposed of?

Daily tonnage:

- How much material can be accepted in one day for each proposed activity? Will there be a daily limit on incoming material (in tons)?

Storage:

- Does the 200,000 cubic yard capacity include all material onsite including incoming material, pre-processed material, CASP capacity, and finished stored material? Please clarify the total site design capacity.
- What is the storage capacity of the biomass activity?
- Please describe how material will be stored and for how long. Will there be a limit on the amount of material or how long the material can be stored onsite?

Hours of Operation:

The project description for proposed hours of operation for the Compost Facility are Monday-Friday between 6:00 a.m. to 4:00 p.m., and 7:00 a.m. to 12:00 p.m. (noon) on Saturdays; summer hours may begin earlier than 6:00 a.m. and 24/7 for the Biomass Facility.

- Page 9 of the Composting Facility Operation Plan lists hours for receiving material as Monday – Friday from 7:00 a.m. to 4:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m., and processing hours will be 24 hours, 7 days per week. The hours in the Operation Plan are not consistent with the project description above. The proposed hours should be consistent throughout the FEIR and clearly identified for each activity.
- Please clarify the allowable hours of operation for the Compost Facility. Will any hours during the day or night be restricted? Is operation on Sundays restricted? Please include operation hours as well as ancillary hours (i.e., maintenance), and/or emergency hours.
- Additionally, the proposed project states, “A majority of the trips will occur between 7:00 a.m. and 9:00 a.m., and between 4:00 p.m. and 6:00 p.m.” These hours are inconsistent with the proposed project hours. Please clarify hours and traffic.
- Will any hours, such as receipt of material be restricted at the Biomass Facility?

Below are links to CalRecycle’s CEQA Toolbox which may assist the Lead Agency in preparing the FEIR for solid waste facilities, including composting activities:

- <https://www.calrecycle.ca.gov/swfacilities/permitting/ceqa/toolbox>
- <https://www.calrecycle.ca.gov/SWFacilities/Permitting/CEQA/Documents/Guidance/Compost/>

Solid Waste Regulatory Oversight

The Tulare County Department of Health Services, Division of Environmental Health is the Local Enforcement Agency (LEA) for Tulare County and responsible for providing regulatory oversight of solid waste handling activities, including inspections and permitting. Please contact the LEA, Sioux Lee at (559) 624-7400, to discuss the regulatory requirements for the proposed project.

CONCLUSION

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

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) 341-6772 or by e-mail at Joy.Isaacson@calrecycle.ca.gov.

Sincerely,

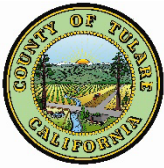


Joy Isaacson, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Eric Tanner, CalRecycle
Jessica Gocke, Tulare County LEA

Attachment 6

Comments Received from
San Joaquin Valley Unified Air Pollution Control District
(Air District), February 3, 2022
and
County Response to Comments



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277.
PHONE (559) 624-7000
FAX (559) 615-3002

Aaron R. Bock	Economic Development and Planning
Reed Schenke	Public Works
Sherman Dix	Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

September 15, 2022

SENT VIA EMAIL& CERTIFIED MAIL

Brian Clements, Director of Permit Services
San Joaquin Valley Unified Air Pollution Control District
1990 E. Gettysburg Ave.
Fresno, CA 93726-0244

Subject: Response to Comments – Visalia Disposal Site and Compost Facility (SCH# 2021020054);
District CEQA Reference No: 20211348

Dear Mr. Clements:

Thank you for providing the San Joaquin Valley Air Pollution Control District (Air District) letter response (dated February 3, 2022) regarding the Draft Focused Environmental Impact Report (DEIR) for the Visalia Disposal Site and Compost Facility (“Project”) (and biomass conversion component; formerly titled “Visalia Landfill – Compost and Biomass Conversion Facility”), SCH# 2021020054.

The County of Tulare acknowledges and recognizes the Air District’s authority and expertise regarding air quality issues relative to the proposed Project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the Project’s environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final Focused EIR (see below for website link) also includes RMA’s response to the Air District’s comments, which were prepared with assistance from consulting experts Yorke Engineering as follows.

The Applicant (Tulare County Solid Waste Department) has been notified of various Air District regulations and is aware that the Air District will make the final determination on applicable District permits/approval and the manner in which the Air District will receive them.

Comment 1a: Cleanest Available Truck: Although there would be no new HHD truck trips, the District recommends that the project proponent considers the following clean air measures.

- Advise fleets associated with Project operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NOx) technologies as feasible.
- Advise all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) to utilize zero-emissions technologies as feasible.

Response: *Comment noted. Tulare County endeavors to utilize the cleanest available HHD truck technologies and on-site service equipment. As indicated in the Air Quality Impact Analysis and GHG Technical Report (AQ/GHG Report) included in Appendix “A” of the Draft EIR, dedicated*

project off-road equipment will employ Tier 4 engines where feasible/applicable. Appendix C of the AQ/GHG Report (at page C-5) notes that the equipment used for processing organic feedstock and finished compost are assumed to be equipped with Tier 4-final engines.

Comment 1b: Truck Routing: The District recommends the County evaluate HHD truck routing patterns to help limit emission exposure to residential communities and sensitive receptors. More specifically, this measure would assess current truck routes, in consideration of the number and type of each vehicle, destination/origin of each vehicular trip, time of day/week analysis, vehicle miles traveled and emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT, and air quality.

Response: *As concluded in the AQ/GHG Report (included in Appendix “A” of the Draft EIR), “A risk prioritization analysis is presented in Appendix F and summarized in Table 4-7. It assesses the potential health risk from the proposed Project by calculating a prioritization score at the nearest residential and business receptors. The prioritization score was determined to be an intermediate risk. Since there are no sensitive receptors within 0.5 miles of the Project site, and there is a low population density in the vicinity of the Project, the proposed Project’s TAC emissions would have less-than-significant health risk impacts.” “Based on the intermediate prioritization score, the absence of any nearby sensitive receptors, and low population density in the vicinity of the Project, it is reasonable to conclude that the construction and operation of the proposed Project will not expose sensitive receptors to substantial pollutant concentrations or health risks. Therefore, the Project will have a less than significant impact on sensitive receptors.” (see AQ/GHG Report (at pages 4-10 and 4-11). It is noted that prevailing winds are predominantly from the northwest to the southeast; the nearest potential sensitive receptor is **directly east and slightly north** (emphasis added) of the Project. The compost facility’s site location actually adds an additional 0.5-mile distance to the nearest potential sensitive receptor thereby increasing the distance from the potential sensitive receptor to approximately one (1) mile. As such, not only would distance dilute emissions, but the prevailing winds would also direct the remaining emissions’ trajectory away from the potential sensitive receptor.*

*As the number of haul trucks will remain at their present levels (and ultimately within permitted limits as stated in the current Solid Waste Facility Permit (SWFP)) and will continue to use Avenue 328 as the only point of ingress/egress, emissions will neither increase nor decrease. The current green waste and wood waste streams would be diverted internally to a different area of the landfill site (rather than to a disposal cell), and the new organic wastes tons would be diverted directly to the compost facility instead of to its current area within the existing landfill. As such, diversion of the green and wood waste streams would reduce the distance travelled to a disposal cell, thereby reducing VMT and air quality emissions. Lastly, as noted in Tulare County SB 743 Guidelines, “It is important to note that goods movement (e.g., the transport of raw or finished products from one location to another, for example, transfer of milk to an ice cream producing plant and then the transfer of ice cream to a distributor or directly to a retailer) is not subject to SB 743 and **only passenger trips** (emphasis added) need to be considered in a VMT analysis.”¹ Since “raw” products (i.e., green or wood waste) and finished product (i.e., composting material) are considered goods movement; they are exempt from VMT.*

¹ County of Tulare. SB 743 Guidelines. June 2020. Page 6. See: <https://tularecounty.ca.gov/rma/index.cfm/rma-documents/planning-documents/tulare-county-sb-743-guidelines-final/>

Comment 2: Health Risk Assessment Screening: The Health Risk Screening should evaluate toxic emissions associated with biomass/biochar or the cooling tower. The District recommends a health risk screening ensure that all sources of toxic emissions associated with the Project be included.

Response: *The AQ/GHG Report provides the health risk information that the Air District has suggested that the CEQA document should contain. Specifically, the bioenergy (biomass) facility toxic emissions for the material handling, dryer, internal combustion engines (ICEs) and flare are summarized in Appendix E, Section 5 (Tables 5-1 to 5-5) of the AQ/GHG Report. Appendix F, Attachment 2 of the of the AQ/GHG Report summarizes the risk prioritization score calculations. As summarized in Attachment 2, the toxic emissions for the material handling, dryer, ICEs and flare of the bioenergy facility were included in the prioritization calculation. With respect to the cooling tower TAC emissions, Yorke assumed that there would be no TAC emissions from the cooling tower because the cooling tower will use the municipal water supply for makeup water. This is a common assumption when assessing cooling tower emissions.*

Comment 3a-d: District Rules and Regulations: District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources; District Rule 9510 (Indirect Source Review); District Regulation VIII - Fugitive PM 10 Prohibitions; Other District Rules and Regulations

Response: *Comment noted. In addition to applicable rules/regulations, the County will be seeking Authorities to Construct and Permits to Operate for the Project.*

The project will be heard before the Tulare County Board of Supervisors on September 27, 2022 for consideration of certifying the Final Focused EIR and approving the project. The Final Focused EIR will be available beginning September 16, 2022 at the following website:

<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>

In closing, we sincerely appreciate the Air District's comments which will be useful toward ensuring that the proposed Project complies with Air District requirements/standards and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me at (559) 624-7121.

Very Best Regards,



Hector Guerra, Chief
Environmental Planning Division

Attachment: Air District comment letter dated February 3, 2022

Cc: Harout Sagherian, Air Quality Specialist
File

February 3, 2022

Jessica R. Willis
County of Tulare
Economic Planning Division
5961 South Mooney Boulevard
Visalia, CA 93277

**Project: Visalia Landfill – Compost and Biomass Conversion Facility
Draft Environmental Impact Report, SCH #2021020054**

District CEQA Reference No: 20211348

Dear Ms. Willis:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the project referenced above from the County of Tulare (County). The project consists of the construction and operation of a covered aerated static pile compost facility and to add a 2.0 mega-watt biomass conversion facility to produce electricity, heat and biochar using wood fuel (Project). The Project is located at the existing Visalia Landfill site, on 8614 Avenue 328, in Visalia, CA (APN 077-020-030).

The District offers the following comments:

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, PM2.5 standards.

Based on DEIR, Project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the following District

Samir Sheikh
Executive Director/Air Pollution Control Officer

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: (861) 392-5500 FAX: (861) 392-5585

significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts:

<http://www.valleyair.org/transportation/GAMAQI.pdf>

1a) Cleanest Available Truck

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from heavy-heavy duty (HHD) Trucks, the single largest source of NO_x emissions in the San Joaquin Valley. The District recently adopted the 2018 PM_{2.5} Plan which includes significant new reductions from HHD Trucks, including emissions reductions by 2023 through the implementation of the California Air Resources Board (CARB) Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 0.2 g/bhp-hr NO_x standard by 2023. Additionally, to meet the federal air quality standards by the 2020 to 2024 attainment deadlines, the District's Plan relies on a significant and immediate transition of heavy duty truck fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NO_x established by the California Air Resources Board.

Per the DEIR, the excess waste is expected to be diverted to new locations. For example, currently the green waste and wood waste are being diverted to a different area within the existing landfill site, and the organic waste expected to be generated from the Project will be diverted directly to the compost facility. Therefore, the DEIR states that the HHD truck trips for the Project are not expected to increase since the number of haul trucks used to import green or wood waste and the new organic waste would be diverted directly to the compost facility instead of its current area within the existing landfill. As such, the DEIR concluded there would be no new vehicle trips for HHD trucks and the existing HHD trucks would merely change the location of the trip ends.

Although there would be no new HHD truck trips, the District recommends that the project proponent considers the following clean air measures.

- Advise fleets associated with Project operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NO_x) technologies as feasible.
- Advise all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) to utilize zero-emissions technologies as feasible.

1b) Truck Routing

Truck routing involves the path/roads HHD trucks take to and from their destination. The Project involves organic waste to be generated and diverted directly to the compost facility instead of its current area within the existing landfill.

As a result of diverting truck trips, air emissions from HHD trucks can impact residential communities and sensitive receptors. For example, the nearest single family residence is located approximately 0.5 miles east of the Project location.

The District recommends the County evaluate HHD truck routing patterns to help limit emission exposure to residential communities and sensitive receptors. More specifically, this measure would assess current truck routes, in consideration of the number and type of each vehicle, destination/origin of each vehicular trip, time of day/week analysis, vehicle miles traveled and emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT, and air quality.

2) Health Risk Screening/Assessment

The District has reviewed the Project's Health Risk Screening and is providing the comment below for informational purposes for this Project. It is important to note, the following comment will not impact the DEIR's overall conclusion that the Project would have a less than significant impact from health risk to sensitive receptors.

- The Health Risk Screening should evaluate toxic emissions associated with biomass/biochar or the cooling tower. The District recommends a health risk screening ensure that all sources of toxic emissions associated with the Project be included.

3) District Rules and Regulation

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

3a) 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 requires operators of emission sources to obtain an Authority to

Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits.

Prior to commencing construction on any permit-required equipment or process, a finalized Authority to Construct (ATC) must be issued to the Project proponent by the District. For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

3b) District Rule 9510 (Indirect Source Review)

Per District Rule 9510 (Indirect Source Review) 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.

3c) District Regulation VII - Fugitive PM 10 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*.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

3d) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

If you have any questions or require further information, please contact Harout Sagherian by e-mail at Harout.Sagherian@valleyair.org or by phone at (559) 230-5860.

Sincerely,

Brian Clements
Director of Permit Services



For Mark Montelongo
Program Manager

CHAPTER 8

MITIGATION MONITORING AND
REPORTING PROGRAM

Chapter 8

Mitigation Monitoring and Reporting Program

This Draft Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and based upon the findings of the Draft Environmental Impact Report (EIR) for the proposed Visalia Disposal Site (Landfill or landfill, including a biomass conversion component) and Compost Facility Project. The MMRP lists mitigation measures recommended in the Draft EIR for the proposed Project and identifies monitoring and reporting requirements.

The CEQA Public Resources Code Section 21081.6 requires the Lead Agency decision making body that is going to approve a project and certify the EIR also adopt a reporting or monitoring program for those measures recommended to mitigate or avoid significant/adverse effects of the environment identified in the EIR. The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The MMRP is to contain the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when and by whom, and compliance will be monitored and reported and to whom it will be reported. As necessary the reporting should indicate any follow-up actions that might be required if the reporting notes the impact has not been mitigated.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon the recommendations by those responsible for the MMRP. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

Table 8-1 presents the Mitigation Measures identified for the proposed Project in this EIR. Each Mitigation Measure is identified by the impact number. For example, 3.2-1 would be the first Mitigation Measure identified in the biological resources analysis of the draft EIR.

The first column of **Table 8-1** identifies the Mitigation Measure. The second column, entitled “Monitoring Timing/Frequency,” identifies the time the Mitigation Measure should be initiated and the frequency of the monitoring that should take place to assure the mitigation is being or has been implemented to achieve the desired outcome or performance standard. The third column, “Action Indicating Compliance,” identifies the requirements of compliance with the Mitigation Measure. The fourth column, “Monitoring Agency,” names the party ultimately responsible for ensuring that the Mitigation Measure is implemented. The fifth column, “Person/Agency Conducting Monitoring/Reporting” names the party/agency/entity responsible for verification that the Mitigation Measure has been implemented. The last three columns will be used by the Lead

Agency (County of Tulare) to ensure that individual Mitigation Measures have been complied with and monitored.

Draft Focused Environmental Impact Report (SCH# 2021020054)
Visalia Disposal Site Compost Facility

**Table 8-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
3.1 AIR QUALITY							
3.1-1 The Tulare County Solid Waste Department shall mitigate 29.44 TPY (or other amount determined by the SJVUAPCD) of VOC emissions through the use of NSR requirements for ERCs (or other means acceptable to the SJVUAPCD), to ensure criteria pollutant thresholds are not exceeded.	Prior to and during construction-related activities. On-going for operations-related activities.	Applicant receives applicable Air District approvals/permits	County of Tulare Solid Waste Department / Planning Department	County of Tulare Solid Waste Department			
3.2 BIOLOGICAL RESOURCES							
Swainson's Hawk (SWHA)							
3.2-1 Temporal Avoidance. In order to avoid impacts to nesting birds, construction activities in the rural zone will occur, where possible, outside the nesting season, typically defined as March 1-September 15.	Prior to start of construction.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable.	County of Tulare Solid Waste Department	County of Tulare Solid Waste Department			
3.2-2 Pre-construction Surveys. If construction activities in the rural zone must occur between March 1 and September 15, then a qualified biologist will conduct preconstruction nest surveys for Swainson's hawks on and within ½ mile of the work area within 30 days prior to the start of construction. The survey will consist of inspecting all accessible, suitable trees of the survey area for the presence of nests and hawks.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Solid Waste Department	Qualified biologist.			

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Table 8-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
3.2-3 Avoidance of Active Nests. Should any active Swainson's hawk nests be discovered within the survey area, the observation will be submitted to the CNDDDB, and if nests are discovered within the Project site, an appropriate disturbance-free buffer will be established around the nest based on local conditions and in consultation with the CDFW. Disturbance-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until a qualified biologist has determined that the young have fledged and are capable of foraging independently.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Solid Waste Department	Qualified biologist.			
Burrowing Owl (BUOW)							
3.2-4 Pre-construction Surveys. A pre-construction survey for burrowing owls will be conducted by a qualified biologist within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Solid Waste Department	Qualified biologist.			
3.2-5 Avoidance of Active Nests. If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, then a 250-foot construction setback will be established around active owl	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Solid Waste Department and CA Dept. Fish and Wildlife (CDFW)	Qualified biologist.			

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**Table 8-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
nests, or alternate avoidance measures implemented in consultation with CDFW. The buffer areas will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e., once all young have left the nest), passive relocation of any remaining owls may take place as described below.							
3.2-6 Passive Relocation of Resident Owls. During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Solid Waste Department and CDFW	Qualified biologist.			

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Table 8-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
San Joaquin Kit Fox							
3.2-7 Pre-construction Surveys. Pre-construction surveys shall be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS <i>Standard Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (2011)</i> . The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, then the USFWS and CDFW shall be contacted immediately to determine the best course of action.	Prior to initiation of construction	Issuance of building permit	County of Tulare Solid Waste Department and CDFW	Qualified biologist			
3.2-8 Avoidance. Should a kit fox be found using any of the sites during preconstruction surveys, then the project will avoid the habitat occupied by the kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified.	Prior to and during construction	Issuance of building permit	County of Tulare Solid Waste Department and CDFW	County of Tulare Solid Waste Department & Qualified biologist			
3.2-9 Minimization. Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures	Prior to and during construction	Issuance of building permit	County of Tulare Solid Waste	County of Tulare Solid Waste			

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Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
include, but are not limited to, restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.			Department and CDFW	Department & Qualified biologist			
3.2-10 Employee Education Program. Prior to the start of construction, the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.	Prior to initiation of construction	Issuance of building permit	County of Tulare Solid Waste Department and CDFW	County of Tulare Solid Waste			
3.2-11 Mortality Reporting. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the	During construction	Issuance of building permit	County of Tulare Solid Waste Department and CDFW	County of Tulare Solid Waste Department & Qualified biologist			

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**Table 8-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
incident or of the finding of a dead or injured animal, and any other pertinent information.							
Tricolored Blackbird (TRBL)							
<p>3.2-12 Pre-construction Surveys. If construction activities must occur between February 1 and September 15, then a qualified biologist will conduct pre-construction surveys to determine the presence/absence of tricolored blackbirds on and, to the extent feasible, within 500 feet of the project site, no more than 10 days prior to the start of construction.</p> <p>Should any tricolored blackbirds be discovered within the survey area, then the observation will be submitted to the CNDDB, and the local CDFW office (Fresno) will be contacted. Additional measures, if any, will be identified in consultation with the CDFW based on local conditions.</p>	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/submittal of Report of Findings, if applicable	County of Tulare Solid Waste Department	Qualified biologist			
3.3 CULTURAL RESOURCES							
3.3-1 In the event that historical, archaeological, or paleontological resources are discovered during site excavation, then the County shall require that grading and construction work on the project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/	During construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare Solid Waste Department via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be			

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**Table 8-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
paleontologist to make recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.				taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.3-2 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, then it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental [that is, unanticipated] discovery or recognition of any human remains in any location other than a dedicated cemetery, then the following steps must be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: a. The Tulare County Coroner/Sheriff must be contacted to determine that no	During construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare Solid Waste Department via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

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**Table 8-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
<p>investigation of the cause of death is required; and</p> <p>b. If the coroner determines the remains to be Native American:</p> <p>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</p> <p>ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</p> <p>iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or</p> <p>2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most</p>							

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Table 8-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
likely descendent failed to make a recommendation within 24 hours after being notified by the commission. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.							
3.5 GEOLOGY AND SOILS (PALEONTOLOGICAL RESOURCES)							
3.5-1 The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, then all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources require further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Solid Waste Department and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Solid Waste Department determines avoidance is not feasible, then the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Solid	During construction activities.	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare Solid Waste Department	County of Tulare Solid Waste Department			

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Table 8-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
Waste Department for review and approval. Upon approval, the plan shall be incorporated into the project.							
3.9 TRIBAL CULTURAL RESOURCES							
3.9-1 In the event that historical, archaeological, paleontological, or tribal cultural resources are discovered during site excavation, then the County shall require that grading and construction work on the Project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, a unique paleontological resource, or a tribal cultural resource, or to undertake data recovery, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.	During construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Tulare County Solid Waste Department / Planning Department	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.9-2 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during	During construction	Daily or as needed throughout the construction period if	County of Tulare Solid Waste Department	A qualified archaeologist shall document the results of			

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**Table 8-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
<p>Project construction, then it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental [that is, unanticipated] discovery or recognition of any human remains in any location other than a dedicated cemetery, then the following steps must be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation 		suspicious resources are discovered		field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

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**Table 8-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
<p>work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or</p> <p>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>							
<p>3.9-3 Prior to the start of construction the applicant will coordinate with the Santa Rosa Rancheria Tachi Yokut Tribe to provide a tailgate meeting to train all construction staff that will be involved with the project regarding Tribal Cultural Resources.</p>	Prior to initiation of construction	Issuance of grading/building permit	County of Tulare Solid Waste Department / Planning Department	County of Tulare Solid Waste Department			

ERRATA AND CLARIFICATIONS OF THE DRAFT EIR

Errata and Clarifications of the Draft EIR

REVISIONS AND CLARIFICATIONS MADE TO THE DRAFT EIR

Revisions and clarifications to the Draft Focused Environmental Impact Report (DEIR) are included as Errata pages within this document and are indicated by strikeout text (e.g., ~~strikeout~~), indicating deletions, and underline text (e.g., underline), indicating additions. These revisions are summarized in the list below.

TYPOGRAPHICAL, GRAMMATICAL, AND FORMATTING REVISIONS

Corrections of typographical and grammatical errors (such as misspellings, punctuation, duplicate words, capitalization, verb tense, etc.) and to general formatting (such as use of underlines, bold and italic fonts, tab settings, footnote styles, etc.) have been made throughout the Draft EIR and are not identified with strikeout or underline text.

CLARIFICATIONS NOT RESULTING IN CHANGES TO TEXT

Tulare County Board of Supervisors

At the time of public release of the DEIR (December 2021), the Tulare County Board of Supervisors Chairperson was Amy Shuklian, and the Vice-Chair was Eddie Valero. As of January 1, 2022, the Chairperson is Eddie Valero, and the Vice-Chair is Dennis Townsend.

Composting and Biomass Facilities

The terms “composting facility” and “biomass conversion facility” or “biomass facility” are often used interchangeably. And although they are similar in nature in that they both convert organic waste materials (plant waste) into usable product, the operational processes and end products are very different and are regulated as such.

According to the California Department of Resources Recycling and Recovery (CalRecycle), “Composting is the process of the controlled aerobic decomposition of organic material such as leaves, twigs, grass clippings, and food scraps. Aerobic means with oxygen. Compost is the finished product that results from aerobic composting. It is a soil amendment containing a wide variety of nutrients, micro-nutrients, and organic matter, all of which benefits the soil. Whether it’s done on site, at the point of waste generation or in a large-scale, centralized facility, composting helps to keep the high volume of organic material out of landfills and turns it into a product that is useful for soil restoration.”¹

According to CalRecycle, “‘Biomass conversion’ means the production of heat, fuels, or electricity by the controlled combustion of, or the use of other noncombustion thermal conversion technologies on, specific materials, when separated from other solid waste. Materials used for biomass conversion are defined as: agricultural crop residues, bark, yard, lawn and garden

¹ CalRecycle, accessed September 2022 at <https://calrecycle.ca.gov/organics/compostmulch/>

clippings, leaves, silviculture residue, tree and brush pruning, wood, wood chips, wood waste, nonrecyclable pulp, and nonrecyclable paper materials.”²

The proposed Project is necessary for compliance with SB 1383 regulations. The proposed Compost Facility will occupy a 24-acre portion of a 36-acre soil borrow pit within the existing landfill and will convert compostable green waste and food scraps into usable soil amendment (compost). The proposed Biomass Conversion Components will occupy 2 acres within the landfill in an area already used for storage of noncompostable green waste. The facility would convert noncompostable greenwaste and paper materials into a usable energy stream. The 38-acre Project are mentioned is some discussions of the EIR is the total area of the borrow pit containing the compost facility and the biomass conversion facility area.

REVISIONS MADE THROUGHOUT THE DRAFT EIR

To remain consistent with the current CalRecycle landfill naming designation, “Visalia Landfill” has been revised to “Visalia Disposal Site”. Also, as the proposed compost facility will have its own separate and distinct Solid Waste Facility Permit (SWFP), it will be named the “Visalia Compost Facility”. As such, the following changes have been made throughout the EIR.

- The Project name “Visalia Landfill Compost and Biomass Conversion Facility” has been revised to read “Visalia Disposal Site and Compost Facility” and it is identified in each chapter as “Visalia Disposal Site (Landfill or landfill, including a biomass conversion component) and Compost Facility”.

Visalia Disposal Site (Landfill or landfill, including a biomass conversion component) and Compost and Biomass Conversion Facility

- The name “Visalia Landfill” has been revised to “Visalia Disposal Site”.

Visalia Landfill Disposal Site, or
Visalia Disposal Site (Landfill), or
Visalia Disposal Site (Landfill)

- The terms “compost and biomass conversion facility”, “composting and biomass conversion facility”, “compost and biomass facility”, and “composting and biomass facility” have been revised to read “compost facility and biomass conversion component”, “composting facility and biomass conversion component”, “compost facility and biomass component”, and “composting facility and biomass conversion component”, respectively.

compost facility and biomass conversion facility component
composting facility and biomass conversion facility component

2 CalRecycle, accessed September 2022 at
<https://calrecycle.ca.gov/swfacilities/rdreporting/biomass/#:~:text=Biomass%20Home%3A%20Biomass%20Conversion%20Facility%20Reporting,-Biomass%20Conversion%20Facility&text=%E2%80%9CBiomass%20conversion%E2%80%9D%20means%20the%20production,separated%20from%20other%20solid%20waste.>

compost ~~facility~~ and biomass ~~facility~~conversion component
composting ~~facility~~ and biomass ~~facility~~conversion component

- The terms “biomass conversion facility” and “biomass facility” have been revised to read “biomass conversion component” and “biomass component”, respectively.

biomass conversion ~~facility~~component
biomass ~~facility~~component

REVISIONS MADE TO THE TABLE OF CONTENTS

1. Due to the incorporation of the revisions and clarifications identified in this document, the page numbers in the revised Draft EIR may vary from the page numbers in the Draft EIR released on December 3, 2021. The Table of Contents have been revised for consistency with the Revised Draft EIR.
2. The Table of Contents have been revised to include page listings for the Executive Summary, which includes sections: Project Description, Project Location, and Summary of Chapters.
3. The following chapter titles have been revised for consistency with the Draft EIR as follows:
 - Chapter 2 – Project Description ~~and Objectives~~
 - Chapter 4 – ~~Summary of Cumulative Impacts~~ Summary
 - Chapter 6 – Economic, ~~& Social~~ Effects & Growth Inducing ~~Effects~~ Impacts
4. The following changes have been made to the listings under Chapter 7 – Immitigable Impacts.
 - ~~No Environmental Effects That Cannot be Avoided~~
 - Definitions and/or Acronyms
5. The following changes to figure titles have been made for consistency with the Draft EIR as follows.
 - Figure 2-4: Entire Visalia ~~Landfill~~ Disposal Site and Compost Facility Site Plan
 - Figure 2-5: ~~Visalia Landfill Site Plan with Composting and Biomass Facilities~~ Site Plan
 - Figure 3.6-2: Trends in California GHG Emissions (organized by the categories in the AB 32 Scoping Plan)
 - Figure 3.6-23: Process of Determining Significance of Greenhous Gas Emissions
 - ~~Figure 3.8-1: Process of Determining Significance of Greenhouse Gas Emissions~~
 - Figure 3.7-23: Tulare Lake Hydrologic Region Water Balance
6. The following changes to table titles have been made for consistency with the Draft EIR as follows.
 - Table 3.1-4: Air Quality Monitoring Stations (as of ~~2019~~2020)

- Table 3.1-5: Air Quality Monitoring Summary 2018 – 2020
- Table 3.1-8: Air Quality Thresholds of Significance - Criteria Pollutants Emissions
- Table 3.1-11: AAQA Modeling Results
- ~~Table 3.9-1: Transport of Hazardous Waste~~

REVISIONS MADE TO MITIGATION MEASURES AND THE MITIGATION MONITORING AND REPORTING PROGRAM

The following revisions have been made to reconcile the Mitigation Measures identified in Table ES-1 of the Executive Summary, Impact Analyses (Chapter 3), and Table 8-1 of Chapter 8 Mitigation Monitoring and Reporting Program (MMRP) of the Draft EIR.

7. In the Monitoring Agency and Person Conducting Monitoring/Reporting columns of Table ES-1 and Table 8-1, the County agency responsible for the monitoring and/or reporting has been revised as follows.

- County of Tulare Solid Waste Department
- County of Tulare Solid Waste ~~Division~~ Department

8. In Table ES-1 and Table 8-1, The California Department of Fish and Wildlife (CDFW) abbreviations have been added to the heading for each species identified under 3.2 Biological Resources as follows:

- Swainson's ~~h~~ Hawk (SWHA)
- Burrowing Owl (BUOW)
- San Joaquin ~~k~~ Kit f Fox (SJKF)
- Tricolored Blackbird (TRBL)

9. Mitigation Measure 3.2-2 has been revised to read as follows:

3.2-2 Pre-construction Surveys. If construction activities in the rural zone must occur between March 1 and September 15, then a qualified biologist will conduct preconstruction nest surveys for Swainson's hawks on and within ½ mile of the work area within 30 days prior to the start of construction...

10. Mitigation Measure 3.2-3 has been revised to read as follows:

3.2-3 *Avoidance of Active Nests.* Should any active Swainson's hawk nests be discovered within the survey area, then the observation will be submitted to the CNDDDB, and if nests are discovered within the Project site, then an appropriate disturbance-free buffer will be established around the nest based on local conditions and ~~agency guidelines~~ in consultation with the CDFW. Disturbance-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until a qualified biologist has determined that the young have fledged and are capable of foraging independently

11. Mitigation Measure 3.2-5 has been revised to read as follows:

3.2-5 *Avoidance of Active Nests.* If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, then a 250-foot construction setback will be established around active owl nests, or alternate avoidance measures implemented in consultation with CDFW...

12. Mitigation Measure 3.2-7 has been revised to read as follows:

3.2-7 *Pre-construction Surveys.* Pre-construction surveys shall be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS *Standard Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (2011)*. The primary objective is to identify kit fox habitat features (e.g.; potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, then the USFWS and CDFW shall be contacted immediately to determine the best course of action.

13. Mitigation Measure 3.2-8 has been revised to read as follows:

3.2-8 *Avoidance.* Should a kit fox be found using any of the sites during preconstruction surveys, then the project will avoid the habitat occupied by the kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified

14. Mitigation Measure 3.2-12 has been added as follows:

Tricolored Blackbird (TRBL)

3.2-12 *Pre-construction Surveys.* If construction activities must occur between February 1 and September 15, then a qualified biologist will conduct pre-construction surveys to determine the presence/absence of tricolored blackbirds on and, to the extent feasible, within 500 feet of the project site, no more than 10 days prior to the start of construction. Should any tricolored blackbirds be discovered within the survey area, then the observation will be submitted to the CNDDB, and the local CDFW office (Fresno) will be contacted. Additional measures, if any, will be identified in consultation with the CDFW based on local conditions.

Monitoring Timing/Frequency: Prior to initiation of construction

Action Indicating Compliance: Issuance of building permit

Monitoring Agency: County of Tulare Solid Waste Department and CDFW

Person Conducting Monitoring/Reporting: Qualified biologist

15. Mitigation Measure 3.3-1 has been revised to read as follows:

3.3-1 In the event that historical, archaeological, or paleontological resources are discovered during site excavation, then the County shall require that grading and construction work on the project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist...

16. Mitigation Measure 3.3-2 addresses paleontological resources, which is addressed in Chapter 3.5 Geology and Soils, and included as Mitigation 3.5-1. As such, Mitigation Measure 3.3-2 has been removed, and Mitigation Measure 3.3-3 has been revised to read Mitigation Measure 3.3-32.

3.3-32 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, then it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental [that is, unanticipated] discovery or recognition of any human remains in any location other than a dedicated cemetery, then the following steps ~~should~~ must be taken: ...

17. Mitigation Measure 3.5-1 has been revised to read as follows:

3.5-1 The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, then all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources require further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County ~~Resource Management Agency~~ Solid Waste Department and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County ~~Resource Management Agency~~ Solid Waste Department determines avoidance is not feasible, then the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County ~~Resource Management Agency~~ Solid Waste Department for review and approval. Upon approval, the plan shall be incorporated into the project.

18. Mitigation Measure 3.9-1 has been revised to read as follows:

3.9-1 In the event that historical, archaeological, ~~or~~ paleontological, or tribal cultural resources are discovered during site excavation, then the County shall require that grading and construction work on the Project site be immediately suspended until the significance of the features can be determined... shall retain a qualified archaeologist/paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, ~~or~~ a unique paleontological resource, or a tribal cultural resource, or to undertake data recovery, excavation analysis, and curation of

19. Mitigation Measure 3.9-2 has been revised to read as follows:

3.9-2 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during Project construction, then it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental [that is, unanticipated] discovery or recognition of any human remains in any location other than a dedicated cemetery, then the following steps ~~should~~must be taken:...

20. Mitigation Measure 3.9-3 has been added to address Tribal Cultural Resources pursuant to the Native American tribal consultation process.

Mitigation Measure: **3.9-3** Prior to the start of construction the applicant will coordinate with the Santa Rosa Rancheria Tachi Yokut Tribe to provide a tailgate meeting to train all construction staff that will be involved with the project regarding Tribal Cultural Resources.

Monitoring Timing/Frequency: Prior to initiation of construction

Action Indicating Compliance: Issuance of grading/building permit

Monitoring Agency: County of Tulare Solid Waste Department / Planning Department

Person Conducting Monitoring/Reporting: County of Tulare Solid Waste Department

REVISIONS MADE TO THE DRAFT EIR BY CHAPTER

The revisions made throughout the EIR are not specifically identified by chapter; however, they are included in this section if they were added for clarification or are in close proximity to the additional changes identified below.

- 21. Executive Summary, Pages ES-1 through ES-15 and Chapter 8 Mitigation Monitoring and Reporting Program, Pages 8-1 through 8-14:** The footer has been revised for consistency with the other chapters of the EIR as follows.

~~November~~ December 2021.

- 22. Executive Summary, Page ES-1:** The last sentence of the second paragraph has been revised as follows.

This Draft EIR, in its entirety, addresses and discloses potential environmental effects associated with construction and operation of the proposed Project, including direct, indirect, and cumulative impacts in the following resource areas: Air Quality, Biological Resources, Cultural Resources, Energy, Geology & Soils, Greenhouse Gases, Hydrology & Water Quality, Transportation, and Tribal Cultural Resources. All other impact areas were determined to either have no impact or have a less than significant impact (with or without mitigation).

- 23. Executive Summary, Page ES-1:** The third paragraph on the page has been revised as follows.

CEQA requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An Environmental Impact Report (EIR) is a public disclosure document designed to provide local and state governmental agency decision makers with an objective analysis of potential environmental consequences to support informed decision-making. This Draft Focused EIR (State Clearinghouse# 2021020054) has been prepared by Tulare County in accordance with CEQA Guidelines §15120 through §15131 and §15161 regulating EIRs to evaluate the environmental consequences of the ~~Health and Safety Element Update~~ Project, to discuss alternatives to the proposed Project, and to propose mitigation measures that will offset, minimize or avoid identified significant environmental impacts. Pursuant to CEQA Guidelines §15082, the Notice of Preparation ~~for~~ for the DEIR for the proposed Project was circulated for review and comment on February 2, 2021 and circulated for a 30-day comment period ending March 5, 2021. A Scoping Meeting was duly noticed and held on February 18, 2021, at 1:30 p.m. at 5961 South Mooney Boulevard, Visalia, CA, in the Tulare County Resource Management Agency, Conference Room D. No comments were received during this meeting.

- 24. Executive Summary, Page ES-2:** The last sentence of the first paragraph on the page has been revised as follows.

The compost facility would include ~~installing~~ installation of processing and composting equipment, a 50,000 square foot processing building, compacted compost pads, and a lined pond.

- 25. Executive Summary, Page ES-2:** The third sentence of the second paragraph on the page has been revised as follows.

... The facility is anticipated to produce approximately 20-30 MM BTU of waste heat and approximately 300-600 pounds of biochar per hour and operate 24 hours per day and 7 days per week...

26. Executive Summary, Page ES-2: The Project Location discussion has been revised as follows.

The proposed Project is located at the northeast corner of Avenue 328 and Road 80, approximately one (1) mile north of the City of Visalia~~includes all unincorporated areas within the County of Tulare.~~

27. Executive Summary, Pages ES-2 through ES-3: The Summary of Chapters discussion has been revised as follows.

- **“Executive Summary”** summarizes the findings of this ~~SPEIR~~DEIR and provides a summary of the contents of the ~~SPEIR~~DEIR.
- **Chapter 3, “~~Environmental Setting, Impacts Analysis, and Mitigation Measures,~~”** examines the existing conditions and regulatory setting for potential ~~cumulative~~ impacts as a result of the Project. The chapter will conclude that with mitigation measures the update to the Project will result in no significant ~~cumulative~~ resource impacts ~~beyond those included in the Recirculated Environmental Impact Report prepared for the Tulare County General Plan 2030 Update.~~
- **Chapter 4, “Cumulative Impacts Summary,”** ~~describes~~analyzes the cumulative impacts ~~from several projects is the change in the environment~~ which results from the incremental impact of the ~~p~~Project when added to the impacts of other ~~closely related~~ past, present, and reasonably foreseeable probable future projects ~~potential growth-inducing impacts that may result from the Project.~~ The chapter will conclude that the Project will result in no significant ~~growth-inducing~~cumulative impacts ~~beyond those included in the Visalia Landfill Master Development Plan EIR.~~
- **Chapter 5, “Alternatives,”** examines three Alternatives to ~~updating~~ the Project.
 - ❖ Alternative 1 - No-Project Alternative, as required by CEQA. Under this alternative, the compost and biomass conversion facility will not be developed and landfill operations will continue as they are now currently permitted;
 - ❖ Alternative 2 - Alternate Site, would relocate the proposed Project to an alternate location rather than the proposed Project site within the existing footprint of the Visalia Landfill; and
 - ❖ Alternative 3 No Biomass Conversion Facility Component, would reduce the size of the proposed Project by removing the 2-acre ~~B~~biomass ~~C~~conversion Facility component.

- **Chapter 6, “Economic & Social Effects & Growth-Inducing Impacts,”** discusses economic, social and growth inducing effects of the Project.
- **Chapter 7, “~~Significant and Irreversible Environmental Changes~~Immitigable Impacts,”** are examined as required by CEQA.
- **Chapter 9, “Report Preparation,”** lists key persons from the County of Tulare that contributed to preparation of the Draft Focused EIR as follows: the sitting Tulare County Board of Supervisors, Tulare County Resource Management Agency Director, Economic Development and Planning Branch Director, Chief Environmental Planner, ~~and Environmental Planning Division staff, and Public Works Sstaff, and Tulare County Solid Waste staff.~~ The administrative Draft EIR was prepared by Crawford & Bowen Planning, Inc.

28. Chapter 2 Project Description, Page 2-3: The first sentence in the first paragraph of the “Project Construction” discussion has been revised to reflect the overall Project acreage as follows.

The ~~3638~~-acre proposed site (approximately 36 acres for the CASP and two-acres for the biomass component) would be located in a soil borrow pit...

29. Executive Summary, Page ES-3: The last sentence of the first paragraph of the “Project Construction” discussion has been revised as follows.

Construction at the site would last approximately five to six months for Phase 1, a 100,000 TPY CASP module, and would include ~~installing~~installation of processing and composting equipment...

30. Chapter 2 Project Description, Figure 2-2, Page 2-5: The name of the figure has been revised as follows.

Figure 2-2 Location Map

31. Chapter 2 Project Description, Figure 2-3, Page 2-6: The name of the figure has been revised as follows.

Figure 2-3 Aerial Location Map.

32. Chapter 2 Project Description, Figure 2-4, Page 2-7: An older version of the map was inadvertently included in the Draft EIR. The map has been updated to provide the current site plan. Also, the name of the figure has been revised as follows.

Figure 2-4 Entire Visalia ~~Landfill~~Disposal Site and Compost Facility Site Plan.

- 33. Chapter 2 Project Description, Figure 2-5, Page 2-8:** As the biomass facility will be located along the eastern boundary of the landfill, the map has been updated to provide the current compost facility site plan. Also, the name of the figure has been revised as follows.

Figure 2-5 ~~Visalia Landfill Site Plan with Composting and Biomass Facilities~~ Site Plan.

- 34. Chapter 2 Project Description, Page 2-17:** The first sentence of the “Biomass Facility” discussion has been revised as follows.

~~The Tulare County Public Works Solid Waste Department~~ is proposing to amend ~~their~~ its ~~CUPS~~ Special Use Permit application to add a 2.0 mega-watt (MW) biomass conversion facility at ~~their~~ the ~~Visalia Disposal Site~~ (landfill).

- 35. Chapter 2 Project Description, Page 2-17:** The last sentence on the page has been revised as follows.

The facility is planned to operate 24 hours per day, ~~7 days per week~~, however given there will be maintenance requirements for the equipment it is anticipated that the gas production equipment...

- 36. Chapter 3.1 Air Quality, Table 3.1-5, Page 3.1-11:** The table was inadvertently not completed in the Draft EIR. The table has been revised to include the data as follows.

The following 2020 data has been added.

Ozone, 1-hour, Max 1-hour (ppm)	<u>0.127</u>
Ozone, 1-hour, Days > State Standard (0.10 ppm)	<u>7</u>
Ozone, 8-hour, State Max 8-hour (ppm)	<u>0.103</u>
Ozone, 8-hour, Days > State Standard (0.07 ppm)	<u>37</u>
Ozone, 8-hour, National Max 8-hour (ppm)	<u>0.102</u>
Ozone, 8-hour, Days > National Standard (0.07 ppm)	<u>36</u>
PM ₁₀ , Annual, National Annual Average (µg/m ³)	<u>59.4</u>
PM ₁₀ , 24-hour, State Max 24-hour (µg/m ³)	<u>305.7</u>
PM ₁₀ , 24-hour, Est. Days > State Standard (50 µg/m ³)	<u>157.0</u>
PM ₁₀ , 24-hour, National Max 24-hour (µg/m ³)	<u>317.4</u>
PM ₁₀ , 24-hour, Est. Days > National Standard (150 µg/m ³)	<u>20.2</u>
PM _{2.5} , Annual, National Annual Average (µg/m ³)	<u>19.6</u>
PM _{2.5} , National Max 24-hour (µg/m ³)	<u>127.1</u>
PM _{2.5} , Est. Days > National Standard (35 µg/m ³)	<u>51.2</u>
CO, 8-hour, Max 8-hour (ppm)	<u>---</u>
CO, 8-hour, Days > State and National Standards (9 ppm)	<u>---</u>
NO ₂ , Annual, State Annual Average (ppm)	<u>0.009</u>
NO ₂ , 1-hour, National Max 1-hour (ppm)	<u>53.4</u>
NO ₂ , 1-hour, Days > State Standard (0.18 ppm)	<u>0</u>
NO ₂ , 1-hour, Days > National Standard (0.10 ppb)	<u>0</u>
SO ₂ , Annual, Annual Average (ppm)	<u>---</u>

SO₂, 24-hour, Max 24-hour (ppm) ---

The following 2018 and 2019 NO₂ data has been added.

NO ₂ , 1-hour, National Max 1-hour (ppm), 2018	<u>69.2</u>
NO ₂ , 1-hour, National Max 1-hour (ppm), 2018	<u>70.7</u>

- 37. Chapter 3.1 Air Quality, Page 3.1-46:** The first sentence of the first paragraph on the page has been revised as follows.

The proposed Project will reduce odorous emissions from the Visalia Disposal Site (landfill), including a biomass conversion component) and Compost Facility, and thus will not have an adverse impact to a substantial number of people due to changes in landfill operation.

- 38. Chapter 3.2 Biological Resources, Page 3.2-13:** The last two paragraphs in the “Project Impacts to Special Status Plant and Animal Species” discussions have been revised to reflect the addition of Mitigation Measure 3.2-12 as follows.

There are no special status species, natural communities, or protected riparian habitats or wetlands located within the Project site.... If a special status plant or animal species is encountered during post-construction related activities, **Mitigation Measures 3.2-1 through 3.2-12** will be implemented.

With implementation of **Mitigation Measures 3.2-1 through 3.2-12**, impacts to special status plant and animal species would be *Less Than Significant With Mitigation* related to this Checklist Item will occur.

- 39. Chapter 3.2 Biological Resources, Page 3.2-14:** The summary of Mitigation Measures has been revised to reflect the addition of Mitigation Measure 3.2-12 as follows.

Mitigation Measure(s): *See Mitigation Measures 3.2-1 through 3.2-12.*

- 40. Chapter 3.2 Biological Resources, Page 3.2-16:** Mitigation Measure 3.2-12 was added to the list of Mitigation Measures pursuant to comments received by the CDFW (see No. 14 above).

- 41. Chapter 3.3 Cultural Resources, Page 3-13:** The first sentence of the first paragraph of the “Project Impact Analysis” discussion for Checklist Item b) has been revised as follows.

The Project is an existing landfill operation that proposes development of a 36-acre compost ~~and biomass~~ facility and a biomass conversion component of the Visalia Disposal Site (and will remain within the existing footprint of the landfill’s in areas) to comply with upcoming SB 1383 regulations.

- 42. Chapter 3.3 Cultural Resources, Pages 3-13 through 3-14:** Checklist Item c) is a remnant of a template document and is included in the evaluation of impacts to Geology and Soils. As

such, the discussion has been deleted from this chapter. Mitigation Measure 3.3-2 has also been deleted as a result the deletion of the Checklist Item.

- 43. Chapter 3.3 Cultural Resources, Page 3-14 (previously Page 3-15):** As a result of removal of checklist Item c), Checklist Item d) is now Item c) and Mitigation Measure 3.3-3 is now Mitigation Measure 3.3-2.

- 44. Chapter 3.3 Cultural Resources, Page 3-15 (previously Page 3-16):** The “Conclusion” for Checklist Item c) (previously d)) has been revised as follows.

With implementation of **Mitigation Measures 3.3-1, 3.3-2, and 3.3-3**, potential *Project-specific and Cumulative Impacts* related to this Checklist Item will be reduced to *Less Than Significant*.

- 45. Chapter 3.4 Energy, Page 3.4-10:** The first sentence of the first paragraph beneath Table 3.4-2 has been revised as follows.

The Tulare County ~~Public Works~~ Solid Waste Department is also proposing to add a 2.0 mega-watt (MW) biomass conversion component (facility) in addition to (as part of the proposed compost facility) at their Visalia Disposal Site (landfill).

- 46. Chapter 3.4 Energy, Page 3.4-11:** The first sentence on the page has been revised as follows.

The facility is planned to operate 24 hours per day, 7 days a week, however given there will be maintenance requirements for the equipment...

- 47. Chapter 3.4 Energy, Page 3.4-11:** The second sentence of the first paragraph of the “Transportation Fuels” discussion has been revised as follows.

Modifications made to the existing landfill would involve minor grading, excavation of retention ponds, and the installation of the CASP composting system and biomass conversion facility.

- 48. Chapter 3.4 Energy, Page 3.4-12:** The first sentence of the first complete paragraph on the page has been revised as follows.

The Tulare County ~~Public Works~~ Solid Waste Department would comply with CARB regulations regarding heavy-duty truck idling limits...

- 49. Chapter 3.5 Geology and Soils, Page 3.5-2:** The third identified threshold of significance has been revised to be consistent with the CEQA Guidelines as follows.

- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

- 50. Chapter 3.5 Geology and Soils, Page 3.5-10:** The first sentence of the “Project Impact Analysis” for Checklist Item b) has been revised as follows.

The proposed Project is a modification of an existing strategically integrated waste management facility (landfill) and is specifically located in a soil borrow pit.

- 51. Chapter 3.5 Geology and Soils, Page 3.5-12:** The “Project Impact Analysis” for Checklist Item e) has been revised as follows.

There are no public wastewater services or septic systems currently on the ~~P~~proposed compost facility or biomass facility sites, or planned for development...

- 52. Chapter 3.6 Greenhouse Gases, Page 3.6-7:** The first sentence of the “Water Supply” discussion has been revised as follows.

The Project will rely on two ~~existing~~ on-site private wells (one existing and one replacement) to provide water to the Project.

- 53. Chapter 3.7 Hydrology and Water Quality, Page 3.7-3:** Quotations marks and footnote was added to the “Groundwater Aquifers and Wells” discussion to clearly identify the reference (referring back to footnote 2).

4 Op. Cit. 13

- 54. Chapter 3.7 Hydrology and Water Quality, Pages 3.7-21 through 3.7-22:** A discussion regarding Governor’s Executive Order No. N-7-22 has been added to the “State Agencies & Regulations” section of the “Regulatory Environment” discussion, just below the discussion on SB 221 (Kuehl, 2001).

Governor’s Executive Order No. N-7-22

On March 28,2022, Governor Gavin Newsom signed Executive Order N-7-22 (Executive Order) in response to extreme and expanding drought conditions. As it applies to new wells, the Executive Order states:

“9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:

- a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that

Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.”⁵¹

This executive order prohibits Tulare County Environmental Health Services (EHS) from issuing a construction permit for a new groundwater well pursuant to Chapter 13 of the Tulare County Code unless certain requirements are met or the permit falls within the limited exception to the requirements. A complete copy of the Executive Order is available here: <https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf>. 4-13. Tulare County Code Chapter 13. Construction of Wells can be found here: CONSTRUCTION OF WELLS (codepublishing.com)⁵²

55. Chapter 3.7 Hydrology and Water Quality, Page 3.7-22: Three footnotes providing references for the added clarification have been added as follows.

51 State of California. Executive Department. Executive Order N-7-22. May 28, 2022. Accessed June 2022 at: <https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf>.

52 County of Tulare. Tulare County Code. Part IV. Health, Safety and Sanitation. Ch. 13. Construction of Wells. Accessed June 2022 at: <https://www.codepublishing.com/CA/TulareCounty/#!/TulareCounty04/TulareCounty0413.html> or 4-13. CONSTRUCTION OF WELLS (codepublishing.com)

56. Chapter 3.7 Hydrology and Water Quality, Page 3.7-25: The last sentence of the first paragraph on the page has been revised as follows.

The compost facility would include ~~installing~~ installation of processing and composting equipment, ...

57. Chapter 3.7 Hydrology and Water Quality, Pages 3.7-29 through 3.7-30: The “Cumulative Impact Analysis” for Checklist Item b) has been revised to provide clarification for the conclusion made that the Project would not substantially decrease groundwater supplies.

The geographic area of this cumulative analysis is the Tulare Lake Basin. This cumulative analysis is based on the information provided in the California Water Plan Update 2009, Tulare Lake.

As noted in the California Water Plan 2009, Regional Report 3, Tulare Lake, it is estimated that future water demand will be reduced by 550,000 acre-feet in future conditions.

Via Emergency Declaration by the Tulare County Board of Supervisors (Board) on July 19, 2022 (via Resolution No. 2022-0625), the Solid Waste Department was authorized to secure a well drilling company to construct a new, replacement well at the Visalia Landfill. Due to its emergency status, pursuant to Title 14 of the California Code of Regulations, §15269(c) and Public Resources Code §21080(b)(4), the Board directed the County's Environmental Assessment Officer to file an appropriate Notice of Exemption. A copy of the filed Notice of Exemption is included in Appendix "E".

The new, replacement well would replace an existing failing/underproducing well (the "Cotton Gin Well") with a production capability (yield) at least equivalent to the Cotton Gin Well. Preliminary design of the well anticipates a yield capability of 700 gallons per minute (gpm), a depth of 500 feet, and powered by a 50-horsepower electric motor. No additional piping will be constructed. The new replacement well would be installed to relieve the burden on the two existing wells as, based on repairs, current pumping rates will eventually collapse the failing/underproductive Cotton Gin Well. An overhead fill from the Cotton Gin Well will be connected to the new well. The failing/underproducing Cotton Gin Well would remain operational to only supply water to the buildings and would no longer be used to draw water for usage for dust control purposes. If operated continuously over a 24-hour period, the replacement well would have the capability to produce approximately 3.09-acre feet per day (ac./ft./day) of water. The disposal site (landfill) operates 10 hours per day, (six days per week or approximately 313 days per year); as such, the new well would realistically be used 41.67% of the 24-hour period. This results in approximately 1.28 (3.09 X 47% = 1.28) ac./ft./day of water for 313 days/year thereby resulting in approximately 401-acre feet per year of water. The failing/underproducing Cotton Gin Well has the capacity to yield 400-900 gpm of water. Historically, the Cotton Gin Well provided 118,000 gallons per day (gpd) (or approximately 0.362 ac./ft./day) of water primarily used at the landfill for dust control purposes. However, the proposed Project is estimated to use approximately 40,000 to 80,000 additional gallons per day for the composting component resulting in total water usage of 158,000 to 198,000 gpd (or approximately 0.48 to 0.61 ac./ft./day).⁵⁴ If it remains in use, over the course of a year the Cotton Gin Well would need to yield approximately 150.25 to 191.0 ac./ft./yr. to fulfill landfill water needs.

Regardless of using water yielded from the new well or the Cotton Gin Well, it is anticipated that the proposed on-site stormwater storage pond can supply approximately 15% – 30% of the annual water demand.⁵⁵ This results in a water savings of between 23,700 to 47,400 gpd thereby reducing total water usage to 16,300 to 32,600 gpd. Thus, overall water usage would result in approximately 134,300 gpd to 150,600 gpd (or approximately 0.42 to 0.46 ac./ft./day) and an annual (that is, 313 operational days) usage of approximately 131.5 to 144 ac./ft./yr. Applying the water savings (that is, 15% – 30%) to the new well, if the well were to yield 100% of its maximum producing capacity, would result in an annual usage of 341 to 281 ac./ft./yr. However, realistically, it is reasonable to

use the same usage figures (150.25 to 191.0 ac./ft./yr.) for the new well which will merely replace water previously produced by the Cotton Gin Well for dust control purposes at the landfill. Conservatively, it is also reasonable to include an additional acre-foot of water (326,000 gallons/year or 1,042 gpd) for the 313 days the landfill is operating. It is noted that the 326,000 gpy is twice the amount a typical single-family home would use per day.⁵⁶

As such, the failing/underproducing well previously produced 150.25 to 191 acre/feet/year of water. The previously drawn water would instead be drawn from the new well resulting at the same rate as the Cotton Gin Well resulting in no net increase of acre/feet per day or year. The resulting water usage would allow the Visalia Landfill to meet dust control requirements from agencies such as the Valley Air District's Regulation VIII (Fugitive PM10 Prohibitions) and CalRecycle. Therefore, ~~The proposed Project will not result in an~~ relatively modest-increase in water usage, but and will also be offset by between 15% – 30% water savings due to re-using stormwater during the composting process. The impact is determined to have *Less Than Significant Cumulative Impacts.*

58. Chapter 3.7 Hydrology and Water Quality, Page 3.7-30: Three footnotes providing references for the added clarification have been added as follows.

54 "Report of Composting Site Information. Visalia Landfill Composting Facility 8614 Avenue 328, Visalia, CA 93291-8856." K. Water Supply. Page 2. Included in Appendix "D" of the Draft EIR.

55 Ibid. 22

56 California Department of Water Resources. Glossary. Acre-foot (af). Accessed June 2022 at: <https://water.ca.gov/Water-Basics/Glossary>

59. Chapter 3.8 Transportation, Page 3.8-3: Footnote 4 was revised for consistency with the format used throughout the EIR. Quotation marks were added in front of "Capacity" and after the first paragraph of the "Level of Service (LOS)" discussion to indicate a direct quote, and a footnote was added to clearly identify the reference. Footnote 6 (previously 5) was revised to clarify the reference.

4 ~~Tulare County General Plan 2030 Update Background Report, Ibid. page 5-7.~~

5 ~~Tulare County Association of Governments 2018 RTP. Action Element. Page B-7,~~
Accessed August 2021 at <https://tularecog.org/tcag/planning/rtp/rtp-20181/>.

6. Ibid. ~~B-7 and B-8.~~

60. Chapter 3.8 Transportation, Page 3.8-13 through 3.8-14: The first paragraph of the "Project Impact Analysis" discussion for Checklist Item c) has been revised as follows.

The proposed composting facility ~~and biomass conversion facility~~ would be located on an approximately 24-~~acres~~ portion of a 36-acre soil borrow pit at the southwest corner of the existing 634-acre landfill, ~~while the biomass conversion component will be located on an~~ approximately 2-acre area at the southeast corner of the landfill. The 24-acre composting area would be located in a soil borrow pit approximately 20 feet below and grade. Operation of the Project compost facility will be performed on a self-contained, 4.4-acre

concrete pad. Additionally, a 50,000 square foot processing building, approximately 14 acres of asphaltic concrete paved pads for receiving, pre-processing, curing, screening, and storage, and a 35.9 acre-foot (AF) lined storm water pond to collect contact water will be installed. A 20-foot-wide perimeter fire lane would surround the composting site. An additional 20-foot fire lane would be placed between the phased composting areas and distinct operational areas. The 24-acre composting area is currently vacant and graded. Access to this Project area will be from the main entrance along Avenue 328. Once inside the landfill, vehicles utilizing the composting facility will be directed to the area. All other existing landfill traffic patterns will remain the same as existing conditions.

61. Chapter 3.9 Tribal Cultural Resources, Pages 3.9-14 through 3.9-16: Mitigation Measure 3.9-1 was revised for clarification, while Mitigation Measure 3.9-3 was inadvertently not included in the Draft EIR. See Numbers 18-20 above for revision to these mitigation measures. Other revisions to the analyses provided in Chapter 3.9 are as follows:

- Checklist Item a), first paragraph on page 3.9-14:

...As such, **Mitigation Measures 3.9-1 and 3.9-2** (which are identical to Mitigation Measures 3.3-1 and 3.3-3) **and Measure 3.9-3** are included in the unlikely event that Native American remains or tribal cultural resources are unearthed during any ground disturbance activities...

- Checklist Item a), Cumulative Impact Analysis, page 3.9-14:

...As such, there will be *Less than Significant Cumulative Impacts With Mitigation* with the implementation of **Mitigation Measures 3.9-1 and through 3.9-23**.

- Checklist Item a), Mitigation Measures, page 3.9-14:

See Mitigation Measure 3.9-1 and through 3.9-23

- Checklist Item a), Mitigation Measures, page 3.9-16, top of the page:

Therefore, as noted earlier, in the unlikely event that Tribal Cultural Resources are discovered, implementation of **Mitigation Measures 3.9-1 and through 3.9-23** would result in *Less Than Significant Project-specific With Mitigation* because of this Project.

- Checklist Item a), Conclusion, page 3.9-16:

As previously discussed, based on the analysis noted earlier, impacts to Tribal Cultural Resources will be reduced to a level of *Less Than Significant Project-specific and Cumulative Impacts With Mitigation* with the implementation of **Mitigation Measures 3.9-1 and through 3.9-23**.

- Checklist Item b), Mitigation Measures, page 3.9-16

Mitigation Measure(s): *“See Mitigation Measures 3.9-1 ~~and through~~ 3.9-23”*

62. Chapter 4 Cumulative Impact Summary, Page 4-3: Reason 1 of the geographic extent discussion has been revised to identify the Project as this is the first mention of the Project in this Chapter.

Tulare County is the geographic extent for most impact analysis. This geographic area is the appropriate extent because of the following reasons:

1. The proposed Project, Visalia Disposal Site (Landfill or landfill, including a biomass conversion component) and Compost Facility, is in Tulare County and County of Tulare is the Lead Agency; and
2. Tulare County General Plan polices applies to the proposed Project.

63. Chapter 4 Cumulative Impact Summary, Table 4-2, Page 4-18: Consistent with the deletion of Checklist Item 3.3 c) as noted in No. 42 above, this Checklist Item has also been removed from the table, and Checklist Item 3.3 d) revised to Item 3.3c).

64. Chapter 5 Alternatives, Pages 5-4 through 5-11: Project-related nomenclature has been revised throughout this Chapter. Specifically, the following items have been revised to clearly indicate that the composting facility and biomass conversion component are two separate processes being proposed within the existing permitted landfill.

- Alternative 1 – The hyphen has been removed for consistency with the CEQA Guidelines and reads as “No Project”.
- Alternative 3 – The word “Facility” has been revised to “Component” and reads as “No Biomass Conversion Component”.

65. Chapter 5 Alternatives, Page 5-4: The “Evaluation Criteria 1” discussion has been revised as follows.

- Establishment of a composting facility, ~~and including a~~ biomass conversion facility component, at the existing Visalia Disposal Site (landfill)-site.

66. Chapter 5 Alternatives, Page 5-5: The “Evaluation Criteria 3” discussion has been revised as follows.

...The Project site area is suitable for the proposed Project (e.g., it is predominantly rural and would be located on County-owned lands within the existing Visalia ~~Landfill site~~ Disposal Site (Landfill) and the applicant (County of Tulare) has control of the proposed site location....

67. Chapter 5 Alternatives, Page 5-6: The “Description” of Alternative 1 has been revised as follows.

Description. Under this alternative, the ~~Composting facility~~ and the ~~Biomass Conversion facility~~component would not be developed...

- 68. Chapter 5 Alternatives, Page 5-8:** The “Evaluation of Alternatives” for Alternative 1 has been revised as follows.

Alternative 1 (No Project) is not considered a viable alternative as it does not accomplish the main element of the Project, which is to develop a composting facility and biomass conversion facility in response to upcoming waste diversion mandates....

- 69. Chapter 5 Alternatives, Page 5-11:** The “Alternative 3 – No Biomass Conversion Component” discussion has been revised as follows.

... Operations would essentially be the same as the proposed Project except that the biomass conversion facility~~component~~ would not be developed.... Apart from the No Project Alternative, Alternative 3 No Biomass Conversion ~~Facility~~Component ~~Project~~ would be the Environmentally Superior alternative... However, the No Biomass Conversion ~~Facility~~Component ~~Project~~Alternative does not meet all of the County’s Project objectives, particularly with regard to the County’s goal to reduce organic waste from landfill disposal....

- 70. Chapter 7 Immitigable Impacts, Page 7-1:** The Project name was added into the second paragraph of the chapter as this is the first mention of the Project.

The proposed Project, the Visalia Disposal Site (Landfill or landfill, including a biomass conversion component) and Compost Facility, will not result in a significant and unavoidable impact. All impacts have been found to be Less Than Significant or have been mitigated to a level considered Less Than Significant.

- 71. Chapter 7 Immitigable Impacts, Page 7-6:** The acronym for greenhouse gases (GHG) was moved above the acronym for Health and Safety (HS), and the extra acronym for GHG that was in line with the acronym for Environmental Impact Report (EIR) was removed.

- 72. Chapter 8 Mitigation Monitoring and Reporting Program, Page 8-1:** The first sentence of the second paragraph has been revised as follows.

The CEQA Public Resources Code Section 21081.6 requires the Lead Agency decision making body that is going to approve a project and certify the EIR ~~that it~~ also adopt a reporting or monitoring program for those measures recommended to mitigate or avoid significant/adverse effects of the environment identified in the EIR.

- 73. Chapter 8 Mitigation Monitoring and Reporting Program, Page 8-1:** The second bullet point has been revised as follows.

Compliance and Verification. A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what

action will be taken and when and by whom, and compliance will be monitored and reported and to whom it will be reported. As necessary the reporting should indicate any follow-up actions that might be necessary required if the reporting notes the impact has not been mitigated.

74. Chapter 8 Mitigation Monitoring and Reporting Program, Table 8-1, Pages 8-3 through 8-15: Extra spaces, tabs and returns have been deleted. For revisions to Mitigation Measures, see Numbers 7 through 20 above.