

Attachment A

Executive Summary

Executive Summary

This Draft Focused Subsequent Environmental Impact Report (Draft Focused Subsequent EIR, Draft SEIR, DSEIR, SEIR, or EIR) concludes that the proposed Project's environmental determinations are consistent with and correspond to the Visalia Landfill – Compost and Biomass Conversion Facility Project (State Clearinghouse # 2021020054, adopted/certified by the Tulare County Board of Supervisors on September 27, 2022 via Resolution No. 2022-084) and the Visalia Landfill Master Development Plan (Visalia Landfill EIR, SCH# 2000051098) certified by the Board of Supervisor (Board) on October 23, 2001 (including CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program) which are incorporated herein by reference. Further, a Negative Declaration for the Visalia Landfill Waste Management Unit-1 Closure Construction was approved/certified by the Board on September 24, 2013, is also incorporated by reference in its entirety.

This Draft Focused Subsequent EIR has been prepared consistent with the California Environmental Quality Act (CEQA). Its intent is to inform the public and the Tulare County Board of Supervisors of the potential environmental impacts the proposed Project would have on resources as specified in the CEQA Guidelines. 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:

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 SEIR (SCH# 2021020054) has been prepared by Tulare County in accordance with CEQA Guidelines Section 15120 through Section 15131 and Section 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 Section 15082, the NOP for the proposed Project was circulated for review and comment on June 13, 2023 and circulated for a 30-day comment period ending July 13, 2023. A Scoping Meeting was duly noticed and held on June 29, 2023, 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.

PROJECT DESCRIPTION

As noted in the previously adopted/certified Focused EIR (Original Focused EIR), the County intends to develop and operate a covered aerated static pile (CASP) compost facility to comply with the upcoming SB 1383 regulations. The 36-acre biomass conversion/compost facility component will be located on the County's 634 acres Visalia Disposal (Landfill) property located at the northeast corner of Avenue 328 and Road 80, approximately one (1) mile north of

the City of Visalia. Specifically, the biomass conversion/composting operation will be located in a soil borrow recessed 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 can store up to 200,000 cubic yards on-site of organic material that would have otherwise been landfilled. The compost facility would include installing processing and composting equipment, a 50,000 square foot processing building, compacted compost pads, and a lined pond. Also, it is anticipated that up to 300 daily haul trucks will be utilized to transport up to 1,000 TPD of organic (green-waste) feedstock material to be exclusively used for biomass conversion/composting operations.

The landfilling component will remain unchanged from its current 2,000 TPD and its maximum of 900 daily vehicle trips per day utilized to transport landfilling materials to the landfill.

The proposed Project would increase total tonnage received by the Landfill to 3,000 tons per day (TPD) to be split between the landfill (2,000 TPD) and the biomass conversion/compost facility (1,000 TPD). It is anticipated that, over time, a maximum of 1,200 daily vehicle trips (that is, 900 vehicle trips (the current permitted trips limit) would deliver landfilling material and 300 additional haul truck trips would exclusively deliver organic material to serve as feedstock for the biomass conversion/composting operation) will be made to the Landfill site.

The composting component will be designed to accept up to 200,000 tons per year (TPY) in increments of 50,000 TPY technology modules and can store up to 200,000 cubic yards on-site of organic material that would have otherwise been landfilled. The composting component would include installing 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 component will produce electricity, heat and biochar using wood waste as fuel. This component will utilize approximately 18,000 bone dry tons (BDT) of wood chips per year or 25,000 tons of per year 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 24/7. 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).

It is noted that the proposed Project was originally addressed in the previously approved/certified Focused Environmental Impact Report (SCH No. 2021020054) Visalia Landfill – Compost and Biomass Conversion Facility project by the Tulare County Board on September 27, 2022 via Resolution No. 2022-084. However, the original project would result in the daily 2,000 TPD limit being divided by landfilling 1,000 TPD and diverting 1,000 TPD as feedstock for the biomass conversion/composting facility. The maximum 900 daily vehicle trips would be retained and no additional haul truck trips would be used to exclusively transport feedstock to the biomass conversion/composting facility. Upon further evaluation by the Tulare County Solid Waste Department, this option is not viable in the long-term (see additional discussion in Chapter 5 Alternatives, No Project Alternative).

PROJECT LOCATION

The proposed Project lies entirely within an unincorporated area of Tulare County.

SUMMARY OF CHAPTERS

“Executive Summary” summarizes the findings of this Focused SEIR and provides a summary of the contents of the SEIR.

Chapter 1. “Introduction” discusses background information, the scope and organization of this DEIR, opportunity for public participation and agency coordination, and known areas of controversy relating to the Project (as applicable).

Chapter 2. “Project Description,” summarizes the overview, objectives, Project, and compliance and monitoring policies.

Chapter 3. “Environmental Setting, Impacts, and Mitigation Measures,” examines the existing conditions and regulatory setting for potential cumulative impacts as a result of the Project, analysis and determination of impact to the Chapter’s specific resource, definitions, abbreviations and acronyms, and references used in each individual Chapter. Overall, the Chapter will conclude that 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 or the Visalia Landfill – Compost and Biomass Conversion Facility Project (SCH# 2021020054, adopted/certified by the Tulare County Board of Supervisors on September 27, 2022 via Resolution No. 2022-084).

Chapter 4. “Cumulative Impacts,” describes the cumulative impact from several projects to the change in the environment which results from the incremental impact of the Project when added to 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 impacts beyond those included in the Visalia Landfill Master Development Plan EIR and the previously approved/certified Focused Environmental Impact Report for Visalia Landfill – Compost and Biomass Conversion Facility.

Chapter 5. “Alternatives,” examines two Alternatives to the proposed Project.

- ❖ Alternative 1 - No-Project Alternative, as required by CEQA. Under this alternative, the 2,000 TPD maximum would be retained and there would be no change to the existing 900 daily vehicle trips. As approved in the Original Focused EIR, the 2,000 TPD would consist of 1,000 TPD for landfilling purposes and 1,000 TPD for biomass conversion/composting would be implemented and the maximum of 900 daily vehicle trips would be retained as currently permitted; and
- ❖ Alternative 2 - Alternate Site, reduce the maximum daily increase of haul truck trips from 300 to 150 for transport of organic material to be used exclusively as feedstock for the biomass conversion/composting component at Visalia Landfill. Rather than increase the

total number of vehicles entering the Landfill from 900 to 1,200; this Alternative would result in 1,050 daily vehicles.

Chapter 6. “Growth-Inducing Impacts,” discusses economic, social and growth inducing effects of the Project.

Chapter 7. “Significant and Irreversible Environmental Changes,” are examined as required by CEQA.

Chapter 8. “Mitigation Monitoring and Reporting Program,” lists mitigation measures recommended in the Draft SEIR for the proposed Project and identifies monitoring and reporting requirements (see also Table ES-1).

Chapter 9. “Document Preparation,” lists key persons from the County of Tulare that contributed to preparation of the Draft SEIR 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, Public Works Staff, and preparers of technical studies, reports, memoranda, etc.

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

This Draft Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and based upon the findings of the Draft Focused Subsequent Environmental Impact Report (SEIR) for the proposed Project. The Focused Environmental Impact Report (SCH# 2021020054) Visalia Landfill – Compost and Biomass Conversion Facility (including technical studies, mitigation measures, Findings of Fact, Notice of Determination, etc.) (Original Focused EIR), adopted/certified via Tulare County Board of Supervisors Resolution No. 2022-084 on September 27, 2022, has been incorporated by reference. As such, the MMRP lists mitigation measures recommended in the Draft SEIR for the proposed Project, as well as those measures adopted in the Original EIR, and identifies monitoring and reporting requirements. Below is **Table ES-1** which identifies mitigation measures for the proposed Project:

Table ES-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 40.46 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	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal	County of Tulare Solid Waste Department	Qualified biologist.			

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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
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.		of Report of Findings, if applicable					
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	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings,	County of Tulare Solid Waste Department and CA Dept. Fish and Wildlife	Qualified biologist.			

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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
impact areas, then a 250-foot construction setback will be established around active owl 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.		if applicable	(CDFW)				
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.			

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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 (SJKF)							
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 include, but are not limited to, restriction of project-related vehicle traffic to established roads, construction areas, and other designated	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			

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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
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.							
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 incident or of the finding of a dead or injured animal, and any other pertinent information.	During construction	Issuance of building permit	County of Tulare Solid Waste Department and CDFW	County of Tulare Solid Waste Department & Qualified biologist			
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	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/submittal	County of Tulare Solid Waste Department	Qualified biologist			

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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
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.		of Report of Findings, if applicable					
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/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.	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.			
3.3-2 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA	During construction	Daily or as needed throughout the	County of Tulare Solid Waste	A qualified archaeologist			

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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>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:</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 		construction period if suspicious resources are discovered	Department via field evaluation of the resource finds by 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.			

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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>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 reburial 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>							
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	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			

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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
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 Waste Department for review and approval. Upon approval, the plan shall be incorporated into the project.							
3.7 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	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,			

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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
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.				consistent with all applicable laws including CEQA.			
<p>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 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 	During construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare Solid Waste 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.			

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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>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 authorized representative shall reburial 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</p>							

Draft Focused Subsequent Environmental Impact Report (SCH #2021020054)
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations

Table ES-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
representative rejects the recommendation of the descendent.							
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.	Prior to initiation of construction	Issuance of grading/building permit	County of Tulare Solid Waste Department / Planning Department	County of Tulare Solid Waste Department			

Attachment B

Final EIR

TULARE COUNTY RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard
Visalia, CA 93277

Focused Subsequent Environmental Impact Report
Visalia Disposal (Landfill) Site and
Biogas and Compost Facility – Landfilling Operations
SCH# 2021020054

December 2024

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

Table of Contents

Final Focused Subsequent Environmental Impact Report Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations (SCH# 2021020054)

These attached documents complete the Final Focused Subsequent Environmental Impact Report (FEIR) for the above referenced project.

I. INTRODUCTION AND RESPONSE TO COMMENTS (Chapter 10 of the FEIR)

Introduction

Revisions Outlined in the Response to Comments

Public Review of the Draft Environmental Impact Report

Relevant CEQA Sections (Summary)

Responses to Comments

 Comment Letters Received on the Draft EIR

 Comprehensive List of Responses

Project Summary

Project Location

Local Regulatory Context

Scope and Methodology

Identification of Potentially Significant Impacts

Consideration of Significant Impacts

Mitigation Measures

Organization of the EIR

Environmental Review Process

Organizations and Parties Consulted

Attachments

 Attachment A. Notice of Availability Tracking Table

 Attachment B. County Response to Comments, California Department of Resources Recycling and Recovery (CalRecycle), February 5, 2024

 Attachment C. County Response to Comments, California Department of Fish and Wildlife, February 14, 2024

Attachment D. County Response to Comments, San Joaquin Valley Unified Air
Pollution Control District, February 16, 2024

Attachment E. County Response to Comments, California Department of
Transportation (Caltrans), February 16, 2024

**II. MITIGATION MONITORING AND REPORTING PROGRAM (Chapter 8 of the
FEIR)**

III. ERRATA AND CORRECTIONS MADE IN THE DEIR

CHAPTER 10

RESPONSES TO COMMENTS

Chapter 10

Introduction & Response to Comments

INTRODUCTION

The Draft Focused Subsequent Environmental Impact Report (Draft SEIR or SEIR) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations (Project), previously identified as the Visalia Disposal Site and Compost Facility and Visalia Landfill – Compost and Biomass Conversion Facility, was made available for a 49-day public review and comment period starting on December 29, 2023, and ending on February 16, 2024. 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 SEIR (SCH# 2021020054).

Individual responses to each of the comment letters received regarding the Draft SEIR 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.

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 SEIR, 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 SEIR or environmental issues associated with the proposed Project.

Comments received presenting opinions regarding the Project not associated with environmental issues or raising issues that are not directly associated with the substance of the Draft SEIR are noted without a detailed response.

REVISIONS TO THE PROJECT

Revisions and clarifications to the Draft SEIR made in response to comments and information received on the Draft SEIR 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 SEIR (Final SEIR).

PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Consistent with the California Environmental Quality Act (CEQA)¹, the potential environmental effects of the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations Project have been analyzed in a Draft Focused SEIR (SCH# 2021020054) dated December 2023. Consistent with Section 15205 of the State CEQA Guidelines, the Draft SEIR 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 extended four (4) additional days resulting in a 49-day review period.

The Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations Project Draft SEIR 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 SEIR 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 27, 2023.

During the 49-day review period, the Draft SEIR and technical studies were also made available at the following location:

Visalia Branch Library	Tuesday through Thursday: 10:00 a.m. – 7:00 p.m.;
200 West Oak Avenue	Friday: 10:00 p.m. – 6:00 p.m.; and
Visalia, CA 93291	Saturday: 10:00 a.m. – 4:00 p.m.

In addition, the Draft SEIR 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=I95DAAA70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

¹ The California Environmental Quality Act (CEQA) was codified in Public Resources Code 21000-21189 and the CEQA Guidelines are codified in the California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387.

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 four (4) written comments on the Draft SEIR (see Attachments 2 through 5). 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 Resources Recycling and Recovery (CalRecycle), February 5, 2024.

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 SEIR received as of close of the extended public review period on February 16, 2024.

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 Resources Recycling and Recovery (CalRecycle), February 5, 2024 (See Attachment 2)</i> |
| <i>Comment Letter 2</i> | <i>California Department of Fish and Wildlife (CDFW), February 14, 2024 (See Attachment 3)</i> |
| <i>Comment Letter 3</i> | <i>San Joaquin Valley Unified Air Pollution Control District (Air District), February 16, 2024 (See Attachment 4)</i> |
| <i>Comment Letter 4</i> | <i>California Department of Transportation (Caltrans), February 16, 2024 (See Attachment 5)</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 SEIR. (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 Resources Recycling and Recovery (CalRecycle), February 5, 2024

Subject 1: Introduction and Project Description: 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. The Tulare County Resource Management Agency (RMA), acting as Lead Agency, has prepared and circulated a Draft Focused Subsequent Environmental Impact Report (SEIR) 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 Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations (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, near the City of Visalia. The site is currently zoned AE-40.

The Visalia Disposal (Landfill) Site is currently permitted for receiving up to 2,000 tons of municipal waste per day. The proposed project would allow for 1,000 tons per day of compostable material for a covered aerated static piles (CASP) compost facility; a total of 3,000 tons per day for the entire site. A maximum of 1,200 haul truck trips will be used to deliver landfill and compostable material; 900 haul truck trips would deliver landfill material to the existing landfill and 300 haul truck trips would deliver compostable material to the composting facility located within the Landfill’s existing footprint.

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 and 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 process within a 48-hour holding time period from the time of receipt. The CASP piles will provide moisture control and oxygen 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 compost facility would occupy 36 acres and 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. The proposed project would also include the installation and use of composting equipment, installation of a 50,000 square foot processing building, construction of compost pads, and a lined pond. The facility would receive and handle compostable material, such as agricultural materials, food material, green material, mixed material, organic wastes, digestate and pre-processed feedstock ready CASP materials.

A 2.0 mega-watt (MW) biomass conversion facility will also be located near the landfill. The facility will produce electricity, heat and biochar using wood fuel that will be provided by local activities, such as wood waste. The facility will utilize approximately 18,000 bone dry tons (BDT) of wood chips per year or 25,000 tons of per year of wet recovered wood waste and produce approximately a net amount of 2.0 MW of electrical energy per hour. In addition, this facility will produce approximately 20-30 million British Thermal Units (MM BTU) of waste heat and approximately 300-600 pounds of biochar per hour. The facility is planned to operate 24/7.

Response: The commenter has provided a summary of the Project description. No response is required.

Subject 2: 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 Final Focused SEIR.

Response: Revisions and clarifications to the Draft Focused Subsequent Environmental Impact Report (FSEIR) are included as Errata pages within the Final FSEIR and are indicated by strikeout text (e.g., strikeout), indicating deletions, and underline text (e.g., underline), indicating additions.

- Page 1-14 lists CalRecycle as the California Integrated Waste Management Board. Please correct to the Department of Resource Recycling and Recovery (CalRecycle).

Response: CalRecycle's official name has been revised as requested in on the following pages as follows.

Page 1-14: 9) California Integrated Waste Management Board Department of Resources Recycling and Recovery (CalRecycle)

Page 2-23: PUBLIC AGENCY REQUIRED APPROVAL

- Tulare County Health and Human Services Agency
- California Department of Resources Recycling and Revoverly (CalRecycle)
- San Joaquin Valley Air Pollution Control District (SVJAPCD)
- California Regional Water Quality Control Board, Central Valley Region

In addition to applying to the Tulare County Resources Management Agency for a Conditional Use Permit (CUP), regulatory oversight of compost facilities is provided by

CalRecycle [formerly the California Integrated Waste Management Board (CIWMB)] and the Local Enforcement Agency (LEA), Tulare County Environmental Health Department. The project would also be subject to SJVAPCD requirements.

Page 3.5-26: Water Quality and Waste Discharge Requirements

Regulatory oversight of compost facilities is provided by California Department of Resources Recycling and Recovery (CalRecycle) [formerly the California Integrated Waste Management Board (CIWMB)] and the Local Enforcement Agency (LEA), Tulare County Environmental Health Department.

- Page 2-12, Hours of Operation: It is stated that the receiving hours for the compost facility will be Monday – Friday, 7:00 a.m. to 4:00 p.m., Saturday, 8:00 a.m. to 4:00 p.m., to harmonize with the landfill permitted hours, and the hours of operations of processing material will be 24 hours per day, 7 days per week. Page 2-14 to 2-15, Grinding Pre-Processing Operations, states that, “Additional equipment, such as a grinder, conveyors, and shaker deck, would be installed on the project site to complete these process operations.” Please clarify if the the grinder, conveyors and shaker deck. Does ‘processing’ include monitoring, such as temperature monitoring?

Response: As all compost material will be pre-processed within 48 hours of receipt, the grinder, conveyors, and shaker deck may operate during material receiving hours and as needed throughout the 24-hour operational period. Temperatures of the covered aerated static piles (CASPs) would be monitored to ensure that the prescribed regulatory period of 72 consecutive hours at no less than 55°C (131°F) are met for the Process to Further Reduce Pathogens (PFRP).

- Page 2-15, Grinding Pre-Processing Operations: It is stated, “The co-collection residential organics [green material mixed with food material] would be stockpiled on a pad for a maximum period of 48 hours and green waste and wood waste could be stored for up to 30 days.” What will be the storage time for the other types of feedstocks (e.g., mixed material, agricultural material, digestate, etc.)?

Response: Agricultural materials, mixed materials, and digestate would be stored in a designated area for up to 48 hours in the green waste processing and storage tipping area.

- Appendix D – CEQA Process, NOP Comments Received: Does not include the letter submitted by CalRecycle, dated July 14, 2023, and received by SCH on July 14, 2023 (<https://ceqanet.opr.ca.gov/2021020054/7>). A copy was also emailed to Hector Guerra, the previous Environmental Planner assigned to this proposed project.

Response: The NOP tracking table included in Appendix D has been updated to include receipt of the July 14, 2023 comments. Appendix D has been update to include the comment letter that was inadvertently not included in the Draft FSEIR.

- For the proposed biomass conversion activity, in order to be considered biomass conversion, the activity will have to meet all the requirements pursuant to [Public Resources Code Section 40106](#). If the activity does not meet the requirements of PRC Section 40106, the activity may be subject to CalRecycle’s solid waste facility permitting requirements.

Response: Comment noted. Tulare County Solid Waste (applicant) and Tulare County Environmental Health Division (LEA) have collaborated on the Project and will continue to collaborate with CalRecycle throughout the permit process to ensure all appropriate permits are obtained.

Subject 3: Additional Information: The following is a link to CalRecycle’s CEQA homepage which may assist the Lead Agency in preparing the Final Focused SEIR for solid waste facilities, including composting activities: <https://calrecycle.ca.gov/swfacilities/permitting/ceqa/>.

Response: We appreciate CalRecycle providing the link to their CEQA Overview home page which provides links to various resources to assist document preparers in complying with the CEQA process and ensuring CEQA documents are consistent with the solid waste permits. Tulare County RMA, Tulare County Solid Waste (applicant), and Tulare County Environmental Health Division (LEA) have collaborated on the Project to prepare the FSEIR, and will continue to collaborate with CalRecycle throughout the permit process.

Subject 4: 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, Jessica Gocke, at (559) 624-7400 or JGocke@tularehhsa.org, to discuss the regulatory requirements for the proposed project.

Response: As previously noted, Tulare County Solid Waste and Tulare County Environmental Health are working collaboratively on this Project, and will continue to involve and recognize the LEA as the responsible party for regulatory oversight of solid waste handling activities.

Subject 5: 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 Final Focused SEIR.

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.Bowers@calrecycle.ca.gov.

Response: Tulare County will provide CalRecycle with the Notice of Public Hearing no later than 10 days prior to the public hearing as required and with a copy of the Notice of Determination (NOD) after it has been filed as requested. If subsequent environmental documents are prepared for this Project in the future, they will be provided to CalRecycle for review. Please note, the NOD and any future CEQA documents will be filed with the Office of Land Use and Climate Innovation, State Clearinghouse pursuant to the requirements of CEQA and will be available through the State’s CEQAnet (<https://ceqanet.opr.ca.gov>).

Comment Letter 2: California Department of Fish and Wildlife (CDFW), February 14, 2024

Subject 1: Introduction: The California Department of Fish and Wildlife (CDFW) received a SEIR from the Tulare County Resource Management Agency (Tulare County RMA) for the above-referenced 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, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code. While the comment period has ended, CDFW respectfully requests that Tulare County RMA still consider our comments.

Response: The County appreciates the Department’s time in reviewing the Project and offering its comments. As noted, the County has considered the Department’s comments that are included in the Final FSEIR.

Subject 2: 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 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.

Response: The County recognizes the Department’s jurisdiction over biological resources and acknowledges the Department’s role as a Responsible Agency for this Project.

Subject 3: Project Description Summary: Proponent: Tulare County c/o Solid Waste.

Objective: This SEIR is tiering off of the adopted/certified Environmental Impact Report (EIR) (SCH No. 2021020054) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility (“Original EIR”) project. The SEIR will address two proposed updates to the County’s current landfill permit.

Currently, the Landfill is permitted to receive up to 2,000 tons of municipal waste per day and are just below that threshold. If the proposed compost facility generates additional new tonnage, the Tulare County risks being in violation of that permit. Therefore, the proposed project would increase permitted tonnage to 3,000 tons per day (tpd) to be split between the compost facility and the landfilling operations. The original permitted 2,000 tons will be used for solid waste disposal, and the maximum additional 1,000 tons would be used for the composting operation. It is anticipated that, over time, a maximum of 1,200 haul truck trips will be used to deliver landfill and compost material; 900 haul truck trips would deliver landfill material to the existing landfill and 300 haul truck trips would deliver compost material to the composting operation located within the Landfill’s existing footprint.

The composting component will be designed to accept up to 200,000 tons per year (TPY) in increments of 50,000 TPY technology modules and can store up to 200,000-cubic yards on-site of organic material that would have otherwise been landfilled. The composting component would include installing processing and composting equipment, a 50,000-square foot processing building, compacted compost pads, and a lined pond.

Project Location: The existing Landfill is located at 8614 Avenue 328 in the City of Visalia. The entire Landfill boundary currently encompasses approximately 634 acres at the northeast corner of Avenue 328 and Road 80.

Timeframe: N/A

Response: The Department has summarized the Project descriptions. No comment necessary.

Subject 4: Comments and Recommendations: CDFW offers the following comments and recommendations to assist the Tulare County RMA in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

There are special-status species that may be present at the Project site that were not appropriately evaluated in the SEIR for this project (CDFW 2024). CDFW recommends that these resources be

evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State candidate endangered Crotch's bumblebee (*Bombus crotchii*).

In order to adequately assess any potential impact to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project area. Properly conducted protocol-level biological surveys, and the information assembled from them, are essential to identify any necessary avoidance measures to fully avoid any potential impacts to these species or the need for CESA take permits along with associated minimization and compensatory mitigation measures, and to identify any Project-related impacts under CEQA.

Response: Appendix B of the FSEIR includes both the Biological Species Evaluation prepared for the Visalia Landfill - Compost and Biomass Conversion Facility Project (the original Focused EIR prepared for the Project) as well as the Biological Resources Evaluation prepared for this FSEIR. Appendix D of the FSEIR includes a copy of the Department's comment letter in response to the Notice of Preparation (NOP) submitted for review which states, "After reviewing the provided CEQA document, CDFW concurs with the biological resources related analyses and measures proposed in the NOP and recommends that all such measures in the NOP be carried forward into the Environmental Impact Report (EIR). CDFW has determined that the biological resource mitigation measures as currently documented in the NOP are sufficient for mitigation of potential project-related impacts to listed species."

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 the United States Fish and Wildlife Service (USFWS)?

- **Comment 1: Crotch's Bumblebee:** The SEIR does not include any evaluation for Crotch's bumblebee (CBB). CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses. CBB was once common throughout most of central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years.

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment. If potentially suitable habitat is

identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

- **Comment 2: Crotch's Bumblebee:** If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.
- **Comment 3: Crotch's Bumblebee:** If take cannot be avoided, CDFW recommends acquiring an Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

Response: Based on the CNDDDB and BIOS, Crotch's Bumblebee (CBB) has not been recorded in the Project quadrant. However, due to the special status of the species, the following mitigation measure has been included in the Final FSEIR.

Mitigation Measure 3.2-13: Pre-construction Surveys: A qualified biologist will conduct a habitat assessment of the project site to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support CBB. If a potentially suitable habitat is identified, the biologist shall conduct pre-construction surveys in accordance with the CDFW's *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (2023)*. If CBB is determined to be absent from the site, no further action is required. If CBB is detected during the surveys, the biologist shall submit the findings to the CNDDDB and the applicant shall consult with the CDFW to identify the appropriate avoidance, minimization, and/or compensatory measures to be taken.

Subject 5: Environmental Data: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the 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>.

Response: The County agrees that it would be appropriate to report any special status species and natural communities detected during project surveys to the CNDDDB. If special status species are detected during pre-construction surveys, the biologist will submit the appropriate documentation to the CNDDDB.

Subject 6: Filing Fees: If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be 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 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).

Response: The County and applicant are aware the Department's EIR filing fee is required for filing of the Notice of Determination (NOD) following approval/certification of the Final FSEIR.

Subject 7: Closing Statements: CDFW appreciates the opportunity to comment on the Project to assist the Tulare County RMA in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Jaime Marquez, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Jaime.Marquez@wildlife.ca.gov.

Response: The County appreciates the Department providing the current link to survey protocols. Certified biologists will conduct pre-construction surveys, as required in Mitigation Measures 3.2-2, 3.2-4, 3.2-7, 3.2-12, and 3-2.13, in accordance with Department recommendations.

**Comment Letter 3 San Joaquin Valley Unified Air Pollution Control District (Air District),
February 16, 2024**

Subject 1: Introduction and Project Description: The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Focused Subsequent Environmental Impact Report (DFSEIR) from the County of Tulare (County) for the development of a biomass conversion/composting facility within the existing Visalia Disposal Landfill Site. Per the DFSEIR, the project consists of: 1) receive 1,000 TPD of organic material as feedstock, and 2) increasing the landfill's total permitted haul trucks from 900 to 1,200 trucks per day to transport the organic material to the Landfill site's biomass conversion/composting facility (Project). The objective of the Project is the addition of organic material and haul trips for the development and operation of a 2.0 mega-watt biomass conversion facility and composting facility to comply with SB 1383 regulations. The Project is located 8614 Avenue 328, in Visalia, CA 93291.

Response: The Air District summarized the project description. No response is required.

Subject 2: Comments: The District offers the following comments regarding the Project:

- 1) **Project Related Emissions:** Based on DFSEIR, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the

significance thresholds as identified in the District’s Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI):

<https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>.

Response: We appreciate your review of the criterial pollutant emissions analysis. We agree that Project related emissions would not exceed any Air District significance thresholds.

- 2) **Truck Routing:** Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on sensitive receptors, for example, residential dwelling units in the surrounding project area.

Since the DFSEIR estimated an increase of 300 HHD truck trips for the Project, the District recommends the County evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

Response: The nearest residential receptor is located 0.5 mile west of the Project site. As noted in the Air Quality and GHG Technical Report (included in Appendix “A” of the Draft FSEIR), a risk prioritization analysis was prepared and identified an Intermediate prioritization score. Since the score is intermediate, 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 health risk impacts are less than significant. Furthermore, prevailing winds are predominantly from the northwest to the southeast; the nearest potential sensitive receptor is directly east and slightly north 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.

The Project will continue to use the only existing ingress/egress point on Avenue 328. 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. 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.” 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.

- 3) **Cleanest Available Heavy-Duty Trucks:** The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NO_x emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District’s ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The DFSEIR estimated an increase of 300 HHD truck trips for the Project. As such, the District recommends that the following measures be considered by the County to reduce Project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.
- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

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 and GHG Technical Report (included in Appendix “A” of the Draft FSEIR), dedicated project off-road equipment will employ Tier 4 engines where feasible/applicable, and that the equipment used for processing organic feedstock and finished compost are assumed to be equipped with Tier 4-final engines.

- 4) **Clean Vehicle Fueling Infrastructure:** To support and accelerate the installation of electric vehicle charging infrastructure for HHD Trucks, the District offers incentives to public agencies, and businesses to install electric charging infrastructure. This program supports the development and implementation of fueling infrastructure. The District recommends that the County consider installing electric vehicle infrastructure at the Project site. Please visit <https://ww2.valleyair.org/grants/clean-vehicle-fueling-infrastructure-program/> for more information.

Response: Tulare County does not own or operate the refuse collection truck fleet. The contracted carrier currently uses electric and hybrid trash trucks in only two areas within California. As such, installation of electric charging infrastructure is not a feasible design feature at this time. However, as these trucks become available in Tulare County, the County will coordinate with the carrier to reassess the potential for installation of electric fueling infrastructure within the Landfill site.

- 5) **Reduce Idling of Heavy-Duty Trucks:** The goal of this strategy is to limit the potential for localized PM_{2.5} and toxic air contaminant impacts associated with the idling of Heavy-

Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

The District recommends the DFSEIR include a mitigation measure to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors since the DFSEIR estimated an increase of 300 HHD truck trips for the Project. In addition, the District recommends the County consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

Response: Operations at the landfill currently comply with the State’s anti-idling regulations. The biomass conversion/composting facility will be required to also comply. As previously noted, the nearest receptor is located 0.5 miles from the Project site. The Project’s prioritization score was intermediate and the Air Quality and GHG Technical Report (included in Appendix “A” of the Draft FSEIR) concluded that potential health risks are less than significant.

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

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District’s Small Business Assistance (SBA) Office at (559) 230-5888.

- 6a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources:** Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

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

Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

- 6b) District Rule 9510 - Indirect Source Review (ISR):** Per District Rule 9510 section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.
- 6c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants):** In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <https://ww2.valleyair.org/compliance/demolitionrenovation/>
- 6d) Other District Rules and Regulations:** The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

Response: Comment noted. The County will be seeking Authorities to Construct and Permits to Operate for the Project. Also, Mitigation Measure 3.1-1 as identified in the Mitigation Monitoring and Reporting Program, requires the applicant to mitigate VOC emission through the use of Emission Reduction Credits in compliance with District regulation.

- 7) District Comment Letter:** The District recommends that a copy of the District's comments be provided to the Project proponent.

Response: A copy of these comments has been provided to both the Project proponent (Tulare County Solid Waste Department) and Local Enforcement Agency (Tulare County Environmental Health Division).

Subject 3: Closing Statement: If you have any questions or require further information, please contact Eric McLaughlin by e-mail at Eric.McLaughlin@valleyair.org or by phone at (559) 230-5808.

Response: Thank you for providing contact information in the event the County requires additional assistance from the Air District. This information has been forwarded to the County's Solid Waste Department and Environmental Health Division.

Comment Letter 4: California Department of Transportation (Caltrans), February 14, 2024

Comment Subject 1: No Comment: Due to the nature and location of the proposed Visalia Landfill Compost and Biogas Compost Facility, it is anticipated that the operation of the facility will have minimal impact to the State Highway System.

Caltrans has no comment on the Draft Focused Subsequent Environmental Impact Report (SEIR) for the Visalia Disposal (Landfill) Site Compost and Biogas Compost Facility.

Caltrans appreciates the follow up.

If you have further questions, please contact me.

Response: The County of Tulare (County) acknowledges and recognizes Caltrans’ authority and expertise regarding transportation issues relative to the proposed Project and appreciates your response (dated February 16, 2024) regarding the Focused Subsequent Environmental Impact Report (FSEIR) prepared for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations Project (SCH# 2021020054).

The Final Focused SEIR will be available beginning December 4, 2024, on the RMA website at: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>.

The Project will be heard before the Tulare County Board of Supervisors on December 17, 2024, for consideration of certification and adoption of the Final FSEIR and approval of the Project. The Board of Supervisors agenda will be available at the following website: <https://tularecounty.ca.gov/board/board-of-supervisors-meetings/>.

We sincerely appreciate Caltrans’ review of the proposed Project and associated FSEIR. If you have any questions regarding the above, please contact me by phone at (559) 624-7199, or by email at [gmills@tularecounty.ca.gov](mailto:gmillis@tularecounty.ca.gov).

PROJECT SUMMARY

The County of Tulare is proposing to retain its currently permitted 2,000 ton per day (TPD) limit of solid waste material for disposal at the Visalia Disposal (Landfill) Site – Compost and Biomass Conversion Facility (Project) and up to 900 daily vehicle trips. The proposed Project would occur in areas currently designated as future solid waste disposal cells within the existing 634-acre Visalia Landfill site located at the northeast corner of Avenue 328 and Road 80, approximately one (1) mile north of the City of Visalia.

The proposed Project would increase total tonnage received by the Landfill to 3,000 tons per day (TPD) to be split between the landfill (2,000 TPD) and the biomass conversion/compost facility (1,000 TPD). It is anticipated that, over time, a maximum of 900 haul truck trips (the current permitted trips limit) would deliver landfilling material and 300 additional haul truck trips would deliver organic material to the biomass conversion/composting operation located within the Landfill site's existing footprint. In addition to retaining the currently permitted 2,000 TPD for landfilling, an additional 1,000 TPD maximum would be used for the biomass conversion/composting operation which includes 300 additional haul truck trips to deliver organic material to the biomass conversion/composting operation. Overall, the addition of 1,000 TPD of organic material is intended to serve as the feedstock (fuel supply/material) for the development and operation of a 2.0 mega-watt biomass conversion facility (to produce electricity, heat and biochar using wood fuel) and composting facility to comply with SB 1383 regulations.

Operational details for the Biogas and Compost Facility are provided in Chapter 2 Project Description of the Draft SEIR. See **Figures 2-1** through **2-4** of the Draft SEIR for maps and site plans illustrating the Project's location and features.

LOCAL REGULATORY CONTEXT

The Tulare County General Plan Update 2030 was adopted by the Tulare County Board of Supervisors on August 28, 2012. As part of the General Plan, an Environmental Impact Report (EIR) and an accompanying Background Report were also prepared. The General Plan Background Report contained contextual environmental analysis for the General Plan Update. The Housing Element 2015 Update for 2014-2023 was adopted by the Board of Supervisors on November 17, 2015, and certified by the State of California Department of Housing and Community Development (HCD) on December 9, 2015. The Housing Element 2023-2031 Update was adopted by the Board of Supervisors on December 12, 2023, and is pending approval and certification by HCD as of the date of this SEIR. The Health and Safety Element was amended March 14, 2023, with the adoption of the 2023 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan. Also, the Visalia Landfill Master Development Plan Environmental Impact Report (SCH No. 2000051098) was prepared and subsequently adopted and certified by the Board of Supervisors on October 23, 2001; and the Focused Environmental Impact Report for the Visalia Landfill – Compost and Biomass Conversion Facility (SCH No. 2021020054) adopted/certified by the Board of Supervisors on September 27, 2022, are incorporated herein by reference in their entirety.

SCOPE AND METHODOLOGY

The County of Tulare has determined that the proposed Project could have potentially significant impacts related to Air Quality, Biological Resources, Energy, Greenhouse Gases, Hydrology and Water Quality, Transportation, and Tribal Cultural Resources. As such, the County of Tulare determined that a Focused Subsequent EIR (SEIR) fulfills the requirements of CEQA and is the appropriate level evaluation to address the potential environmental impacts of the proposed project. This Focused SEIR concentrates on the potentially significant impacts of the proposed Project; all other impact areas were determined to either have no impact or have a less than significant impact (with or without mitigation). This Focused SEIR references the Notice of Preparation (included in Appendix “D” of the Draft SEIR) prepared for the Project for all other areas of impact analysis not included in this Focused SEIR.

This SEIR addresses environmental impacts to the level that they may be assessed without undue speculation (CEQA Guidelines Section 15145).² This Final Focused SEIR acknowledges this uncertainty and incorporates these realities into the methodology to evaluate the environmental effects of the proposed Project. 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.”³

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 California Association of Environmental Professionals. California Environmental Quality Act Statute and Guidelines. Section 15145. Accessed July 2023 at: https://www.califaep.org/docs/CEQA_Handbook_2023_final.pdf.

³ CEQA Guidelines Section 15002(a).

- (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...”⁴

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.
- (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.”⁵

Both subsequent and supplemental EIRs must comply with the same requirements for notice and public review as for a draft EIR (CEQA Guidelines Sections 15162[d], 15163[c]). Response to public comments and a new final EIR, findings of fact, and if necessary, a statement of overriding considerations would be required. Therefore, the amount of time saved by preparing a subsequent or supplemental EIR as compared to a project EIR may not be significant.

“When Is a Supplemental or Subsequent EIR Required?

When an agency has prepared a program EIR and a further discretionary approval is necessary, a subsequent or supplemental EIR is required only where the later activity, which is within the scope of the program EIR, would have effects that were not examined in the program EIR (CEQA Guidelines Section 15168[c][1]). The requirements for subsequent and supplemental review are limited in order to balance “CEQA’s central purpose of promoting consideration of the environmental consequences of public decisions with interests in finality and efficiency.” (*Friends*

⁴ Ibid. Section 15002 (f).

⁵ Op. Cit. Section 15021.

of the College of San Mateo Gardens v. San Mateo County Community College Dist. [2016] 1 Cal.5th 937, 949).

The agency must first determine, based on substantial evidence, whether the previous EIR retains some informational value (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* [2016] 1 Cal.5th 937, 949). If so, the agency may prepare an initial study to determine whether the project triggers the requirements for subsequent review (PRC Section 21094[c]).

When a program EIR or project-level EIR has been certified, a subsequent EIR is not required unless (PRC Section 21166; CEQA Guidelines Section 15162):

- (1) “Substantial changes are proposed in the project which will require major revisions” to the EIR “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”;
- (2) “Substantial changes occur with respect to the circumstances,” and those changes will require “major revisions” to the EIR “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”; or
- (3) “New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time” of preparation of the EIR, becomes available. Such information must show either: the project will have one or more significant effects not discussed in the previous EIR; significant effects previously examined will be substantially more severe; mitigation measures or alternatives previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the conditions in either section (1), (2), or (3), above, are triggered, an agency must prepare a subsequent environmental document. It is important to note that although triggering any one of the sections alone would require further review, there are also multiple components within each section. For example, where substantial changes to a project are proposed, the agency is only required to prepare a subsequent EIR if those changes require major revisions to the EIR and those changes are due to new significant effects or a substantial increase in the severity of effects identified in the prior EIR. If each of the components in a section is not met, a subsequent or supplemental EIR is not required. Under those circumstances, it may be appropriate to prepare an addendum to the prior EIR instead to consider the project changes and to document the evidence supporting the agency’s conclusion that the changes do not result in new or substantially more severe significant effects (CEQA Guidelines Section 15164).

A subsequent EIR could come about if an agency were attempting to use a certified EIR for a phase of a project that was not sufficiently defined when the EIR was prepared. Many agencies will designate an area in their general plan as “specific plan,” assigning an amount of housing, office, commercial, or industrial uses as a lump sum for the area and leaving the physical design until later. A development project within the specific plan designation would then be required to prepare a specific plan that would include the project-level detail that could not be known at the time of EIR certification. If that project-level detail resulted in new significant impacts, then a subsequent EIR could be effective. The subsequent EIR would allow the agency to narrowly focus the subsequent analysis on the environmental impacts based on the newly available project detail.

If the requirements for a subsequent EIR are triggered, but “[o]nly minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation,” an agency may decide to prepare a supplemental EIR rather than a subsequent EIR (CEQA Guidelines Section 15163[a]). Either type of EIR may conclude that there will be new significant unavoidable impacts, in which case the lead agency must adopt a statement of overriding considerations.”⁶ “Instrumental to the discussion would be the findings of fact from the EIR that highlighted the significant impacts and any impacts that were considered significant and unavoidable. Impacts such as those related to parkland, recreation, and public services that may have been dismissed with an entirely nonresidential project may result in a new significant impact because of the new design. If new impacts are significant, then a supplemental or subsequent EIR should be prepared to address the new impact. If the impacts were previously identified, then the analysis would need to determine if the addition of the apartments would result in a “substantial increase” in the severity of the impact. The term “substantial increase” is not defined in CEQA; therefore, each agency must interpret the term and support its interpretation with substantial evidence.

Determining in a particular situation whether it is appropriate to prepare a subsequent or supplemental EIR is a project-specific consideration, based on many factors. If an agency is required under PRC Section 21166 and CEQA Guidelines Section 15162 to conduct subsequent environmental review under a program EIR, the agency should proceed pursuant to PRC Section 21094 and CEQA Guidelines Section 15168 or 15152. The agency must prepare an initial study to consider whether the later project may cause significant effects that were not examined in the program EIR (PRC Section 21093[c]). The later report does not need to consider effects that were mitigated or avoided in the program EIR, or effects that were analyzed at a sufficient level of detail in the program EIR to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project (PRC Section 21093[b]; CEQA Guidelines Section 15152[d]).

As noted above, the court does not place importance on the title of the EIR, but rather focuses on whether the level of analysis is commensurate with the detail of the project. The subsequent EIR and the supplemental EIR are identical in processing in that both require public circulation of the

⁶ Association of Environmental Planners (AEP) CEQA Portal Topic Paper. Subsequent and Supplemental EIRs and Streamlining. Pages 4-6. Prepared July 2021. Accessed September 2023 at: https://ceqaportal.org/tp/Subsequent%20and%20Supplemental%20EIRs%20and%20Streamlining%207.23.21_final4.pdf or [AEP white paper - Subsequent Environmental Review and Streamlining \(00575964\).DOCX \(ceqaportal.org\)](#)

draft document, response to comments, etc. Where they differ is in the magnitude of change between the project evaluated in the certified EIR and the one being proposed. If major changes to the original project description are required that would create more of an impact on the environment, then a subsequent EIR is appropriate. If new information is all that is needed to allow the newly proposed project to use the existing certified EIR, then a supplement to the original document would suffice. These determinations are necessarily specific to the project and the lead agency.”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 Focused SEIR 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.”⁹ Significant impacts must be determined by applying explicit significance criteria to compare the future plan conditions to the existing environmental setting.¹⁰

The existing environmental setting is described in each resource section of Chapter 3 of this Focused SEIR and represents the most recent, reliable, and representative data to describe current regional conditions. The criteria for determining significance are also included in each resource section in Chapter 3 of this Focused SEIR. As previously noted, this SEIR is also relying on previously adopted environmental documents including: the Visalia Landfill Master Development Plan Environmental Impact Report (Original EIR, SCH No. 2000051098, adopted and certified by the Tulare County Board of Supervisors on October 23, 2001; and the Focused Environmental

⁷ Ibid. 6.

⁸ CEQA Guidelines. Section 15002 (h).

⁹ Public Resources Code. Section 21068.

¹⁰ CEQA Guidelines. Section 15126.2(a).

Impact Report (SCH No. 2021020054) Visalia Landfill – Compost and Biomass Conversion Facility adopted and certified by the Board of Supervisors on September 27, 2022. These documents are incorporated herein by reference in their entirety.

CONSIDERATION OF SIGNIFICANT IMPACTS

Pursuant to CEQA Guidelines Section 15126.2, “[a]n EIR shall identify and focus on the significant environmental effects of the proposed project. 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 by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”¹¹

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

PROJECT DESCRIPTION MODIFICATIONS

Proposed Project

The proposed Project consists of a new permit for the Visalia Disposal Site (Visalia Landfill or Landfill) – Compost and Biomass Conversion Facility Project. This Focused Subsequent EIR will address a new standalone permit (for a biomass conversion/composting facility) in addition to retaining the current landfill permit from the California Department of Resources Recycling and Recovery (CalRecycle). The Landfill is currently permitted to receive up to 2,000 TPD of solid waste and 900 vehicles per day. It is the County’s desire to increase its overall daily solid waste tonnage and daily vehicle limit to avoid violating its current permit from exceeding both daily tonnage and vehicle limits by requesting a standalone permit (within the existing footprint of

¹¹ CEQA Guidelines, Section 15126.2.

Visalia Landfill) for the biomass conversion/composting facility and associated haul trucks that would transport biomaterial to be exclusively used for biomass conversion/composting purposes. As such, the County is proposing to:

- Increase the Landfill's total daily permitted tonnage of solid waste to 3,000 TPD. The County proposes to increase its total daily landfill tonnage by diverting 1,000 TPD of daily organic waste material to be used for biomass conversion/composting and maintaining its 2,000 TPD of solid waste toward landfilling. It is anticipated that the composting component of the biomass conversion/composting facility would reach its planned maximum of 200,000 TPY over the course of 13 years and would be constructed in four phases of 50,000 TPY; and
- Increase the Landfill's daily permitted vehicles trips by 300 vehicles/day (haul trucks) to 1,200 total vehicles/day. The County's current permit allows a daily limit of 900 total vehicles/day (it currently averages approximately 600 vehicles/day). Allowing the additional 300 vehicles (haul trucks)/day would provide a comfortable margin from its current limit of 900 vehicles/day. The increase of 300 haul trucks/day would be incremental over a 13-year period to coincide with full build-out and operation of the biomass conversion/composting facility.

It is noted that the proposed increases will not impact the permitted capacity of the Landfill's solid waste materials; rather, the proposed increase is limited to organic material that will be utilized exclusively as feedstock for the biomass conversion/composting facility. By diverting compostable organic material (e.g., feedstock such as green waste, wood waste, and residential organics), the Landfill's total solid waste stream will decrease over time thereby complying with the objectives of SB 1383 to reduce methane emissions. This would ultimately result in up to 200,000 TPY of diverted organic waste thereby extending the lifespan of the Landfill to accommodate future solid waste that would not qualify as suitable feedstock for biomass conversion/composting production.

Finding of No Additional Significant Environmental Impacts / Finding of Consistency with the Focused Environmental Impact Report (SCH# 2021020054) for the Visalia Disposal (Landfill) Site Biogas and Compost Facility (Original EIR)

Following is a summary of the resources addressed or not addressed in the Draft Focused SEIR. More details are provided in Chapter 3 (of the Draft SEIR) for each resource noted.

Resources with No Impact

The Project in the Original EIR did not require discussion/analysis/determination of the following resources as the nature of the proposed Project would result in no-to-less than significant impacts:

- Aesthetics
- Agricultural & Forestry Resources
- Hazards & Hazardous Materials

- Land Use & Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Utilities & Service Systems
- Wildfire

Resources with No Change in Impact

The following resources were discussed/analyzed/determined in the Original EIR which concluded that the proposed Project would result in less than significant impacts with mitigation. Although the Project discussed in this Focused SEIR will not result in any less or more significant impacts, potential impacts to these resources are nonetheless discussed in the Draft Focused SEIR:

- Biological Resources
- Tribal Cultural Resources

Resources with No Significant Impact

Although the following resources will not be significantly impacted; they are discussed in the Draft Focused SEIR:

- Air Quality (See Chapter 3.1)
- Biological Resources (See Chapter 3.2)
- Energy (See Chapter 3.3)
- Greenhouse Gases (See Chapter 3.4)
- Hydrology and Water Quality (See Chapter 3.5)
- Transportation (See Chapter 3.6)
- Tribal Cultural Resources (See Chapter 3.7)

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 mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.
 - (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.”¹²

ORGANIZATION OF THE EIR

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

¹² CEQA Guidelines. 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 June 14, 2023, and circulated for a 30-day comment period ending July 14, 2023. Tulare County RMA received five (5) comments on the NOP. Comments were received from the following agencies, individuals, and/or organizations:

- Native American Heritage Commission, June 16, 2023;
- San Joaquin Valley Unified Air Pollution Control District, July 13, 2023;
- California Department of Resources Recycling and Recovery, July 14, 2023;
- California Department of Fish and Wildlife, July 20, 2023; and
- State Water Resources Control Board, July 24, 2023.

A copy of the NOP is included in Appendix “D” of the Draft SEIR, 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 entities have a response to make and may ignore a late response.”¹³

A scoping meeting was noticed in the Notice of Preparation that was published in the Sun-Gazette (a newspaper of general circulation) and on the Tulare County RMA website, submitted to the OPR/SCH, and sent to Responsible and Trustee agencies and other interested parties on

¹³ CEQA Guidelines, Section 15103.

June 14, 2023. The scoping meeting was held at 1:30 P.M. on June 29, 2023, in the Resource Management Agency, Main Conference Room at 5961 S. Mooney Boulevard and remotely via call-in.

No comments were received during this meeting. Appendix “D” of the Draft SEIR 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 SEIR was circulated publicly for a comment period beginning on December 29, 2023. Following completion of the extended public review period ending on February 16, 2023, RMA staff prepared responses to comments and a Final Focused SEIR was completed. The Final Focused SEIR was forwarded to the County of Tulare Board of Supervisors (Board) for review for either certification and adoption of the Final Focused SEIR, and approval for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations 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 submitted to the Office of Planning and Research/State Clearinghouse.

ORGANIZATIONS AND PARTIES CONSULTED

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

Attachment A

Notice of Availability Tracking Table

NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL IMPACT REPORT
VISALIA DISPOSAL (LANDFILL) SITE COMPOST AND BIOMASS CONVERSION FACILITY - LANDFILLING OPERATIONS
SCH# 2021020054

COUNTY OF TULARE POSTINGS					
Location of Document	Notice of Availability		Environmental Impact Report		Flash Drive with both NOA & EIR
	E-mail	Hard Copy	E-mail	Hard Copy	
RMA Website: https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/					
Tulare County Resource Management Agency Permits Counter 5961 S. Mooney Blvd. Visalia, CA 93277-9394	---	12/28/23	---	12/29/23	---
Tulare County Clerk/Recorder County Civic Center Courthouse, Room 105 221 S. Mooney Blvd. Visalia, CA 93291	---	12/28/23	---	---	--
Visalia Main Branch Library 200 W. Oak Ave. Visalia, CA 93291 County Librarian - Darla Wegener – DWegener@tularecounty.ca.gov Librarian – Ruth Tolmachoff - Ruth.Tolmachoff@tularecountylibrary.org General Questions - questions@tularecountylibrary.org	12/28/23	12/28/23	---	---	12/28/23

STATE CLEARINGHOUSE POSTING		
Date & Documents Submitted to CEQAnet:	12/28/23	Date Documents Published on CEQAnet: 12/29/23
<input checked="" type="checkbox"/> NOC <input checked="" type="checkbox"/> NOA <input checked="" type="checkbox"/> Focused Subsequent EIR <input checked="" type="checkbox"/> Electronic Submittal Form <input type="checkbox"/> Other:		
Agencies below were marked with "X" on the NOC	Comment Date / Contact Name and Position	
• California Air Resources Board		
• California Energy Commission		
• California Highway Patrol		
• Department of Conservation		
• Department of Fish and Wildlife Region #4	See Below.	
• Department of Food and Agriculture		
• Department of Resources and Recycling and Recovery	2/5/24	Comment letter received from Joy Bowers, Environmental Scientist Joy.Bowers@calrecycle.ca.gov
• Department of Transportation – District #6	See Below.	
• Department of Toxic Substances Control		
• Native American Heritage Commission		
• Natural Resources Agency		
• Office of Historic Preservation		
• Public Utilities Commission		
• Regional Water Quality Control Board District #5F		
• State Water Resources Control Board – Water Quality		

NEWSPAPER NOTIFICATION			
Location of Document	Date Approved by Chief Planner	Date Submitted to Clerical Staff	Newspaper Publish Date
Exeter Sun-Gazette	12/11/23	12/18/23	12/27/23

NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL IMPACT REPORT
VISALIA DISPOSAL (LANDFILL) SITE COMPOST AND BIOMASS CONVERSION FACILITY - LANDFILLING OPERATIONS
SCH# 2021020054

PUBLIC NOTIFICATION				
Agency / Party	NOTICE OF AVAILABILITY			COMMENTS RECEIVED
	US Mail	Interoffice	E-mail	Comment Date / Contact Name and Position / Notes
FEDERAL AGENCIES				
Cynthia Echavarria-Baruch Community Planning & Liaison Officer (CPLO) 700 Avenger Avenue NAS Lemoore, CA 93246 Cynthia.Baruch@navy.mil	12/28/23	---	12/28/23	
US Army Corps of Engineers Sacramento District 1325 J Street, Room 1350 Sacramento, CA 95814-2922	12/28/23	---	---	
US Department of Agriculture Natural Resources Conservation Service Visalia Service Center Attn: Lurana Strong, District Conservationist 3530 W. Orchard Ct. Visalia, CA 93277-7055 lurana.strong@usda.gov	12/28/23	---	12/28/23	
United States Fish and Wildlife Service Sacramento Fish & Wildlife Office 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846	12/28/23	---	---	
STATE & REGIONAL AGENCIES				
CA Environmental Protection Agency P.O. Box 2815 Sacramento, CA 95812-2815	12/28/23	---	---	
California Department of Conservation California Geological Survey 715 P Street, MS 1901 Sacramento, CA 95814 cgshq@conservation.ca.gov	12/28/23	---	12/28/23	
California Department of Conservation Division of Land Resource Protection 715 P Street, Mail Stop #1904 Sacramento, CA 95814 dlrp@conservation.ca.gov	12/28/23	---	12/28/23	
California Department of Fish and Wildlife Region 4 – Central Region 1234 E. Shaw Avenue Fresno, CA 93710 R4CEQA@wildlife.ca.gov	12/28/23	---	12/28/23	2/14/24, comment letter from Julie Vance, Regional Manager (contact Jaime Marquez, Environmental Scientist, with questions. Jaime.Marquez@wildlife.ca.gov)
California Department of Toxic Substances Control P.O. Box 806 Sacramento, CA 95812-0806	12/28/23	---	---	
California Department of Transportation, District 6 Local Development Review 1352 W. Olive Ave P.O. Box 12616 Fresno, CA 93778-2616 LDR-D6@dot.ca.gov David Deel, Associate Transportation Planner – David.Deel@dot.ca.gov	---	---	12/28/23	1/2/24, email of receipt from David Deel, Associate Transportation Planner 2/16/24, email from David Deel stating Caltrans has “no comment”

NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL IMPACT REPORT
VISALIA DISPOSAL (LANDFILL) SITE COMPOST AND BIOMASS CONVERSION FACILITY - LANDFILLING OPERATIONS
SCH# 2021020054

PUBLIC NOTIFICATION				
Agency / Party	NOTICE OF AVAILABILITY			COMMENTS RECEIVED
	US Mail	Interoffice	E-mail	Comment Date / Contact Name and Position / Notes
Lorena Mandibles, Supervisor – Lorena.Mendibles@dot.ca.gov				
California Department of Water Resources 715 P Street Sacramento, CA 95814-6400	12/28/23	---	---	
California Highway Patrol Central Division (480) Visalia Office Attn: David Gilmore, Area Captain 5025 W. Noble Ave. Visalia, CA 93277 dagilmore@chp.ca.gov	12/28/23	---	12/28/23	
California Natural Resources Agency 715 P Street, 20th Floor Sacramento, CA 95814-6400	12/28/23	---	---	
California Public Utilities Commission Energy Division 3rd Floor Attn: Mary Jo Borak 505 Van Ness Ave. San Francisco, CA 94102 bor@cpuc.ca.gov	12/28/23	---	12/28/23	
Native American Heritage Commission 1550 Harbor Blvd, Suite 100 West Sacramento, CA 95691 NAHC@nahc.ca.gov	12/28/23	---	12/28/23	
State Water Resources Control Board Attn: Lori Schmitz P.O. Box 100 Sacramento, CA 95812 Lori.Schmitz@waterboards.ca.gov	12/28/23	---	12/28/23	
Regional Water Quality Control Board Region 5 – Central Valley 1685 E Street Fresno, CA 93706 CentralValleyFresno@waterboards.ca.gov	12/28/23	---	12/28/23	
San Joaquin Valley APCD Permit Services – CEQA Division 1990 E. Gettysburg Ave. Fresno, CA 93726 CEQA@valleyair.org	12/28/23	---	12/28/23	1/2/24, email from Eric McLaughlin, Air Quality Specialist II 2/16/24, comment letter from Brian Clements, Director of Permit Services (contact Eric McLaughlin with questions Eric.McLaughlin@valleyair.org)
LOCAL AGENCIES				
Tulare County Agricultural Commissioner Attn: Tom Tucker 4437 S. Laspina Street Tulare CA 93274 TTucker@tularecounty.ca.gov	---	12/28/23	12/28/23	
Tulare County Association of Governments Attn: Ted Smalley 210 N. Church Street, Suite B Visalia, CA 93291 TSmalley@tularecog.org	---	12/28/23	12/28/23	

NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL IMPACT REPORT
VISALIA DISPOSAL (LANDFILL) SITE COMPOST AND BIOMASS CONVERSION FACILITY - LANDFILLING OPERATIONS
SCH# 2021020054

PUBLIC NOTIFICATION				
Agency / Party	NOTICE OF AVAILABILITY			COMMENTS RECEIVED
	US Mail	Interoffice	E-mail	Comment Date / Contact Name and Position / Notes
Tulare County Fire Department 835 S. Akers Street Visalia, CA 93277 Charlie Norman, Fire Chief – cnorman@tularecounty.ca.gov	---	12/28/23	12/28/23	
Tulare County Health & Human Services Agency Environmental Health Department Attn: Jessica Gocke, Environmental Health Supervisor 5957 S. Mooney Blvd Visalia, CA 93277 jgocke@tularehhsa.org Kevin Bangsund, Environmental Health Specialist - KBangsund@tularecounty.ca.gov Allison Shuklian, Environmental Quality Coordinator - AShuklia@tularehhsa.org	---	12/28/23	12/28/23	
Tulare County Local Agency Formation Commission 210 N. Church Street, Suite B Visalia, CA 93291	---	12/28/23	---	
Tulare County Office of Emergency Services 5957 S. Mooney Blvd Visalia, CA 93277 Sabrina Bustamante, Emergency Services Specialist - slbustamante@tularecounty.ca.gov Megan Fish, Emergency Services Specialist - mfish@tularecounty.ca.gov	---	12/28/23	12/28/23	
Tulare County Sheriff's Office – Headquarters Attn: Public Information Officer 833 S. Akers St. Visalia, CA 93291 sheriffpio@tularecounty.ca.gov	---	12/28/23	12/28/23	
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277 Building Hector Ramos – hramos@tularecounty.ca.gov Economic Development Denise England - dengland@tularecounty.ca.gov Fire (Plan Checks) Gilbert Portillo – gportillo@tularecounty.ca.gov Mark Phillips – mphillips@tularecounty.ca.gov Flood Control Reed Schenke - rschenke@tularecounty.ca.gov ; Ross Miller – rmiller@tularecounty.ca.gov	---	---	12/28/23	

NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL IMPACT REPORT
VISALIA DISPOSAL (LANDFILL) SITE COMPOST AND BIOMASS CONVERSION FACILITY - LANDFILLING OPERATIONS
SCH# 2021020054

PUBLIC NOTIFICATION				
Agency / Party	NOTICE OF AVAILABILITY			COMMENTS RECEIVED
	US Mail	Interoffice	E-mail	Comment Date / Contact Name and Position / Notes
Public Works Engineering - Hernan Beltran hbeltran@tularecounty.ca.gov ; Roads - Johnny Wong - jwong@ctularecounty.ca.gov				
Tulare County Farm Bureau Tricia Stever Blattler, Exec. Director 737 N. Ben Maddox Way Visalia, CA 93292 pstever@tulcofb.org	12/28/23	---	12/28/23	
Tulare County Resource Conservation District 3530 W. Orchard Ct Visalia, CA 93277	12/28/23	---	---	
Tulare County U.C. Cooperative Extension UC Cooperative Extension 4437 S. Laspina Street Tulare, CA 93274	12/28/23	---	---	
City of Visalia Attn: Leslie Caviglia, City Manager 220 N. Santa Fe Street Visalia, CA 93292 leslie.caviglia@visalia.city	12/28/23	---	12/28/23	
City of Visalia Community Development Attn: Paul Bernal, Director 315 E. Acequia Avenue Visalia, CA 93291 paul.bernal@visalia.city	12/28/23	---	12/28/23	
City of Visalia Solid Waste Attn: Jason Serpa, Manager Jason.Serpa@visalia.city	---	---	12/28/23	
St. John's Water District c/o Consolidated People's Ditch Attn: Greg Gurrola P.O. Box 366 Farmersville, CA 93223 ggurrola@cpdc1874.org	12/28/23	---	12/28/23	
Greater Kaweah Groundwater Sustainability Agency Attn: Mark Larsen mlarsen@kdwcd.com	---	---	12/28/23	
Southern California Edison Attn: Calvin Rossi, Region Manager Local Public Affairs 2425 S. Blackstone St. Tulare, CA 93274 calvin.rossi@sce.com	12/28/23	---	12/28/23	
Southern California Gas Company Environmental Review 404 N. Tipton Street Visalia, CA 93292 envreview@semptrautilities.com	12/28/23	---	12/28/23	

NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL IMPACT REPORT
VISALIA DISPOSAL (LANDFILL) SITE COMPOST AND BIOMASS CONVERSION FACILITY - LANDFILLING OPERATIONS
SCH# 2021020054

PUBLIC NOTIFICATION				
Agency / Party	NOTICE OF AVAILABILITY			COMMENTS RECEIVED
	US Mail	Interoffice	E-mail	Comment Date / Contact Name and Position / Notes
NATIVE AMERICAN TRIBES				
Big Sandy Rancheria of Western Mono Indians Elizabeth D. Kipp, Chairperson PO. Box 337 Auberry, CA 93602 lkipp@bsrnation.com	12/28/23	---	12/28/23	
Big Sandy Rancheria of Western Mono Indians Joel Marvin, Vice Chairperson PO. Box 337 Auberry, CA 93602 jmarvin@bsrnation.com	12/28/23	---	12/28/23	
Big Sandy Rancheria of Western Mono Indians Tom Zizzo, Tribal Administrator PO. Box 337 Auberry, CA 93602 tzizzo@bsrnation.com	12/28/23	---	12/28/23	
Dunlap Band of Mono Indians Benjamin Charley Jr., Tribal Chair P.O. Box 14 Dunlap, CA 93621 ben.charley@yahoo.com	12/28/23	---	12/28/23	
Dunlap Band of Mono Indians Dirk Charley, Tribal Liaison 5509 E. McKenzie Avenue Fresno, CA 93727 dcharley2016@gmail.com	12/28/23	---	12/28/23	
Kern Valley Indian Tribe Robert Robinson, Co-Chairperson P.O. Box 1010 Lake Isabella, CA 93240 bbutterbredt@gmail.com	12/28/23	---	12/28/23	
Kern Valley Indian Tribe Julie Turner, Secretary P. Box 1010 Lake Isabella, CA 93240 meindiagirl@sbcglobal.net	12/28/23	---	12/28/23	
Kern Valley Indian Tribe Brandi Kendricks 30741 Foxridge Court Tehachapi, CA 93561 krazykendricks@hotmail.com	12/28/23	---	12/28/23	
North Fork Mono Tribe Ron Goode, Chairperson 13396 Tollhouse Road Clovis, CA 93619 rwgoode911@hotmail.com	12/28/23	---	12/28/23	
North Fork Mono Tribe Anna Phipps, Tribal Secretary 6051 Bear Creek Rd. Garden Valley, CA, 95633 Aphipps01@att.net	12/28/23	---	12/28/23	

NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL IMPACT REPORT
VISALIA DISPOSAL (LANDFILL) SITE COMPOST AND BIOMASS CONVERSION FACILITY - LANDFILLING OPERATIONS
SCH# 2021020054

PUBLIC NOTIFICATION				
Agency / Party	NOTICE OF AVAILABILITY			COMMENTS RECEIVED
	US Mail	Interoffice	E-mail	Comment Date / Contact Name and Position / Notes
North Fork Mono Tribe Jesse Valdez, Council Member - Archaeological Dir. 120 Monte Vista St. Lindsey, CA, 93247 ariesgoathead@gmail.com	12/28/23	---	12/28/23	
Santa Rosa Rancheria Tachi Yokut Tribe Leo Sisco, Chairperson P. O. Box 8 Lemoore, CA 93245 LSisco@tachi-yokut-nsn.gov	12/28/23	---	12/28/23	
Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Shana Powers, Director P. O. Box 8 Lemoore, CA 93245 SPowers@tachi-yokut-nsn.gov	12/28/23	---	12/28/23	
Santa Rosa Rancheria Cultural Department Staff Samantha McCarty SMcCarty@tachi-yokut-nsn.gov Paige Berggren PBerggren@tachi-yokut-nsn.gov		---	12/28/23	
Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P.O. Box 833 Weldon, CA 93283-0833 rgomez@tubatulabal.org	12/28/23	---	12/28/23	
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258 neil.peyron@tulerivertribe-nsn.gov	12/28/23	---	12/28/23	
Tule River Indian Tribe Dept. of Environmental Protection Kerri Vera, Director P. O. Box 589 Porterville, CA 93258 tuleriverenv@yahoo.com	12/28/23	---	12/28/23	
Tule River Indian Tribe Joey Garfield, Tribal Archaeologist P. O. Box 589 Porterville, CA 93258 joey.garfield@tulerivertribe-nsn.gov	12/28/23	---	12/28/23	
Tule River Indian Tribe Felix Christman, Council Member P. O. Box 589 Porterville, CA 93258 felix.christman@tulerivertribe-nsn.gov		---	12/28/23	

NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL IMPACT REPORT
VISALIA DISPOSAL (LANDFILL) SITE COMPOST AND BIOMASS CONVERSION FACILITY - LANDFILLING OPERATIONS
SCH# 2021020054

PUBLIC NOTIFICATION				
Agency / Party	NOTICE OF AVAILABILITY			COMMENTS RECEIVED
	US Mail	Interoffice	E-mail	Comment Date / Contact Name and Position / Notes
Wuksache Indian Tribe/ Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906 Kwood8934@aol.com	12/28/23	---	12/28/23	
INTERESTED PARTIES				
Tulare County Solid Waste 5955 S Mooney Blvd Visalia, CA 93277 jtreviso@tularecounty.ca.gov lbfeldstein@tularecounty.ca.gov	12/28/23	---	12/28/23	
Edgar Engineering Inc. 1822 21 st Street Sacramento, CA 95811 evan@edgarinc.org neil@edgarinc.org	12/28/23	---	12/28/23	
Yorke Engineering, LLC 1000 Business Center Circle, Ste 216 Newbury Park, CA 91320 Russ Kingsley rkingsley@yorkeengr.com	12/28/23	---	12/28/23	
Lozeau Drury LLP 1939 Harrison St, Ste 150 Oakland, CA 94612 Michael Lozeau - michael@lozeaudrury.com Hannah Hughes - hannah@lozeaudrury.com Sophie Roberts - sophie@lozeaudrury.com	12/28/23	---	12/28/23	

Attachment B

Comments Received from
California Department of Resources Recycling and Recovery
(CalRecycle), February 5, 2024
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

November 20, 2024

SENT VIA EMAIL

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 (Landfill) Site and Biogas and Compost Facility – Landfilling Operations (SCH # 2021020054)

Dear Ms. Isaacson:

Thank you for providing the California Department of Resources Recycling and Recovery (CalRecycle) letter response (dated February 5, 2024) regarding the Draft Focused Subsequent Environmental Impact Report (FSEIR) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations Project (Project), 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 FSEIR also includes RMA's response to your comments that were prepared with assistance from consulting experts Edgar Associates, Inc., as well as the revisions to the Project's environmental documents.

Subject 1: Introduction and Project Description: 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.

The Tulare County Resource Management Agency (RMA), acting as Lead Agency, has prepared and circulated a Draft Focused Subsequent Environmental Impact Report (SEIR) 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 Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations (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, near the City of Visalia. The site is currently zoned AE-40.

The Visalia Disposal (Landfill) Site is currently permitted for receiving up to 2,000 tons of municipal waste per day. The proposed project would allow for 1,000 tons per day of compostable material for a covered aerated static piles (CASP) compost facility; a total of 3,000 tons per day for the entire site. A maximum of 1,200 haul truck trips will be used to deliver landfill and compostable material; 900 haul truck trips would deliver landfill material to the existing landfill and 300 haul truck trips would deliver compostable material to the composting facility located within the Landfill's existing footprint.

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 and 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 process within a 48-hour holding time period from the time of receipt. The CASP piles will provide moisture control and oxygen 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 compost facility would occupy 36 acres and 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. The proposed project would also include the installation and use of composting equipment, installation of a 50,000 square foot processing building, construction of compost pads, and a lined pond. The facility would receive and handle compostable material, such as agricultural materials, food material, green material, mixed material, organic wastes, digestate and pre-processed feedstock ready CASP materials.

A 2.0 mega-watt (MW) biomass conversion facility will also be located near the landfill. The facility will produce electricity, heat and biochar using wood fuel that will be provided by local activities, such as wood waste. The facility will utilize approximately 18,000 bone dry tons (BDT) of wood chips per year or 25,000 tons of per year of wet recovered wood waste and produce approximately a net amount of 2.0 MW of electrical energy per hour. In addition, this facility will produce approximately 20-30 million British Thermal Units (MM BTU) of waste heat and approximately 300-600 pounds of biochar per hour. The facility is planned to operate 24/7.

Response: *The commenter has provided a summary of the Project description. No response is required.*

Subject 2: 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 Final Focused SEIR.

Response: *Revisions and clarifications to the Draft Focused Subsequent Environmental Impact Report (FSEIR) are included as Errata pages within the Final FSEIR and are indicated by ~~strikeout text~~ (e.g., ~~strikeout~~), underline text (e.g., underline), indicating additions.*

- Page 1-14 lists CalRecycle as the California Integrated Waste Management Board. Please correct to the Department of Resource Recycling and Recovery (CalRecycle).

Response: *CalRecycle's official name has been revised as requested in on the following pages as follows.*

Page 1-14: *9) ~~California Integrated Waste Management Board~~Department of Resources Recycling and Recovery (CalRecycle)*

Page 2-23: *PUBLIC AGENCY REQUIRED APPROVAL*

- *Tulare County Health and Human Services Agency*
- *California Department of Resources Recycling and Recovery (CalRecycle)*
- *San Joaquin Valley Air Pollution Control District (SVJAPCD)*
- *California Regional Water Quality Control Board, Central Valley Region*

In addition to applying to the Tulare County Resources Management Agency for a Conditional Use Permit (CUP), regulatory oversight of compost facilities is provided by CalRecycle ~~{formerly the California Integrated Waste Management Board (CIWMB)}~~ and the Local Enforcement Agency (LEA), Tulare County Environmental Health Department. The project would also be subject to SJVAPCD requirements.

Page 3.5-26: *Water Quality and Waste Discharge Requirements*

Regulatory oversight of compost facilities is provided by California Department of Resources Recycling and Recovery (CalRecycle) ~~{formerly the California Integrated Waste Management Board (CIWMB)}~~ and the Local Enforcement Agency (LEA), Tulare County Environmental Health Department.

- Page 2-12, Hours of Operation: It is stated that the receiving hours for the compost facility will be Monday – Friday, 7:00 a.m. to 4:00 p.m., Saturday, 8:00 a.m. to 4:00 p.m., to harmonize with the landfill permitted hours, and the hours of operations of processing material will be 24 hours per day, 7 days per week. Page 2-14 to 2-15, Grinding Pre-Processing Operations, states that, “Additional equipment, such as a grinder, conveyors, and shaker deck, would be installed on the project site to complete these process operations.” Please clarify if processing of material (24 hours per day, 7 days per week) includes the use of the grinder, conveyors and shaker deck. Does ‘processing’ include monitoring, such as temperature monitoring?

Response: *As all compost material will be pre-processed within 48 hours of receipt, the grinder, conveyors, and shaker deck may operate during material receiving hours and as needed throughout the 24-hour operational period. Temperatures of the covered aerated static piles (CASPs) would be monitored to ensure that the prescribed regulatory period of 72 consecutive hours at no less than 55°C (131°F) are met for the Process to Further Reduce Pathogens (PFRP).*

- Page 2-15, Grinding Pre-Processing Operations: It is stated, “The co-collection residential organics [green material mixed with food material] would be stockpiled on a pad for a

maximum period of 48 hours and green waste and wood waste could be stored for up to 30 days.” What will be the storage time for the other types of feedstocks (e.g., mixed material, agricultural material, digestate, etc.)?

Response: *Agricultural materials, mixed materials, and digestate would be stored in a designated area for up to 48 hours in the green waste processing and storage tipping area.*

- Appendix D – CEQA Process, NOP Comments Received: Does not include the letter submitted by CalRecycle, dated July 14, 2023, and received by SCH on July 14, 2023 (<https://ceqanet.opr.ca.gov/2021020054/7>). A copy was also emailed to Hector Guerra, the previous Environmental Planner assigned to this proposed project.

Response: *The NOP tracking table included in Appendix D has been updated to include receipt of the July 14, 2023 comments. Appendix D has been update to include the comment letter that was inadvertently not included in the Draft FSEIR.*

- For the proposed biomass conversion activity, in order to be considered biomass conversion, the activity will have to meet all the requirements pursuant to Public Resources Code Section 40106. If the activity does not meet the requirements of PRC Section 40106, the activity may be subject to CalRecycle’s solid waste facility permitting requirements.

Response: *Comment noted. Tulare County Solid Waste (applicant) and Tulare County Environmental Health Division (LEA) have collaborated on the Project and will continue to collaborate with CalRecycle throughout the permit process to ensure all appropriate permits are obtained.*

Subject 3: Additional Information: The following is a link to CalRecycle’s CEQA homepage which may assist the Lead Agency in preparing the Final Focused SEIR for solid waste facilities, including composting activities: <https://calrecycle.ca.gov/swfacilities/permitting/ceqa/>.

Response: *We appreciate CalRecycle providing the link to their CEQA Overview home page which provides links to various resources to assist document preparers in complying with the CEQA process and ensuring CEQA documents are consistent with the solid waste permits. Tulare County RMA, Tulare County Solid Waste (applicant), and Tulare County Environmental Health Division (LEA) have collaborated on the Project to prepare the FSEIR, and will continue to collaborate with CalRecycle throughout the permit process.*

Subject 4: 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, Jessica Gocke, at (559) 624-7400 or JGocke@tularehhsa.org, to discuss the regulatory requirements for the proposed project.

Response: *As previously noted, Tulare County Solid Waste and Tulare County Environmental Health are working collaboratively on this Project, and will continue to involve and recognize the LEA as the responsible party for regulatory oversight of solid waste handling activities.*

Subject 5: 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 Final Focused SEIR.

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.Bowers@calrecycle.ca.gov.

***Response:** Tulare County will provide CalRecycle with the Notice of Public Hearing no later than 10 days prior to the public hearing as required and with a copy of the Notice of Determination (NOD) after it has been filed as requested. If subsequent environmental documents are prepared for this Project in the future, they will be provided to CalRecycle for review. Please note, the NOD and any future CEQA documents will be filed with the Office of Land Use and Climate Innovation, State Clearinghouse pursuant to the requirements of CEQA and will be available through the State's CEQAnet (<https://ceqanet.opr.ca.gov>).*

The Final FSEIR will be available beginning December 4, 2024, at the following website:
<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>.

The Project will be heard before the Tulare County Board of Supervisors on December 17, 2024, for consideration of certification of the Final FSEIR and approval of the Project. The Board of Supervisors agenda will be made available online at the following website: <https://tularecounty.ca.gov/board/board-of-supervisors-meetings/>.

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) 624-7199.

Best Regards,

Gary Mills, Chief
Environmental Planning Division

Attachment: California Department of Resources Recycling and Recovery comment letter dated February 5, 2024

Cc: Jessica Gocke, Tulare County Environmental Health Division

*Bryce Howard, Tulare County Solid Waste
File*



February 5, 2024

Gary Mills, Chief Environmental Planner
Tulare County Resource Management Agency
Environmental Planning Division
5961 S. Mooney Blvd.
Visalia, CA 93277

Subject: Draft Focused Subsequent Environmental Impact Report (SEIR) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations - SCH # 2021020054, SWIS No. 54-AA-0009, Tulare County

Dear Mr. Mills:

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 Draft Focused Subsequent Environmental Impact Report (SEIR) 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 Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations (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, near the City of Visalia. The site is currently zoned AE-40.

The Visalia Disposal (Landfill) Site is currently permitted for receiving up to 2,000 tons of municipal waste per day. The proposed project would allow for 1,000 tons per day of compostable material for a covered aerated static piles (CASP) compost facility; a total of 3,000 tons per day for the entire site. A maximum of 1,200 haul truck trips will be used to deliver landfill and compostable material; 900 haul truck trips would deliver landfill material to the existing landfill and 300 haul truck trips would deliver compostable material to the composting facility located within the Landfill's existing footprint.

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 and 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 process within a 48-hour holding time period from the time of receipt. The CASP piles will provide moisture control and oxygen 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 compost facility would occupy 36 acres and 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. The proposed project would also include the installation and use of composting equipment, installation of a 50,000 square foot processing building, construction of compost pads, and a lined pond. The facility would receive and handle compostable material, such as agricultural materials, food material, green material, mixed material, organic wastes, digestate and pre-processed feedstock ready CASP materials.

A 2.0 mega-watt (MW) biomass conversion facility will also be located near the landfill. The facility will produce electricity, heat and biochar using wood fuel that will be provided by local activities, such as wood waste. The facility will utilize approximately 18,000 bone dry tons (BDT) of wood chips per year or 25,000 tons of per year of wet recovered wood waste and produce approximately a net amount of 2.0 MW of electrical energy per hour. In addition, this facility will produce approximately 20-30 million British Thermal Units (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 Final Focused SEIR.

- Page 1-14 lists CalRecycle as the California Integrated Waste Management Board. Please correct to the Department of Resource Recycling and Recovery (CalRecycle).
- Page 2-12, Hours of Operation: It is stated that the receiving hours for the compost facility will be Monday – Friday, 7:00 a.m. to 4:00 p.m., Saturday, 8:00 a.m. to 4:00 p.m., to harmonize with the landfill permitted hours, and the hours of operations of processing material will be 24 hours per day, 7 days per week. Page 2-14 to 2-15, Grinding Pre-Processing Operations, states that, "Additional equipment, such as a grinder, conveyors, and shaker deck, would be installed on the project site to complete these process operations." Please clarify if the

processing of material (24 hours per day, 7 days per week) includes the use of the grinder, conveyors and shaker deck. Does 'processing' include monitoring, such as temperature monitoring?

- Page 2-15, Grinding Pre-Processing Operations: It is stated, "The co-collection residential organics [green material mixed with food material] would be stockpiled on a pad for a maximum period of 48 hours and green waste and wood waste could be stored for up to 30 days." What will be the storage time for the other types of feedstocks (e.g., mixed material, agricultural material, digestate, etc.)?
- Appendix D – CEQA Process, NOP Comments Received: Does not include the letter submitted by CalRecycle, dated July 14, 2023, and received by SCH on July 14, 2023 (<https://ceqanet.opr.ca.gov/2021020054/7>). A copy was also emailed to Hector Guerra, the previous Environmental Planner assigned to this proposed project.
- For the proposed biomass conversion activity, in order to be considered biomass conversion, the activity will have to meet all the requirements pursuant to [Public Resources Code Section 40106](#). If the activity does not meet the requirements of PRC Section 40106, the activity may be subject to CalRecycle's solid waste facility permitting requirements.

Additional Information

The following is a link to CalRecycle's CEQA homepage which may assist the Lead Agency in preparing the Final Focused SEIR for solid waste facilities, including composting activities: <https://calrecycle.ca.gov/swfacilities/permitting/ceqa/>.

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, Jessica Gocke, at (559) 624-7400 or JGocke@tularehhsa.org, 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 Final Focused SEIR.

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

Visalia Compost & Biomass
Draft SEIR Comment Letter
February 5, 2024
Page 4 of 4

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.Bowers@calrecycle.ca.gov.

Sincerely,



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

cc: Ivan Palenyy, CalRecycle
Jessica Gocke, Tulare County LEA
Ben Escotto, CalRecycle
Bryce Howard, Lead Agency Director

Attachment C

Comments Received from California Department of Fish and Wildlife, February 14, 2024 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

November 20, 2024

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 (Landfill) Site and Biogas and Compost Facility – Landfilling Operations (SCH # 2021020054)

Dear Ms. Vance:

Thank you for providing the California Department of Fish and Wildlife's (CDFW or Department) letter response (dated February 14, 2024) regarding the Draft Focused Subsequent Environmental Impact Report (FSEIR) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations Project (Project), 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 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 FSEIR also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents, where applicable.

Subject 1: Introduction: The California Department of Fish and Wildlife (CDFW) received a SEIR from the Tulare County Resource Management Agency (Tulare County RMA) for the above-referenced 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, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code. While the comment period has ended, CDFW respectfully requests that Tulare County RMA still consider our comments.

Response: *The County appreciates the Department’s time in reviewing the Project and offering its comments. As noted, the County has considered the Department’s comments that are included in the Final FSEIR.*

Subject 2: 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 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.

Response: *The County recognizes the Department’s jurisdiction over biological resources and acknowledges the Department’s role as a Responsible Agency for this Project.*

Subject 3: Project Description Summary: Proponent: Tulare County c/o Solid Waste.

Objective: This SEIR is tiering off of the adopted/certified Environmental Impact Report (EIR) (SCH No. 2021020054) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility (“Original EIR”) project. The SEIR will address two proposed updates to the County’s current landfill permit.

Currently, the Landfill is permitted to receive up to 2,000 tons of municipal waste per day and are just below that threshold. If the proposed compost facility generates additional new tonnage, the Tulare County risks being in violation of that permit. Therefore, the proposed project would increase permitted tonnage to 3,000 tons per day (tpd) to be split between the compost facility and the landfilling operations. The original permitted 2,000 tons will be used for solid waste disposal, and the maximum additional 1,000 tons would be used for the composting operation. It is anticipated that, over time, a maximum of 1,200 haul truck trips will be used to deliver landfill and compost material; 900 haul truck trips would deliver landfill material to the existing landfill and 300 haul truck trips would deliver compost material to the composting operation located within the Landfill’s existing footprint.

The composting component will be designed to accept up to 200,000 tons per year (TPY) in increments of 50,000 TPY technology modules and can store up to 200,000-cubic yards on-site of organic material that would have otherwise been landfilled. The composting component would include installing processing and composting equipment, a 50,000-square foot processing building, compacted compost pads, and a lined pond.

Project Location: The existing Landfill is located at 8614 Avenue 328 in the City of Visalia. The entire Landfill boundary currently encompasses approximately 634 acres at the northeast corner of Avenue 328 and Road 80.

Timeframe: N/A

Response: *The Department has summarized the Project descriptions. No comment necessary.*

Subject 4: Comments and Recommendations: CDFW offers the following comments and recommendations to assist the Tulare County RMA in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

There are special-status species that may be present at the Project site that were not appropriately evaluated in the SEIR for this project (CDFW 2024). CDFW recommends that these resources be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State candidate endangered Crotch's bumblebee (*Bombus crotchii*).

In order to adequately assess any potential impact to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project area. Properly conducted protocol-level biological surveys, and the information assembled from them, are essential to identify any necessary avoidance measures to fully avoid any potential impacts to these species or the need for CESA take permits along with associated minimization and compensatory mitigation measures, and to identify any Project-related impacts under CEQA.

Response: *Appendix B of the FSEIR includes both the Biological Species Evaluation prepared for the Visalia Landfill - Compost and Biomass Conversion Facility Project (the original Focused EIR prepared for the Project) as well as the Biological Resources Evaluation prepared for this FSEIR. Appendix D of the FSEIR includes a copy of the Department's comment letter in response to the Notice of Preparation (NOP) submitted for review which states, "After reviewing the provided CEQA document, CDFW concurs with the biological resources related analyses and measures proposed in the NOP and recommends that all such measures in the NOP be carried forward into the Environmental Impact Report (EIR). CDFW has determined that the biological resource mitigation measures as currently documented in the NOP are sufficient for mitigation of potential project-related impacts to listed species."*

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 the United States Fish and Wildlife Service (USFWS)?

- **Comment 1: Crotch's Bumblebee:** The SEIR does not include any evaluation for Crotch's bumblebee (CBB). CBB are known to inhabit areas of grasslands and scrub that contain

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

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

- **Comment 2: Crotch's Bumblebee:** If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.
- **Comment 3: Crotch's Bumblebee:** If take cannot be avoided, CDFW recommends acquiring an Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

Response: *Based on the CNDDDB and BIOS, Crotch's Bumblebee (CBB) has not been recorded in the Project quadrant. However, due to the special status of the species, the following mitigation measure has been included in the Final FSEIR.*

Mitigation Measure 3.2-13: Pre-construction Surveys: A qualified biologist will conduct a habitat assessment of the project site to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support CBB. If a potentially suitable habitat is identified, the biologist shall conduct pre-construction surveys in accordance with the CDFW's Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (2023). If CBB is determined to be absent from the site, no further action is required. If CBB is detected during the surveys, the biologist shall submit the findings to the CNDDDB and the applicant shall consult with the CDFW to identify the appropriate avoidance, minimization, and/or compensatory measures to be taken.

Subject 5: Environmental Data: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the 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>.

Response: *The County agrees that it would be appropriate to report any special status species and natural communities detected during project surveys to the CNDDDB. If special status species are detected during pre-construction surveys, the biologist will submit the appropriate documentation to the CNDDDB.*

Subject 6: Filing Fees: If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be 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 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).

Response: *The County and applicant are aware the Department's EIR filing fee is required for filing of the Notice of Determination (NOD) following approval/certification of the Final FSEIR.*

Subject 7: Closing Statements: CDFW appreciates the opportunity to comment on the Project to assist the Tulare County RMA in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Jaime Marquez, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Jaime.Marquez@wildlife.ca.gov.

Response: *The County appreciates the Department providing the current link to survey protocols. Certified biologists will conduct pre-construction surveys, as required in Mitigation Measures 3.2-2, 3.2-4, 3.2-7, 3.2-12, and 3-2.13, in accordance with Department recommendations.*

The Final FSEIR will be available beginning December 4, 2024, at the following website: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>.

The Project will be heard before the Tulare County Board of Supervisors on December 17, 2024, for consideration of certification of the Final FSEIR and approval of the Project. The Board of Supervisors agenda will be available at the following website: <https://tularecounty.ca.gov/board/board-of-supervisors-meetings/>.

In closing, we sincerely appreciate the Department's comments that 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) 624-7199.

Best Regards,

A handwritten signature in blue ink, reading "Gary A. Mills". The signature is fluid and cursive, with the first name "Gary" and last name "Mills" clearly legible.

Gary A. Mills, Chief
Environmental Planning Division

Attachment: California Department of Fish and Wildlife comment letter dated February 14, 2024

Cc: File



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 14, 2024

Gary Mills
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, California, 93277
gmills@tularecounty.ca.gov

**Subject: Visalia Disposal (Landfill) Site and Biogas and Compost Facility
(Project)
Subsequent Environmental Impact Report (SEIR)
SCH No. 2021020054**

Dear Gary Mills:

The California Department of Fish and Wildlife (CDFW) received a SEIR from the Tulare County Resource Management Agency (Tulare County RMA) for the above-referenced 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, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code. While the comment period has ended, CDFW respectfully requests that Tulare County RMA still consider our comments.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 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

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.

Gary Mills
Tulare County Resource Management Agency
February 14, 2024
Page 2

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 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 c/o Solid Waste

Objective: This SEIR is tiering off of the adopted/certified Environmental Impact Report (EIR) (SCH No. 2021020054) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility ("Original EIR") project. The SEIR will address two proposed updates to the County's current landfill permit.

Currently, the Landfill is permitted to receive up to 2,000 tons of municipal waste per day and are just below that threshold. If the proposed compost facility generates additional new tonnage, the Tulare County risks being in violation of that permit. Therefore, the proposed project would increase permitted tonnage to 3,000 tons per day (tpd) to be split between the compost facility and the landfilling operations. The original permitted 2,000 tons will be used for solid waste disposal, and the maximum additional 1,000 tons would be used for the composting operation. It is anticipated that, over time, a maximum of 1,200 haul truck trips will be used to deliver landfill and compost material; 900 haul truck trips would deliver landfill material to the existing landfill and 300 haul truck trips would deliver compost material to the composting operation located within the Landfill's existing footprint.

The composting component will be designed to accept up to 200,000 tons per year (TPY) in increments of 50,000 TPY technology modules and can store up to 200,000-cubic yards on-site of organic material that would have otherwise been landfilled. The composting component would include installing processing and composting equipment, a 50,000-square foot processing building, compacted compost pads, and a lined pond.

Gary Mills
Tulare County Resource Management Agency
February 14, 2024
Page 3

Project Location: The existing Landfill is located at 8614 Avenue 328 in the City of Visalia. The entire Landfill boundary currently encompasses approximately 634 acres at the northeast corner of Avenue 328 and Road 80.

Timeframe: N/A

COMMENTS AND RECOMMENDATIONS

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

There are special-status species that may be present at the Project site that were not appropriately evaluated in the SEIR for this project (CDFW 2024). CDFW recommends that these resources be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State candidate endangered Crotch's bumblebee (*Bombus crotchii*).

In order to adequately assess any potential impact to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project area. Properly conducted protocol-level biological surveys, and the information assembled from them, are essential to identify any necessary avoidance measures to fully avoid any potential impacts to these species or the need for CESA take permits along with associated minimization and compensatory mitigation measures, and to identify any Project-related impacts under CEQA.

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 the United States Fish and Wildlife Service (USFWS)?

Gary Mills
Tulare County Resource Management Agency
February 14, 2024
Page 4

COMMENT 1: Crotch's Bumblebee

The SEIR does not include any evaluation for Crotch's bumblebee (CBB). CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses. CBB was once common throughout most of central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years.

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

COMMENT 2: Crotch's Bumblebee

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

COMMENT 3: Crotch's Bumblebee

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

Gary Mills
Tulare County Resource Management Agency
February 14, 2024
Page 5

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the 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>.

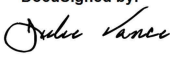
FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be 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 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).

CDFW appreciates the opportunity to comment on the Project to assist the Tulare County RMA in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Jaime Marquez, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Jaime.Marquez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

cc: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

Gary Mills
Tulare County Resource Management Agency
February 14, 2024
Page 6

REFERENCES

- California Department of Fish and Wildlife. 2024. Biogeographic information and observation system. <https://www.wildlife.ca.gov/Data/BIOS>. Accessed February 7, 2024.
- California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. California Department of Fish and Wildlife, Sacramento, California, USA.
- Hatfield, R., S. Jepsen, R. Thorp, L. Richardson, and S. Colla. 2015. *Bombus crotchii*. The International Union for Conservation of Nature red list of threatened Species. <https://www.iucnredlist.org/species/44937582/4644021.1>. Accessed February 7, 2024.
- Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch's bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. October 2018.

Attachment 1**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
FOR CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MEASURES****PROJECT: Visalia Disposal Site and Biogas and Compost Facility
SCH No.: 2021020054**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: CBB Habitat Assessment and Focused Surveys	
Mitigation Measure 3: CBB Take Authorization	
<i>During Construction</i>	
Mitigation Measure 2: CBB No-disturbance buffer	

Attachment D

Comments Received from
San Joaquin Valley Air Pollution Control District,
February 16, 2024
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

November 20, 2024

Sent Via E-mail

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

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

Dear Mr. Clements,

Thank you for providing the San Joaquin Valley Air Pollution Control District (Air District) comments (dated February 16, 2024) regarding the Draft Focused Subsequent Environmental Impact Report (DFSEIR) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations Project (Project), SCH No. 2021020054.

The County of Tulare (County) acknowledges and recognizes the Air District's authority and expertise regarding air quality issues related 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 SEIR (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, where applicable.

Subject 1: Introduction: The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Focused Subsequent Environmental Impact Report (DFSEIR) from the County of Tulare (County) for the development of a biomass conversion/composting facility within the existing Visalia Disposal Landfill Site. Per the DFSEIR, the project consists of: 1) receiving 1,000 TPD of organic material as feedstock, and 2) increasing the landfill's total permitted haul trucks from 900 to 1,200 trucks per day to transport the organic material to the Landfill site's biomass conversion/composting facility (Project). The objective of the Project is the addition of organic material and haul trips for the development and operation of a 2.0 mega-watt biomass conversion facility and composting facility to comply with SB 1383 regulations. The Project is located at 8614 Avenue 328, in Visalia, CA 93291.

Response: *The Air District summarized the project description. No response is required.*

Subject 2: Comments: The District offers the following comments regarding the Project:

- 1) Project Related Emissions:** Based on DFSEIR, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District’s Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI): <https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>.

Response: *We appreciate your review of the criterial pollutant emissions analysis. We agree that Project related emissions would not exceed any Air District significance thresholds.*

- 2) Truck Routing:** Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on sensitive receptors, for example, residential dwelling units in the surrounding project area.

Since the DFSEIR estimated an increase of 300 HHD truck trips for the Project, the District recommends the County evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

Response: *The nearest residential receptor is located 0.5 mile west of the Project site. As noted in the Air Quality and GHG Technical Report (included in Appendix “A” of the Draft FSEIR), a risk prioritization analysis was prepared and identified an Intermediate prioritization score. Since the score is intermediate, 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 health risk impacts are less than significant. Furthermore, prevailing winds are predominantly from the northwest to the southeast; the nearest potential sensitive receptor is directly east and slightly north 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.*

The Project will continue to use the only existing ingress/egress point on Avenue 328. 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. 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.” 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.

- 3) Cleanest Available Heavy-Duty Trucks:** The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NO_x emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The DFSEIR estimated an increase of 300 HHD truck trips for the Project. As such, the District recommends that the following measures be considered by the County to reduce Project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.
- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

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 and GHG Technical Report (included in Appendix "A" of the Draft FSEIR), dedicated project off-road equipment will employ Tier 4 engines where feasible/applicable, and that the equipment used for processing organic feedstock and finished compost are assumed to be equipped with Tier 4-final engines.*

- 4) Clean Vehicle Fueling Infrastructure:** To support and accelerate the installation of electric vehicle charging infrastructure for HHD Trucks, the District offers incentives to public agencies, and businesses to install electric charging infrastructure. This program supports the development and implementation of fueling infrastructure. The District recommends that the County consider installing electric vehicle infrastructure at the Project site. Please visit <https://ww2.valleyair.org/grants/clean-vehicle-fueling-infrastructure-program/> for more information.

Response: *Tulare County does not own or operate the refuse collection truck fleet. The contracted carrier currently uses electric and hybrid trash trucks in only two areas within California. As such, installation of electric charging infrastructure is not a feasible design feature at this time. However, as these trucks become available in Tulare County, the County will coordinate with the carrier to reassess the potential for installation of electric fueling infrastructure within the Landfill site.*

- 5) Reduce Idling of Heavy-Duty Trucks:** The goal of this strategy is to limit the potential for localized PM_{2.5} and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

The District recommends the DFSEIR include a mitigation measure to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors since the DFSEIR estimated an increase of 300 HHD truck trips for the Project. In addition, the District

recommends the County consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

Response: *Operations at the landfill currently comply with the State’s anti-idling regulations. The biomass conversion/composting facility will be required to also comply. As previously noted, the nearest receptor is located 0.5 miles from the Project site. The Project’s prioritization score was intermediate and the Air Quality and GHG Technical Report (included in Appendix “A” of the Draft FSEIR) concluded that potential health risks are less than significant.*

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

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rulesand-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District’s Small Business Assistance (SBA) Office at (559) 230-5888.

6a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources:

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

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District’s SBA Office at (559) 230-5888.

- 6b) District Rule 9510 - Indirect Source Review (ISR):** Per District Rule 9510 section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result,

District Rule 9510 requirements and related fees do not apply to the Project referenced above.

6c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants): In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <https://ww2.valleyair.org/compliance/demolitionrenovation/>

6d) Other District Rules and Regulations: The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

***Response:** Comment noted. The County will be seeking Authorities to Construct and Permits to Operate for the Project. Also, Mitigation Measure 3.1-1 as identified in the Mitigation Monitoring and Reporting Program, requires the applicant to mitigate VOC emission through the use of Emission Reduction Credits in compliance with District regulation.*

7) District Comment Letter: The District recommends that a copy of the District's comments be provided to the Project proponent.

***Response:** A copy of these comments has been provided to both the Project proponent (Tulare County Solid Waste Department) and Local Enforcement Agency (Tulare County Environmental Health Division).*

Subject 3: Closing Statement: If you have any questions or require further information, please contact Eric McLaughlin by e-mail at Eric.McLaughlin@valleyair.org or by phone at (559) 230-5808.

***Response:** Thank you for providing contact information in the event the County requires additional assistance from the Air District. This information has been forwarded to the County's Solid Waste Department and Environmental Health Division.*

The Final FSEIR will be available beginning December 4, 2024, at the following website: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>.

The Project will be heard before the Tulare County Board of Supervisors on December 17, 2024, for consideration of certification of the Final Focused SEIR and approval of the Project. The Board of Supervisors agenda will be available at the following website: <https://tularecounty.ca.gov/board/board-of-supervisors-meetings/>.

In closing, we sincerely appreciate the Air District's comments that will be useful toward ensuring that the proposed Project complies with Air District requirements as applicable in regard to air quality matters and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me at (559) 624-7199.

Best Regards,

A handwritten signature in blue ink, reading "Gary A. Mills". The signature is fluid and cursive, with the first name "Gary" and last name "Mills" clearly legible.

Gary A. Mills, Chief Planner
Environmental Planning Division

Attachment: San Joaquin Valley Air Pollution Control District comment letter dated February 16, 2024

cc: Eric McLaughlin, San Joaquin Valley Air Pollution Control District
file

February 16, 2024

Gary Mills
County of Tulare
Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA, 93277

Project: Draft Focused Subsequent Environmental Impact Report and Scoping Meeting for the Visalia Disposal Site Compost and Biomass Conversion Facility – Landfill Operations

District CEQA Reference No: 20240002

Dear Mr. Mills:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Focused Subsequent Environmental Impact Report (DFSEIR) from the County of Tulare (County) for the development of a biomass conversion/composting facility within the existing Visalia Disposal Landfill Site. Per the DFSEIR, the project consists of: 1) receive 1,000 TPD of organic material as feedstock, and 2) increasing the landfill's total permitted haul trucks from 900 to 1,200 trucks per day to transport the organic material to the Landfill site's biomass conversion/composting facility (Project). The objective of the Project is the addition of organic material and haul trips for the development and operation of a 2.0 mega-watt biomass conversion facility and composting facility to comply with SB 1383 regulations. The Project is located 8614 Avenue 328, in Visalia, CA 93291.

The District offers the following comments regarding the Project:

1) Project Related Emissions

Based on DFSEIR, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI): <https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>.

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: (661) 392-5500 FAX: (661) 392-5585

2) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on sensitive receptors, for example, residential dwelling units in the surrounding project area.

Since the DFSEIR estimated an increase of 300 HHD truck trips for the Project, the District recommends the County evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

3) Cleanest Available Heavy-Duty Trucks

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NO_x emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The DFSEIR estimated an increase of 300 HHD truck trips for the Project. As such, the District recommends that the following measures be considered by the County to reduce Project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.
- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

4) Clean Vehicle Fueling Infrastructure

To support and accelerate the installation of electric vehicle charging infrastructure for HHD Trucks, the District offers incentives to public agencies, and businesses to install electric charging infrastructure. This program supports the development and implementation of fueling infrastructure. The District recommends that the County consider installing electric vehicle infrastructure at the Project site. Please visit <https://ww2.valleyair.org/grants/clean-vehicle-fueling-infrastructure-program/> for more information.

5) Reduce Idling of Heavy-Duty Trucks

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

The District recommends the DFSEIR include a mitigation measure to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors since the DFSEIR estimated an increase of 300 HHD truck trips for the Project. In addition, the District recommends the County consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

6) District Rules and Regulations

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

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

6a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

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

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

6b) District Rule 9510 - Indirect Source Review (ISR)

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

6c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <https://ww2.valleyair.org/compliance/demolition-renovation/>

6d) Other District Rules and Regulations

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

7) District Comment Letter

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

If you have any questions or require further information, please contact Eric McLaughlin by e-mail at Eric.McLaughlin@valleyair.org or by phone at (559) 230-5808.

Sincerely,

Brian Clements
Director of Permit Services

Mark Montelongo
Program Manager

Attachment E

Comments Received from
California Department of Transportation (Caltrans),
February 16, 2024
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

November 20, 2024

SENT VIA EMAIL

David Deel, Associate Transportation Planner
Planning, Local Programs & Environmental Analysis Division
California Department of Transportation – District 6
1352 West Olive Avenue
Fresno, CA 93778-2616

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

Dear Mr. Deel:

The County of Tulare (County) acknowledges and recognizes Caltrans' authority and expertise regarding transportation issues relative to the proposed Project and appreciates your response (dated February 16, 2024) regarding the Focused Subsequent Environmental Impact Report (FSEIR) prepared for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations Project (SCH# 2021020054).

The Final FSEIR will be available beginning December 4, 2024, on the RMA website at:
<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>.

The Project will be heard before the Tulare County Board of Supervisors on December 17, 2024, for consideration of certification of the Final FSEIR and approval of the Project. The Board of Supervisors agenda will be available at the following website: <https://tularecounty.ca.gov/board/board-of-supervisors-meetings/>.

We sincerely appreciate Caltrans' review of the proposed Project and associated FSEIR. If you have any questions regarding the above, please contact me by phone at (559) 624-7199, or by email at gmills@tularecounty.ca.gov.

Best Regards,

A handwritten signature in blue ink that reads "Gary A. Mills".

Gary A. Mills, Chief
Environmental Planning Division

Attachment: Caltrans email regarding the Draft Focused SEIR, dated February 16, 2024

Cc: File

From: [Jessica R Willis](#)
To: [Deel, David@DOT](#); [Gary Mills](#)
Cc: [Duran, Braden@DOT](#); [Nason, Andrea S@DOT](#)
Subject: RE: Draft Focused Subsequent EIR for the Visalia Landfill Compost and Biogas Compost Facility
Date: Friday, February 16, 2024 4:11:00 PM
Attachments: [image001.png](#)

Received. Thank you, David. Have a great weekend.

Jessica R. Willis

Jessica Willis, Planner IV
Environmental Planning
Phone: 559-624-7122
jwillis@tularecounty.ca.gov

From: Deel, David@DOT <david.deel@dot.ca.gov>
Sent: Friday, February 16, 2024 4:11 PM
To: Jessica R Willis <JWillis@tularecounty.ca.gov>; Gary Mills <GMills@tularecounty.ca.gov>
Cc: Duran, Braden@DOT <Braden.Duran@dot.ca.gov>; Nason, Andrea S@DOT <andrea.nason@dot.ca.gov>
Subject: RE: Draft Focused Subsequent EIR for the Visalia Landfill Compost and Biogas Compost Facility

This Message Is From an External Sender

This message came from outside your organization.

Jessica and Gary,

Due to the nature and location of the proposed Visalia Landfill Compost and Biogas Compost Facility, it is anticipated that the operation of the facility will have minimal impact to the State Highway System.

Caltrans has no comment on the Draft Focused Subsequent Environmental Impact Report (SEIR) for the Visalia Disposal (Landfill) Site Compost and Biogas Compost Facility.

Caltrans appreciates the follow up.

If you have further questions, please contact me.

Respectfully,

DAVID DEEL | [Associate Transportation Planner](#) | Desk & Mobile: 559.981.1041
Planning, Local Programs & Environmental Analysis Division
CALTRANS - District 6
1352 W. Olive Avenue (P.O. Box 12616)

Fresno, CA 93778-2616

For real-time highway conditions: <http://quickmap.dot.ca.gov/>



From: Jessica R Willis <JWillis@tularecounty.ca.gov>

Sent: Friday, February 16, 2024 3:27 PM

To: Deel, David@DOT <david.deel@dot.ca.gov>

Cc: Gary Mills <GMills@tularecounty.ca.gov>

Subject: RE: Draft Focused Subsequent EIR for the Visalia Landfill Compost and Biogas Compost Facility

EXTERNAL EMAIL. Links/attachments may not be safe.

Good afternoon, David.

The commenting period for the Subsequent EIR for the Visalia Landfill ended Monday. I just wanted to verify whether or not Caltrans would be offering comments. If not, an email stating so would be appreciated.

Regards,

Jessica R. Willis

Jessica Willis, Planner IV

Environmental Planning

Phone: 559-624-7122

jwillis@tularecounty.ca.gov

From: Deel, David@DOT <david.deel@dot.ca.gov> **On Behalf Of** LDR-D6@DOT

Sent: Tuesday, January 2, 2024 11:35 AM

To: Jessica R Willis <JWillis@tularecounty.ca.gov>; CGS Headquarters@DOC <cgsqh@conservation.ca.gov>; DLRP@DOC <DLRP@conservation.ca.gov>; CDFW Tracking (R4CEQA@wildlife.ca.gov) <r4ceqa@wildlife.ca.gov>; LDR-D6@DOT <LDR-D6@dot.ca.gov>; Deel, David@DOT <david.deel@dot.ca.gov>; Mendibles, Lorena@DOT <lorena.mendibles@dot.ca.gov>; Gilmore, Damon@CHP <DaGilmore@chp.ca.gov>; CPUC (Borak) <bor@cpuc.ca.gov>; NAHC@NAHC <NAHC@nahc.ca.gov>; Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>; WB-RB5F-CentralValleyFresno <CentralValleyFresno@waterboards.ca.gov>; SJVUAPCD <CEQA@valleyair.org>

Cc: Brenda Alcantar <BAlcantar@tularecounty.ca.gov>; Danielle Folk <DFolk@tularecounty.ca.gov>

Subject: RE: Draft Focused Subsequent EIR for the Visalia Landfill Compost and Biogas Compost Facility

This Message Is From an External Sender

This message came from outside your organization.

Jessica,

Received for review and comments.

Comments to be emailed to Mr. Gary Mills, Chief Environmental Planner.

If you have further questions, please contact me.

Respectfully,

DAVID DEEL | Associate Transportation Planner | Desk & Mobile: 559.981.1041

Planning, Local Programs & Environmental Analysis Division

CALTRANS - District 6

1352 W. Olive Avenue (P.O. Box 12616)

Fresno, CA 93778-2616

For real-time highway conditions: <http://quickmap.dot.ca.gov/>



From: Jessica R Willis <JWillis@tularecounty.ca.gov>

Sent: Thursday, December 28, 2023 6:20 PM

To: CGS Headquarters@DOC <cgshq@conservation.ca.gov>; DLRP@DOC <DLRP@conservation.ca.gov>; CDFW Tracking (R4CEQA@wildlife.ca.gov) <r4ceqa@wildlife.ca.gov>; LDR-D6@DOT <LDR-D6@dot.ca.gov>; Deel, David@DOT <david.deel@dot.ca.gov>; Mendibles, Lorena@DOT <lorena.mendibles@dot.ca.gov>; Gilmore, Damon@CHP <DaGilmore@chp.ca.gov>; CPUC (Borak) <bor@cpuc.ca.gov>; NAHC@NAHC <NAHC@nahc.ca.gov>; Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>; WB-RB5F-CentralValleyFresno <CentralValleyFresno@waterboards.ca.gov>; SJVUAPCD <CEQA@valleyair.org>

Cc: Brenda Alcantar <BAIcantar@tularecounty.ca.gov>; Danielle Folk <DFolk@tularecounty.ca.gov>

Subject: Draft Focused Subsequent EIR for the Visalia Landfill Compost and Biogas Compost Facility

EXTERNAL EMAIL. Links/attachments may not be safe.

Good evening.

Attached please find the Notice of Availability (NOA) of the Draft Focused Subsequent Environmental Impact Report (SEIR) for the Visalia Disposal (Landfill) Site Compost and Biogas Compost Facility – Landfilling Operations Project. As indicated in the NOA, the 45-day review period begins Friday, December 29, 2023 and ends Monday, February 12, 2024.

The NOA and Draft EIR are available on the Tulare County Resource Management Agency website at: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact->

[reports/visalia-landfill-compost-and-biomass-conversion-facility/](#)

Comments regarding the Draft Focused SEIR should be emailed to Mr. Gary Mills, Chief Environmental Planner, at gmills@tularecounty.ca.gov or by mail at Tulare County RMA, 5961 S. Mooney Blvd., Visalia, CA 93277.

Please feel free to contact me if I can be of further assistance.

Jessica R. Willis

Jessica Willis, Planner IV
Resource Management Agency
Economic Development and Planning Branch
Environmental Planning Division
Phone: 559-624-7122
jwillis@tularecounty.ca.gov

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 Focused Subsequent Environmental Impact Report (SEIR) for the proposed Project. The Focused Environmental Impact Report (SCH# 2021020054) prepared for the Visalia Landfill – Compost and Biomass Conversion Facility (Original EIR), adopted/certified by the Tulare County Board of Supervisors on September 27, 2022 via Resolution No. 2022-084, has been incorporated by reference. As such, the MMRP (**Table 8-1**) includes the mitigation measures recommended in the Draft Focused SEIR for the proposed Project and identifies monitoring and reporting requirements, as well as those measures adopted in the Original EIR.

The CEQA Public Resources Code Section 21081.6 requires the Lead Agency decision making body 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. 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.

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

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 40.46 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.			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

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	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.			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

**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
setback will be established around active owl 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.			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

**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 (SJKF)							
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			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

**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
3.2-9 Minimization. Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures 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.	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			
3.2-10 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	During construction	Issuance of building permit	County of Tulare Solid Waste Department and CDFW	County of Tulare Solid Waste Department &			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

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
fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.				Qualified biologist			
Tricolored Blackbird (TRBL)							
3.2-12 <i>Pre-construction Surveys.</i> 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 CNDDDB, 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.	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			
Crotch's Bumblebee (CBB)							
3.2-13: <i>Pre-construction Surveys.</i> A qualified biologist will conduct a habitat assessment of the project site to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support CBB. If a potentially suitable habitat is identified, the biologist shall conduct pre-construction surveys in accordance with the CDFW's Survey Considerations for California Endangered Species Act (CESA)	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			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

**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
Candidate Bumble Bee Species (2023). If CBB is determined to be absent from the site, no further action is required. If CBB is detected during the surveys, the biologist shall submit the findings to the CNDDDB and the applicant shall consult with the CDFW to identify the appropriate avoidance, minimization, and/or compensatory measures to be taken.							
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/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.	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.			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

**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>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:</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. 	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.			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
 Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

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
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 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. 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. 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)							

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

**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
3.5-1 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 Waste Department for review and approval. Upon approval, the plan shall be incorporated into the project.	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			
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	During construction	Daily or as needed throughout the construction period if	Tulare County Solid Waste Department /	A qualified archaeologist shall document the results of			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

**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
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.		suspicious resources are discovered	Planning Department	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 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	During construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare Solid Waste 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			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

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>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 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 2. Where the following conditions occur, the landowner or his authorized representative 				remains found, consistent with all applicable laws including CEQA.			

Final Focused Subsequent Environmental Impact Report (SCH# 2021020054)
Visalia Disposal (Landfill) Site Biogas and Compost Facility – Landfilling Operations

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>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 Focused Subsequent EIR

REVISIONS AND CLARIFICATIONS MADE TO THE DRAFT EIR

Revisions and clarifications to the Draft Focused Subsequent Environmental Impact Report (FSDEIR) 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.

REVISIONS MADE TO THE DRAFT EIR

1. References to the California Integrated Waste Management Board have been replaced throughout the EIR as requested by the California Department of Resources Recycling and Recovery (CalRecycle).

- *Page 1-14:*

9) California ~~Integrated Waste Management Board~~Department of Resources Recycling and Recovery (CalRecycle)

- *Page 2-23*

PUBLIC AGENCY REQUIRED APPROVAL

- *Tulare County Health and Human Services Agency*
- *California Department of Resources Recycling and Recovery (CalRecycle)*
- *San Joaquin Valley Air Pollution Control District (SJVAPCD)*
- *California Regional Water Quality Control Board, Central Valley Region*

In addition to applying to the Tulare County Resources Management Agency for a Conditional Use Permit (CUP), regulatory oversight of compost facilities is provided by CalRecycle ~~formerly the California Integrated Waste Management Board (CIWMB)~~ and the Local Enforcement Agency (LEA), Tulare County Environmental Health Department. The project would also be subject to SJVAPCD requirements.

- Page 3.5-26

Water Quality and Waste Discharge Requirements

Regulatory oversight of compost facilities is provided by California Department of Resources Recycling and Recovery (CalRecycle) ~~formerly the California Integrated Waste Management Board (CIWMB)~~ and the Local Enforcement Agency (LEA), Tulare County Environmental Health Department.

2. Comments received from CalRecycle during the Notice of Preparation (NOP) process were inadvertently not included in the Draft FSEIR.

- Page 1-13: CalRecycle has been added to the list of the comments received on the NOP as follows:

Pursuant to CEQA Guidelines Section 15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for review and comment on June 13, 2023 and circulated for a 30-day comment period. Tulare County RMA received ~~four~~five (45) comments on the NOP. Comments were received from the following agency(ies), individual(s), and/or organization(s):

California Native American Heritage Commission, June 16, 2023;
California Department of Resources Recycling and Recovery, July 14, 2023;
California Department of Fish and Wildlife, July 20, 2023;
State Water Resources Control Board, July 24, 2023; and
San Joaquin Valley Unified Air Pollution Control District, July 13, 2023.

- *The NOP Tracking Table included in Appendix D of the Draft FSEIR has been updated to include receipt of the CalRecycle comments as shown below (formatted to fit this page).*

Agencies below were marked with “X” on the NOC	Comment Date	Contact Name and Position
• California Air Resources Board		
• California Energy Commission		
• California Highway Patrol		
• Department of Conservation		
• Department of Fish and Wildlife Region #4	See Below	
• Department of Food and Agriculture		
• Department of Resources and Recycling and Recovery	<u>July 14, 2023</u>	<u>Comment letter from Joy Bowers, Environmental Scientist</u>
• Department of Transportation – District #6		
• Department of Toxic Substances Control		
• Native American Heritage Commission	See Below	
• Natural Resources Agency		
• Office of Historic Preservation		
• Public Utilities Commission		
• Regional Water Quality Control Board District #5F		
• State Water Resources Control Board – Water Quality	<u>See Below</u>	

- *The CalRecycle comment letter dated July 14, 2023 (see attached), has been added to Appendix D and is located between comment letters from the San Joaquin Valley Air Pollution Control District and the California Department of Fish and Wildlife.*

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

3. Mitigation Measure 3.2-13 has been added to Table ES-1 (page ES-10) and the Mitigation Monitoring and Reporting Program (MMRP) as recommended by the California Department of Fish and Wildlife.

- **Crotch's Bumblebee (CBB)**

3.2-13: Pre-construction Surveys. A qualified biologist will conduct a habitat assessment of the project site to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support CBB. If a potentially suitable habitat is identified, the biologist shall conduct pre-construction surveys in accordance with the CDFW's Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (2023). If CBB is determined to be absent from the site, no further action is required. If CBB is detected during the surveys, the biologist shall submit the findings to the CNDDB and the applicant shall consult with the CDFW to identify the appropriate avoidance, minimization, and/or compensatory measures to be taken.



February 5, 2024

Gary Mills, Chief Environmental Planner
Tulare County Resource Management Agency
Environmental Planning Division
5961 S. Mooney Blvd.
Visalia, CA 93277

Subject: Draft Focused Subsequent Environmental Impact Report (SEIR) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations - SCH # 2021020054, SWIS No. 54-AA-0009, Tulare County

Dear Mr. Mills:

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 Draft Focused Subsequent Environmental Impact Report (SEIR) 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 Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations (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, near the City of Visalia. The site is currently zoned AE-40.

The Visalia Disposal (Landfill) Site is currently permitted for receiving up to 2,000 tons of municipal waste per day. The proposed project would allow for 1,000 tons per day of compostable material for a covered aerated static piles (CASP) compost facility; a total of 3,000 tons per day for the entire site. A maximum of 1,200 haul truck trips will be used to deliver landfill and compostable material; 900 haul truck trips would deliver landfill material to the existing landfill and 300 haul truck trips would deliver compostable material to the composting facility located within the Landfill's existing footprint.

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 and 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 process within a 48-hour holding time period from the time of receipt. The CASP piles will provide moisture control and oxygen 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 compost facility would occupy 36 acres and 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. The proposed project would also include the installation and use of composting equipment, installation of a 50,000 square foot processing building, construction of compost pads, and a lined pond. The facility would receive and handle compostable material, such as agricultural materials, food material, green material, mixed material, organic wastes, digestate and pre-processed feedstock ready CASP materials.

A 2.0 mega-watt (MW) biomass conversion facility will also be located near the landfill. The facility will produce electricity, heat and biochar using wood fuel that will be provided by local activities, such as wood waste. The facility will utilize approximately 18,000 bone dry tons (BDT) of wood chips per year or 25,000 tons of per year of wet recovered wood waste and produce approximately a net amount of 2.0 MW of electrical energy per hour. In addition, this facility will produce approximately 20-30 million British Thermal Units (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 Final Focused SEIR.

- Page 1-14 lists CalRecycle as the California Integrated Waste Management Board. Please correct to the Department of Resource Recycling and Recovery (CalRecycle).
- Page 2-12, Hours of Operation: It is stated that the receiving hours for the compost facility will be Monday – Friday, 7:00 a.m. to 4:00 p.m., Saturday, 8:00 a.m. to 4:00 p.m., to harmonize with the landfill permitted hours, and the hours of operations of processing material will be 24 hours per day, 7 days per week. Page 2-14 to 2-15, Grinding Pre-Processing Operations, states that, "Additional equipment, such as a grinder, conveyors, and shaker deck, would be installed on the project site to complete these process operations." Please clarify if the

processing of material (24 hours per day, 7 days per week) includes the use of the grinder, conveyors and shaker deck. Does 'processing' include monitoring, such as temperature monitoring?

- Page 2-15, Grinding Pre-Processing Operations: It is stated, "The co-collection residential organics [green material mixed with food material] would be stockpiled on a pad for a maximum period of 48 hours and green waste and wood waste could be stored for up to 30 days." What will be the storage time for the other types of feedstocks (e.g., mixed material, agricultural material, digestate, etc.)?
- Appendix D – CEQA Process, NOP Comments Received: Does not include the letter submitted by CalRecycle, dated July 14, 2023, and received by SCH on July 14, 2023 (<https://ceqanet.opr.ca.gov/2021020054/7>). A copy was also emailed to Hector Guerra, the previous Environmental Planner assigned to this proposed project.
- For the proposed biomass conversion activity, in order to be considered biomass conversion, the activity will have to meet all the requirements pursuant to [Public Resources Code Section 40106](#). If the activity does not meet the requirements of PRC Section 40106, the activity may be subject to CalRecycle's solid waste facility permitting requirements.

Additional Information

The following is a link to CalRecycle's CEQA homepage which may assist the Lead Agency in preparing the Final Focused SEIR for solid waste facilities, including composting activities: <https://calrecycle.ca.gov/swfacilities/permitting/ceqa/>.

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, Jessica Gocke, at (559) 624-7400 or JGocke@tularehhsa.org, 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 Final Focused SEIR.

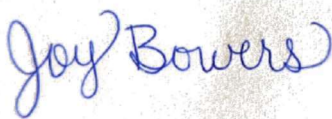
CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

Visalia Compost & Biomass
Draft SEIR Comment Letter
February 5, 2024
Page 4 of 4

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.Bowers@calrecycle.ca.gov.

Sincerely,



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

cc: Ivan Palenyy, CalRecycle
Jessica Gocke, Tulare County LEA
Ben Escotto, CalRecycle
Bryce Howard, Lead Agency Director

Attachment C

Findings of Fact

FINDINGS OF FACT
Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations
Tulare County, California
State Clearinghouse Number 2021020054
December 17, 2024

CEQA FINDINGS

CERTIFICATION OF FINAL FOCUSED SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE VISALIA DISPOSAL (LANDFILL) SITE AND BIOGAS AND COMPOST FACILITY – LANDFILLING OPERATIONS PROJECT AS IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING PROJECT FINDINGS; ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; AND APPROVING THE FINAL FOCUSED SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THIS PROJECT

I

INTRODUCTION

As required by SB1383, the County of Tulare (County) is designing and permitting a biomass conversion/compost facility at the Visalia Disposal Site (Landfill). A Focused Environmental Impact Report (EIR) was prepared for the Visalia Landfill – Compost and Biomass Conversion Facility Project (State Clearinghouse No. 2021020054) and was adopted/certified by the Tulare County Board of Supervisors on September 27, 2022, via Resolution No. 2022-084. The County is now seeking a standalone permit for the biomass conversion/composting facility (Project).

The Visalia Landfill is currently permitted to receive up to 2,000 tons per day (TPD) of solid waste and 900 vehicles per day. It is the County's desire to increase the Landfill's overall daily solid waste tonnage and daily vehicle limit to avoid violating its current permit from exceeding both daily tonnage and vehicle limits by requesting a standalone permit for the biomass conversion/composting facility and associated haul trucks that would transport biomaterial to be exclusively used for biomass conversion/composting purposes. Specifically, the Project proposes to increase the Landfill's total daily permitted tonnage of solid waste by 1,000 TPD to 3,000 TPD and increase the daily permitted vehicle (haul truck) trips by 300 vehicles to 1,200 total vehicles per day. The increase in total daily landfill tonnage is necessary to allow the Landfill to divert 1,000 TPD of daily organic waste material for use in biomass conversion/composting while maintaining its 2,000 TPD of solid waste toward landfilling. The Landfill's current permit allows a daily limit of 900 total vehicles per day but currently averages approximately 600 vehicles per day. Allowing the additional 300 vehicles/day would provide a comfortable margin from its current limit of 900 vehicles per day to accommodate the increase in total daily tonnage.

The biomass conversion/composting facility will occupy an approximately 36-acre portion of the existing 634-acre Landfill located at 8614 Avenue 328, Visalia, CA . The Project would be located at the northeast corner of Avenue 328 and Road 80, approximately one (1) mile north of the City of Visalia. The site lies within the Traver USGS 7.5-Minute Quadrangle and within Section 4, Township 18 South, Range 24 East, MDB&M.

To approve this Project, the Board of Supervisors (Board) must consider and take action on the Final Focused Subsequent Environmental Impact Report (FSEIR), Mitigation Monitoring and Reporting Program (MMRP), and Findings of Fact (FOF) applicable to the Project. The Board is the final decision-making body with respect to the Final FSEIR, MMRP, and FOF. In the context of the California Environmental Quality Act (CEQA), the County is the “lead agency”.

II

CERTIFICATION OF FINAL FOCUSED SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE VISALIA DISPOSAL SITE AND COMPOST FACILITY PROJECT

The Board hereby certifies and finds that it has considered the information presented in the Final FSEIR and other relevant evidence to determine compliance with CEQA, and the State CEQA Guidelines. The Board further certifies and finds that prior to taking action on the Project the Board independently reviewed and considered the information contained in the Final FSEIR and other relevant evidence presented thereto. Accordingly, based on the Board's exercise of its independent judgment when reviewing and considering the Final FSEIR, and other relevant evidence presented thereto, the Board further certifies and finds that the Final FSEIR required for the Project is adequate, and has been prepared and completed in compliance with CEQA and the State CEQA Guidelines.

III

FINDINGS REQUIRED CONCERNING ENVIRONMENTAL IMPACTS UNDER CEQA

The recitals contained in the accompanying Resolution have been independently reviewed and considered by the Board, are found to be true, and are hereby adopted in support of approval of the Project.

CEQA requires that certain findings be made with respect to significant environmental impacts, Mitigation Measures, and alternatives. To satisfy this requirement, the Board hereby adopts and incorporates by reference the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations Project Focused Subsequent Environmental Impact Report (FSEIR) (SCH# 2021020054), which includes the Final FSEIR, the Draft FSEIR, and the Technical Appendices thereto, the Comments to the Draft FSEIR, and the Responses to Comments and related appendices thereto. The Board hereby incorporates by reference the Visalia Disposal Site and Compost Facility Project Focused (Focused EIR) (SCH# 2021020054, adopted/certified by the Tulare County Board of Supervisors on September 27, 2022), which includes the Final Focused EIR, the Draft Focused EIR, and the Technical Appendices thereto, the Comments to the Draft Focused EIR, and the Responses to Comments and related appendices thereto, and the Visalia Landfill Waste Management Unit-1 Closure Construction Negative Declaration (SCH#2013081024, adopted/certified by the Tulare County includes the Negative Declaration, the Technical Appendices thereto, and by reference the Visalia Landfill Master Development Plan Final Environmental Impact Report (SCH# 2000051098, Board of Supervisors on September 24, 2013),

which adopted/certified by the Tulare County Board of Supervisors on October 23, 2001), which includes the Final EIR, the Draft EIR, Technical Appendices thereto, the Comments to the Draft EIR, the Responses to Comments and related appendices thereto. As this Project consists of actions to comply with California Senate Bill 1383 regulations, Project-related activities could not have been known at the time of adoption of the previous EIR (SCH #2000051098) for Visalia Landfill Master Development Plan or Visalia Landfill Waste Management Unit-1 Closure Construction Negative Declaration (SCH#2013081024). New information has become available, and the Board finds that this FSEIR has been prepared and is necessary to address the potential impacts in the following resource areas:

Air Quality	Hydrology/Water Quality
Biological Resources	Transportation
Energy	Tribal Cultural Resources
Greenhouse Gas Emissions	

In approving these findings, the Board has independently reviewed, considered, and relied on (1) information contained in the FSEIR and appendices thereto; (2) various reports (both oral and written) provided by County Staff to the Board; (3) information submitted during the public comment period; and (4) other evidence contained in the public record. In doing so, the Board finds and declares that the factual discussion and analysis contained in the FSEIR, the staff reports, and other evidence in the Public Record of Proceedings provide a sufficient basis for approval of the Project pursuant to CEQA.

A. Environmental Impacts and Mitigation Measures

As to the potentially significant environmental impacts identified in the FSEIR, the Board finds that: Project changes or alterations and mitigation measures have been required in, or incorporated into the Project that mitigate, avoid, or substantially lessen the significant environmental impacts identified in the FSEIR to a less than significant level.

1. Project Impacts.

Consistent with Public Resource Code Section 21081 and Guidelines Sections 15091 through 15093 (including Public Resources Code Section 21061.1 and Guidelines Section 15364 relating to the definition of “feasibility”), the Board hereby makes various findings relating to the significant effects identified in the Final FSEIR for the Project.

a. Impact 3.1 Air Quality – a), b), c), and d) Air Quality Plans; Cumulative Net Increase of Pollutants; Exposure Risks; Nuisance Odors

Pursuant to the discussion in Section 3.1 a), b), c), and d) of the Final FSEIR, there will be a less than significant impact relating to air quality plans, cumulative net increase of criteria pollutants, exposure risks, and nuisance odors.

Accordingly, based on the Final FSEIR, Technical Appendices (see Appendix “A” of the Draft FSEIR), Comments received, Response to Comments, and other substantial evidence in the

Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to the environment involving air quality because (i) verification of compliance is performed by the San Joaquin Valley Air Pollution Control District (SJVAPCD or Air District) through inspections; (ii) the Project is consistent with the control measures and growth assumptions of the applicable Air Quality Program (AQP); therefore, the project is consistent with the AQP; (iii) the Project will be required to receive applicable permits from the Air District and comply with applicable standards and rules/regulations; (iv) the Project will not cumulatively increase the impact to other sensitive receptors; and (v) the Best Available Control Technologies (BACT) utilized by the proposed Project will not create objectionable odors.

In support of this finding, evidence is contained in the Final FSEIR and in the Public Record of Proceedings that the Project is subject to typical compliance with applicable Air District rules and regulations that are sufficient to reduce impacts to a level considered less than significant. No mitigation measures are necessary or required. However, implementation of Mitigation Measure 3.1-1 (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054), which requires the purchase of Emission Reduction Credits (ERCs), remains applicable to this Project.

Thus, there is a less than significant impact on air quality. There is no evidence to the contrary in the Public Record of Proceedings.

b. Impact 3.2 Biological Resources – a) Habitat Modification on Candidate, Sensitive or Special Status Species

Pursuant to the discussion in Section 3.2 a) of the Final FSEIR, the proposed Project will result in a less than significant impact on candidate, sensitive, or special status species resulting from the Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final FSEIR, Technical Appendices (see Appendix “B” of the Draft FSEIR), Response to Comments, and the Public Record of Proceedings, the Board finds and declares that investigations of the Project site concluded that Mitigation Measures (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054)), would, in the event of occurrence, mitigate Project related impacts on special status species to a less than significant level.

Mitigation to reduce the impact(s) are set forth in Mitigation Measures: 3.2-1 through 3.2-3 to protect Swainson’s hawks; Mitigation Measures 3.2-4 through 3.2-6 to protect burrowing owls; Mitigation Measure 3.2-7 through 3.2-11 to protect San Joaquin kit foxes, and Mitigation Measure 3.2-12 to protect tricolored blackbird (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054)), and are hereby adopted for this Project. These Mitigation Measures shall be incorporated into this Project, and it shall be the responsibility of the Applicant to implement the Mitigation Measures. The Code Enforcement Division of the Resource Management Agency (RMA) shall monitor compliance with these Mitigation Measures and shall

enforce these conditions pursuant to their enforcement powers allowed by law and the Mitigation Monitoring and Reporting Program adopted for this Project. Therefore, the Project will have a less than significant impact on special status species.

In support of this finding, evidence in the Final FSEIR, Technical Appendices (see Appendix “B” of the Draft FSEIR), Comments received, Response to Comments, and the Public Record of Proceedings that Mitigation Measures 3.2-1 through 3.2-12 (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054)), would reduce potential impacts to less than significant.

Thus, there is a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

- c. Impact 3.2 Biological Resources – b), c), d), e), and f) Adverse Effect on Riparian Habitat; Adverse Effect on Federally Protected Wetlands; Interference with Native Resident or Migratory Fish; Policy Conflict; Conflict with Local Ordinances or Habitat Conservation Plan

Pursuant to the discussion in Sections 3.2 b) through f) of the Final FSEIR, there will be no impact to riparian habitat, federally protected wetlands, native resident or migratory fish, policy conflicts, or conflict with habitat conservation plans. The Board concurs with this analysis.

Accordingly, based on the Final FSEIR, Technical Appendices (see Appendix “B” of the Draft FSEIR), Response to Comments, and other substantial evidence in the Public Record of Proceedings, the Board finds and declares an investigation of the site concluded that the Project will not cause a significant impact to the environment involving biological resources because (i) the proposed Project does not result in loss of habitat, (ii) there was no wetland habitat identified at the proposed Project site, (iii) the proposed Project does not impact federally protected wetlands, (iv) there will be no impacts to policies or ordinances relating to biological resources, and v) none of the species outlined in the Recovery Plan for Upland Species in the San Joaquin Valley were identified on the Project site. As such, mitigation measures are not necessary or required to avoid, mitigate, or substantially lessen any impact(s) to these biological resources that might result from the adoption of this Project.

In support of this finding, evidence is contained in the Final FSEIR and the Public Record of Proceedings that there are no impacts to riparian habitat, federally protected wetlands, or native resident or migratory fish, and that the Project will not conflict with any policies or conservation plans. No mitigation measures are necessary or required.

Thus, there are no impacts. There is no evidence to the contrary in the Public Record of Proceedings.

- d. Impact 3.3 Energy – a) and b) Energy Consumption and Energy Plans

Pursuant to the discussion in Sections 3.3 a) – b) of the Final FSEIR, the proposed Project will not result in a significant impact to the environment involving energy consumption and renewable energy. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final FSEIR, applicable Technical Appendices, Response to Comments, and other evidence in the Public Record of Proceedings, the Board finds and declares that the proposed Project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation; nor will it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the Project will have a less than significant impact on energy.

In support of this finding, evidence is contained in the Final FSEIR, Technical Appendices, Response to Comments, and the Public Record of Proceedings that (i) the additional Project vehicle trips would consume less than 1% of the State’s total diesel fuel production, (ii) facility operations require 0.0015 percent of Tulare County’s and 0.000083 percent of Southern California Edison’s total 2018 electricity demands, and (iii) biomass conversion would generate a net positive energy supply that will assist utilities in achieving their Renewable Portfolio Standards obligations. Therefore, the Project will have a less than significant impact on the energy resource.

Thus, there is a less than significant impact resulting from energy consumption. There is no relevant evidence to the contrary in the Public Record of Proceedings.

e. Impact 3.4 Greenhouse Gas Emissions – a) and b) Generation of Greenhouse Gas Emissions; Conflict with Applicable Plan, Policy, or Regulation

Pursuant to the discussion in Section 3.4 a) – b) of the Final FSEIR, the proposed Project would result in less than significant direct and indirect impacts to climate change resulting from Greenhouse Gas (GHG) Emissions. Mitigation measures are not required to reduce these impacts to less than significant. Overall, the diversion of organic waste from the landfill to the biomass conversion/composting facility would result in reduction of GHG emissions over time. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final FSEIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not have any significant impact involving greenhouse gas either directly or indirectly with the use of electrical stationary equipment. Therefore, the impact is less than significant without mitigation measures.

Accordingly, based on substantial evidence in the Final FSEIR, applicable Technical Appendix (included in Appendix “A” of the Draft FSEIR), Response to Comments, and the Public Record of Proceedings, the Board finds and declares that the Project will not have any significant impact involving GHG emissions either directly or indirectly as the Project is consistent with the applicable strategies of the State’s 2017 Scoping Plan Update, the San Joaquin Valley Unified Air Pollution Control District Policy (“*Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as Lead Agency*”), the Tulare County Climate Action Plan, and contributes to their implementation in terms of compliance with regulations related to motor

vehicles, fuels, and electricity used by the Project. Also, the Project will comply with all Air District and CalRecycle requirements. Cumulative GHG emissions would be reduced as VMT is reduced thereby resulting in a GHG emissions reduction benefit. the impact. This impact, as such, is less than significant without mitigation measures. The Project's objectives and components do not conflict with the goals of AB 32 and GHG reduction. Lastly, as noted in Chapter 3.4 Greenhouse Gas Emissions, the Project would be beneficial as it will result in an annual reduction of over 10,700 metric tons per year of GHG emissions for the life of the Project. Therefore, the Project is consistent with the aforementioned plans, policies, and regulations resulting in a less than significant impact.

In support of this finding, as noted earlier, the proposed Project is consistent with State, Air District, and Tulare County goals and strategies for reducing GHG emissions; therefore, the Project would result in a less than significant impact. No mitigation measures are necessary or required.

Thus, there would be a less than significant impact on this resource. There is no evidence to the contrary in the Public Record of Proceedings.

- f. Impact 3.5 Hydrology and Water Quality – a) through c i) - iii), and e) Water Quality Standards or Waste Discharge Requirements; Substantially Deplete Groundwater Supplies or Interfere Substantially with Groundwater; Alter the Existing Drainage Pattern; Conflict or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan

Pursuant to the discussion in Sections 3.5 a), b), c), and e) of the Final FSEIR, the Project will have a less than significant impact to groundwater quality standards or waste discharge requirements; groundwater supplies; existing drainage patterns; and will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Final FSEIR, Technical Appendices, Response to Comments, and the Public Record of Proceedings, the Board finds and declares that the proposed Project does not change the results of the Hydrology and Water Quality resource analysis/determination as contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054). An investigation of the site found that the Project would not violate any water quality standards or waste discharge requirements; would not result in significant impact involving depletion of groundwater supplies; would not significantly impact existing drainage patterns; and will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final FSEIR and the Public Record of Proceedings that the proposed Project will be required to comply with the requirements of the Regional Water Quality Control Board. Further, the proposed Project will be required to comply with the Joint Technical Document (JTD) and all requirements of CalRecycle, the Regional Water Quality Control Board, and Tulare County Environmental Health Division rules/regulations,

orders, permit requirements regarding groundwater and drainage. Lastly, the Project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Thus, there will be a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

g. Impact 3.5 Hydrology and Water Quality – d) Flood Hazard, Tsunami, or Seiche Zone Risks

Pursuant to the discussion in Section 3.5. d) of the Final FSEIR, there will not be any significant impact involving flooding. The Project site is not located by the ocean, near a lake shore, or in areas of steep slopes. As such, it can reasonably be concluded that the Project would result in no impact. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft FSEIR, Technical Appendices, Response to Comments, Final FSEIR, and the Public Record of Proceedings, the Board finds and declares that an investigation of the site found that the Project will not have any impact related to this resource; therefore, no Mitigation Measures are necessary or required.

In support of this finding, evidence is contained in the Final FSEIR and the Public Record of Proceedings that the proposed Project is not located by the ocean, near a lake shore, or in areas of steep slopes. Therefore, there will be no impact and no mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

h. Impact 3.6 Transportation – a) Conflict with a Program Plan, Ordinance or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle and Pedestrian Facilities

Pursuant to the discussion in Section 3.6 a) of the Final FSEIR, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities and the Project would result in a less than significant impact. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final FSEIR, Technical Appendices, Comments Received, Response to Comments, and other evidence in the Public Record of Proceedings, the Board finds and declares that an investigation confirmed that the Project-related impacts on this resource will be less than significant.

In support of this finding, evidence is contained in the Final FSEIR and other evidence in the Public Record of Proceeding. The proposed Project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system nor would it conflict with an applicable congestion management program. The

development of the biomass conversion/composting facility would not result in an increase in population nor corresponding to an increase in vehicle travel; therefore, new or modified intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit would not be required. There would be no increase in the currently permitted tonnage limits stated in the Solid Waste Facility Permit for the landfill, as the current green waste and wood waste is being diverted to a different area of the site now, and the new organic wastes tons would be diverted directly to the compost facility instead of to the existing landfill. Project operations would require 10-15 employees, resulting in an estimated increase of 45 trips per day, which is below the San Joaquin Valley Air Pollution Control District, Tulare County Association of Governments, and Tulare County General Plan 2030 Update traffic/vehicle thresholds. Therefore, the Project will result in a less than significant impact and no mitigation is necessary or required.

Thus, the Project will result in a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

i. Impact 3.6 Transportation – b) Consistent with CEQA Guidelines Section 15064.3

Pursuant to the discussion in Section 3.6 b) of the Final FSEIR, there will be a less than significant impact regarding consistency with CEQA Guidelines Section 15064.3. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final FSEIR, Technical Appendices, Response to Comments, and other evidence in the Public Record of Proceedings, the Board finds and declares that an investigation confirmed that the impacts of the Project with respect to this resource will be less than significant. Therefore, that the Project is consistent with CEQA Guidelines section 15064.3.

In support of this finding, the evidence is contained in the Final FSEIR, Tulare County SB 743 Guidelines, and other evidence in the Public Record of Proceeding. Further, the analysis contained in Chapter 3.8 shows the 10-15 employees anticipated to be utilized for the Project will generate an additional 45 trips per day in accordance with implementation of the Project; as such, the Project is below the established threshold of 500 trips per day established in the SB 743 Guidelines. Further, as allowed in SB 743, goods movement trips are exempt. 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 need to be considered in a VMT analysis.” (see SB 743 Guidelines, page 6). As noted earlier, the current green waste and wood waste is currently being diverted to a different area of the site now, 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. 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.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

j. Impact 3.7 Tribal Cultural Resources – a) and b) Listed California Register of Historical Resources; Resources Significant to a California Native American Tribe

Pursuant to the discussion in Section 3.7 a) and b) of the Final FSEIR, there will be a less than significant impact with mitigation, as appropriate, to Listed Historical Resources and Significant Tribal Cultural Resources by this Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final FSEIR, Technical Appendices (Appendix “C” of the Draft FSEIR), Response to Comments, and other evidence in the Public Record of Proceedings, the Board finds and declares that an investigation confirmed that the Project will not cause a significant impact to Listed Historical Resources and Significant Tribal Cultural Resources with the implementation of mitigation as appropriate.

Mitigation is set forth in Mitigation Measures 3.7-1 through 3.7-3 (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054)). Such mitigation is hereby adopted for this Project. All Mitigation Measures shall be implemented by the County of Tulare, or the County Environmental Assessment Officer, as appropriate. Monitoring shall be the responsibility of the County.

In support of this finding, evidence is contained in the Final FSEIR, Technical Appendices (included in Appendix “C” of the Draft FSEIR), and other evidence in the Public Record of Proceeding. The Project impact analysis identifies no tribal or archaeological resources within the Project site. As an abundance of caution, and if necessary, the implementation of Mitigation Measures 3.7-1 through 3.7-3 (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054) would result in a less than significant impact on this resource.

IV

CUMULATIVE IMPACTS

CEQA Guidelines Section 15130(a) requires that an FSEIR discuss the cumulative impacts of a Project when the Project’s incremental effect is “cumulatively considerable,” meaning that the Project’s incremental effects are considerable when viewed in connection with the effects of past, current, and probable future Projects. The consideration of actions included as part of a cumulative impact scenario can vary by geographic extent, time frame, and scale. They are defined according to environmental resource issues and the specific significance level associated with potential impacts. CEQA Guidelines 15130(b) requires that discussions of cumulative impacts reflect the severity of the impacts and their likelihood of occurrence. The CEQA Guidelines note that the cumulative impacts discussion does not need to provide as much detail as is provided in the analysis of Project-only impacts and should be guided by the standards of practicality and reasonableness and focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impacts.

A. Biological Impacts

Pursuant to the discussion in Section 3.2 a) through f) of the Final FSEIR, the Project will cause a less than cumulatively significant impact to biological resources. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that the mitigations required in Mitigation Measures 3.2-1 through 3.2-12 (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054)) will lessen any cumulative significant impacts to biological resources. The cumulative impacts relating to biological resources will be reduced to a level of insignificance.

In support of this finding, the evidence indicates that the direct impacts are not significant with the implementation of Mitigation Measures 3.2-1 through 3.2-12, as contained in section 3.2 of the Draft FSEIR (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054) and evidenced in Appendix “B” (Biological Resources) of the Draft FSEIR. As such, the adopted Mitigation Measures will assure that any cumulative biological impacts are mitigated to a level of less than significant.

B. Tribal Cultural Resources

Pursuant to the discussion in Section 3.7 a) and b) of the Final FSEIR, the construction related component of the Project may cause a potentially cumulatively significant impact to cultural resources and/or tribal cultural resources. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that the mitigation required in Mitigation Measures 3.7-1, 3.7-2, and 3.7-3 (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054)) will lessen any cumulative significant impacts to cultural resources. The cumulative impact relating to cultural resources will be reduced to a level of insignificance.

In support of this finding, the evidence indicates that there is no recorded evidence of archeological sites at the Project site. The adopted Mitigation Measures will assure that any Native American burial sites or unidentified skeletal remains encountered are either avoided, treated in accordance with the recommendations of the most likely descendant, or relocated, and will assure that any historical or cultural resources are properly evaluated, thereby reducing this impact to a less than significant level. With implementation of Mitigation Measures 3.7-1, 3.7-2, and 3.7-3 (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054)), and evidence in Appendix “C” (Cultural Resources) of the Draft FSEIR, potential cumulative impacts related to tribal cultural resources will be reduced to a level considered less than significant.

C Conclusion

In further support of the foregoing discussion, the County of Tulare will assure that the Applicant (in this case the Tulare County Solid Waste Department) complies with Mitigation Measures contained in the Mitigation Monitoring and Reporting Program.

V

GROWTH INDUCING IMPACTS

Pursuant to the discussion in Chapter 6 of the FSEIR and consistent with Public Resources Code Section 21100(b)(5) and CEQA Guidelines Section 15126.2(b), the Board finds and declares that there are no direct growth-inducing impacts resulting from this Project.

Based on substantial evidence in the FSEIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant growth inducing impact, and as such, no mitigation is necessary or required. There is no evidence to the contrary in the Public Record of Proceedings.

In support of this finding, the evidence indicates that the development of the Project is unlikely to result in or contribute to population growth inducement because the Project will not result in a significant increase in employment, population, or demand for housing in the area. For these reasons, the Project is not anticipated to result in growth inducement. Therefore, the operation of the proposed Project would not result in new growth in the area relating to the potential population increase.

The Project does not include new homes and will result in employment of approximately 10-15 employees. It will not be necessary to recruit higher skilled persons beyond the Project vicinity and it is anticipated that most of the new employees will be current residents within or near the cities of Dinuba, Visalia, Tulare and nearby unincorporated communities.

The proposed Project will not induce population growth because of the relatively small size of the Project and its limited number of new employees. The Project site is located in a generally rural area and will not induce new residential construction or new business creation. As such, the proposed Project does not have the potential to induce significant growth in Tulare County.

VI

SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROJECT

Pursuant to the discussion in Chapter 7 of the Draft FSEIR and Chapter 10 Response to Comments of the Final FSEIR, and consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the Board finds and declares that the Project will have no significant environmental impacts that cannot be avoided.

In support of this finding, the evidence indicates that there are no significant environmental impacts. There are no feasible Mitigation Measures that are necessary or required, other than those

required and adopted for this Project, that could further reduce these impacts to a level of less than significant.

As there are no significant and unavoidable environmental impacts, the Project is proposed and approved to enable the Applicant to achieve the basic Project objectives; including:

- Increase the maximum total daily tonnage to 3,000 TPD and 1,200 vehicle trips per day received by and within the existing footprint of the Visalia Landfill. Retain Visalia Landfill's permit allowing 2,000 TPD solid waste stream and 900 vehicle trips. Receive a new, standalone permit that allows up to 1,000 TPD of organic material to be used for the biomass conversion/composting component (resulting in 3,000 TPD permitted for the Landfill). Additionally, the new standalone permit would include up to 300 daily haul truck trips that would be exclusively used to import organic material (i.e., bio material) to be used as feedstock for the biomass conversion/composting component of the Project; this would be in addition to the currently permitted 900 daily vehicles resulting in 1,200 total vehicles per day at the Landfill.
- Provide compost capacity for a transformative organics diversion program in California as required by California legislation;
- Reduce methane emissions from landfills by removing organics from landfills and by composting new feedstocks and reducing greenhouse gases (GHG) by sequestering nutrient rich compost in soils;
- Modify an existing, strategically integrated waste management facility (Visalia Landfill) to accommodate the growing regulatory demand for mixed materials, organic waste, and food waste composting;
- Receive and compost food wastes derived from commercial and residential sources, increase diversion of organic materials from landfills by expanding the approved feedstock list to include digestates that can be received and processed;
- List the organics waste feedstocks for the facility, using terms and definitions consistent with new State composting regulations (14 CCR) and the adopted SB 1383 regulations;
- Allow pre-processing food waste operations at the facility;
- Continue to provide economic benefits to Tulare County through employment of local residents, by the expansion of operational solid waste management activities and construction of new processing equipment;
- Compliance with SJVAPCD rules and regulations;
- Facilitate the accomplishment of AB 341, which directs CalRecycle to increase statewide diversion from landfills to 75% by 2020;
- Enhance the business community's ability to comply with AB 1826, which as of April 1, 2016, requires businesses that generate a specific amount of organic waste per week must arrange for recycling services for that organic waste in a specified manner (such as composting), to substantially reduce landfill disposal of food wastes; and

- Create water saving opportunities by using compost to enhance agricultural soil.

In addition, alternative designs or locations that would possibly achieve these objectives would not reduce the identified cumulative impacts to a level of less than significant. Feasible Mitigation Measures have been required for this Project, and with the imposition of feasible Mitigation Measures (in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054)), there will be no cumulative environmental impacts that remain significant and unavoidable.

VII

ANALYSIS OF ALTERNATIVES

In connection with alternatives to the Project, CEQA and the State CEQA Guidelines require that an EIR provide a reasonable range and discussion of alternatives (Public Resources Code Sections 21002, 21002.1; Guidelines Section 15126.6).

A. Alternatives

The Project generally consists of obtaining a standalone permit for the biomass conversion/composting facility previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054) that will allow an increase in the Landfill's overall daily solid waste tonnage and daily vehicle limit to avoid violating its current permit from exceeding both daily tonnage and vehicle limits by requesting a standalone permit for the biomass conversion/ composting facility and associated haul trucks that would transport biomaterial to be exclusively used for biomass conversion/composting purposes. Specifically, the Project proposes to increase the Landfill's total daily permitted tonnage of solid waste by 1,000 TPD to 3,000 TPD and increase the daily permitted vehicle (haul truck) trips by 300 vehicles to 1,200 total vehicles per day. The increase in total daily landfill tonnage is necessary to allow the Landfill to divert 1,000 TPD of daily organic waste material for use in biomass conversion/composting while maintaining its 2,000 TPD of solid waste toward landfilling. The Landfill's current permit allows a daily limit of 900 total vehicles per day but currently it averages approximately 600 vehicles per day. Allowing the additional 300 vehicles/day would provide a comfortable margin from its current limit of 900 vehicles per day to accommodate the increase in total daily tonnage.

The basic objectives of the Project (see earlier discussion at Section VI SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROJECT) can be generalized as follows; 1) Increase the maximum total daily tonnage to 3,000 TPD and 1,200 vehicle trips per day, 2) develop and operate a covered aerated static pile (CASP) compost facility to comply with the upcoming SB 1383 regulations; and 2) add a 2.0 mega-watt (MW) biomass conversion facility at the existing Visalia Landfill site. The compost facility will typically operate as the same gate hours of operations for receiving waste material at the landfill, which is currently Monday – Friday, 7 a.m. to 4 p.m., and Saturday from 8 a.m. to 4 p.m. CASP processing has fans and blowers running 24 hours per day,

7 days per week so the processing hours will be 24 hours. The biomass conversion facility will run 24 hours per day, 7 days per week.

CEQA requires that an EIR analyze a reasonable range of alternatives to the proposed Project. (Public Resources Code Sections 21102, 21002.1 and Guidelines Section 15126.6.) The alternatives to the Project that were considered in the Draft FSEIR are described as:

- Alternative 1: No Project
- Alternative 2: Reduce the daily increase of haul truck trips from 300 to 150

The comparison of various factors was considered in Chapter 5 of the Draft FSEIR. Tables 5.1 and 5.2 (below) of the Draft FSEIR (made a part hereof) provide matrices that compare the environmental impacts of differing Project Alternatives against the Project.

The proposed Project is the Preferred Alternative. The proposed Alternatives were analyzed based on six evaluation criteria, which include each of the Project objectives and the assessment of the potential environmental impacts. The relative environmental impacts associated with each of the Alternatives, as compared to the proposed Project, are summarized in Table 5-1. A matrix comparing the Evaluation Criteria and Project objectives as they pertain to each Alternative is provided in Table 5-2 as contained in Chapter 5 of the Draft FSEIR.

Table 5-1 is a matrix comparing each Alternative's and the Preferred Alternative's abilities to achieve the Evaluation Criteria.

Table 5-1 Alternatives Evaluation		
Evaluation Criteria	No. 1 No Project	No. 2 Reduce Daily Haul Truck Trips
1. Project Specific Elements	No	No
2. Project Objectives	No	No
3. Minimize Costs	No	Yes
4. Operational Efficiency	No	No
5. Lessen Significant Impacts	Yes	Yes
6. Physical Feasibility	No	Yes

Table 5-2 compares environmental impacts associated with each of the alternatives presented compared to the Preferred Alternative.

Table 5-2 Impacts of Alternatives Compared to the Proposed Project		
Environmental Issues	No. 1 No Project	No. 3 Reduce Daily Haul Truck Trips
Air Quality	Less	Less
Biological Resources	Less	Similar
Cultural Resources	Less	Similar
Energy	Less	Less
Geology and Soils	Less	Similar
Greenhouse Gas Emissions	Less	Less
Hydrology and Water Quality	Less	Similar
Transportation and Traffic	Less	Less
Tribal Resources	Less	Similar
Cumulative Impacts	Less	Similar
Impact Reduction	Yes	Yes; however, reduction would be temporary over time

B. Environmentally Superior Alternative

CEQA requires that, in addition to the analysis of individual Alternatives, the Alternatives must be ranked according to which Alternatives have the lesser environmental effects. This ranking is shown above in Tables 5-1 & 5-2.

Alternative 1: No Project Alternative. The No Project Alternative would avoid all potential construction and operations-related impacts related to air quality, biological resources, cultural and tribal resources, hydrologic resources, greenhouse gas emissions, energy resources, and traffic resulting from the proposed Project and each of the other Alternatives identified earlier in the short term. However, the No Project Alternative would not meet any of the Project objectives or project-specific elements. The No Project Alternative would eventually adversely affect the County's objective of providing sufficient organic waste diversion sites in the long term by not allowing the an increase to a maximum total daily tonnage to 3,000 TPD and 1,200 vehicle trips per day received by and within the existing footprint of the Visalia Landfill. The intent of the proposed Project is to retain Visalia Landfill's existing permit that allows 2,000 TPD solid waste stream and 900 vehicle trips. Additionally, the County is requesting a new, standalone permit that allows up to 1,000 TPD of organic material to be used for the biomass conversion/composting component (resulting in 3,000 TPD permitted for the Landfill). The new standalone permit would include up to 300 daily haul truck trips that would be exclusively used to import organic material (i.e., bio material) to be used as feedstock for the biomass conversion/composting component of the Project; this would be in addition to the currently permitted 900 daily vehicles resulting in 1,200 total vehicles per day at the Landfill. Consideration of the No Project Alternative being the environmentally superior alternative would require the judgment of whether in balance,

eliminating or avoiding certain impacts is of greater benefit environmentally than avoiding certain other impacts. This Alternative would be the Environmentally Superior Alternative.

Alternative 2: Reduce Haul Truck Trips. The County is requesting a new, standalone permit that allows up to 1,000 TPD of organic material to be used for the biomass conversion/composting component. It would include up to 300 daily haul truck trips that would be exclusively used to import organic material (i.e., bio material) to be used as feedstock for the biomass conversion/composting component of the Project. Under Alternative 2, the proposed increase in vehicle trips for the proposed Project would be reduced to 150 haul truck trips thereby increasing the total number of daily vehicle trips allowed at the Landfill from 900 daily vehicles to 1,050. the development of the composting facility. Operations would essentially be the same as the proposed Project except that biomass conversion facility would not operate to its fullest potential (that is, to fully maximize biomass conversion/composting to its design capacity). The comparison of Alternative 2 to the proposed Project includes less impact to the following resources: air quality, energy, greenhouse gas emissions, and transportation (traffic). See Table 5-2 as it contains a comparison of the Alternative's and the proposed Project's abilities to achieve the Project objectives and reduce environmental impacts.

The comparative analysis indicates that Alternative 1 (No Project) is the Environmentally Superior Alternative as it would result in reduced significant impacts. However; Alternative 1 would not meet the County's Project objectives, particularly with regard to the County's goal to reduce organic waste from landfill disposal. It does not meet all of the evaluation criteria and importantly, and it would not meet the economic and regulation objectives of the Project. The proposed Project would, importantly, allow compliance and implementation of State mandates (i.e.; legislation and requirements) such as AB 1826 (Chesbro, 2014), AB 341 (Chesbro, 2011), and SB 1383 (Lara, 2016) which would phase in mandatory commercial organic waste collection; mandatory commercial recycling collection; and requires generators with local government and the local haulers within a shared responsibility framework to reduce 50% of all organics by 2020 and to reduce 75% of all organics by 2025 to mitigate methane; respectively, whereas the No Project Alternative would not.

The Board finds that the Applicant/project proponent is required to undertake Mitigation Measures (and in conjunction with previously adopted/certified Mitigation Measures contained in the Visalia Landfill – Compost and Biomass Conversion Facility Focused EIR (SCH# 2021020054)). These Measures are restrictive and are applied to the Project as described in the Draft and Final FSEIR. Thus, it is in the public interest of the County to advance socially desirable, necessary and enlightened progress, which is both environmentally and economically sound. In light of the foregoing discussion, and when balancing these interests, the Board finds and concludes that these considerations and benefits are deemed to be substantial, that the Project will not cause a significant or unavoidable environmental impact, and that the Project should be approved.

The Board finds and concludes that there are No Environmental Impacts That Cannot Be Avoided and there are no irreversible impacts; therefore, a Statement of Overriding Considerations is not necessary. The Project's merits and objectives are discussed in the Project Description and are found to be consistent with the intent of Tulare County 2030 General Plan.

The FSEIR is available at Tulare County Resource Management Agency at 5961 South Mooney Boulevard, Visalia, California 93277 (Telephone No. (559) 624-7000). The custodian for these documents and other materials is Mr. Gary Mills, Chief Planner, Environmental Planning Division.

Attachment D

Notice of Determination

NOTICE OF DETERMINATION

Fee Exempt per Government Code Section 6103

To: ☒ Office of Land Use and Climate Innovation
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ Tulare County Clerk
Room 105, Courthouse
221 South Mooney Blvd.
Visalia, CA 93291

Lead Agency: Tulare County c/o Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277 (559) 624-7000
Attn: gmills@tularecounty.ca.gov and jwillis@tularecounty.ca.gov

DATE RECEIVED FOR FILING AT TULARE COUNTY CLERK'S OFFICE

Applicant(s): Tulare County Solid Waste
5955 South Mooney Blvd.
Visalia, CA 93277 (559) 624-7195

Subject: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations (previously named Visalia Landfill – Compost and Biomass Conversion Facility Project)

State Clearinghouse Number: 2021020054

Contact Person: Gary Mills, Chief Environmental Planner **Telephone Number:** 559-624-7911

Project Location: The Project site is located within the existing Visalia Landfill boundaries at 8614 Avenue 328, Visalia, CA 93291 (County APNs 070-020-030). The existing Visalia Disposal Site (Landfill) is located approximately one mile north of the City of Visalia, at the northeast intersection of Avenue 328 and Road 80. The site lies within the Traver USGS 7.5 Minute Quadrangle and within Sections 4, Township 18 South, Range 24 East, MDB&M.

Project Description: The County of Tulare is proposing the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations Project. The Project is proposing a new, standalone permit for the biomass conversion/composting facility to exclusively receive 1,000 TPD of organic material as feedstock and 300 haul truck trips per day to transport the organic material to the Landfill site’s biomass conversion/composting facility. It is anticipated that the landfilling operations at the Landfill will not change, that is, it will still be permitted to receive a maximum of 2,000 TPD of landfilling material and 900 vehicle trips per day. When combined with the biomass conversion/composting facility’s tonnage and vehicle trips, the Landfill will cumulatively receive a maximum of 3,000 TPD of material and 1,200 vehicle trips. To summarize, the overall objective of the proposed Project is the addition of organic material and haul truck trips for the development and operation of a 2.0 mega-watt biomass conversion facility (to produce electricity, heat and biochar using wood fuel) and composting facility to comply with SB 1383 regulations.

The compost facility will typically operate as the same gate hours of operations for receiving waste material at the landfill, which is currently Monday – Friday, 7 a.m. to 4 p.m., and Saturday from 8 a.m. to 4 p.m. covered aerated static pile processing has fans and blowers running 24 hours per day, 7 days per week so the processing hours will be 24 hours. The biomass conversion facility will run 24 hours per day, 7 days per week.

This is to advise that the **TULARE COUNTY BOARD OF SUPERVISORS**, as ☒ Lead Agency ☐ Responsible Agency, has approved the above-described project on **December 17, 2024**, and has made the following determinations regarding the above-described project:

1. The project [☐ will ☒ will not] have a significant adverse impact on the environment.
2. ☒ A Focused Subsequent Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☐ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [☒ were ☐ were not] made a condition of approval of this project.
4. A Mitigation Monitoring and Reporting Plan [☒ was ☐ was not] adopted for this project.
5. A Statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provision of CEQA.

This is to certify that the environmental document and record of project approval is available to the General Public and may be examined at: Tulare County Resource Management Agency, 5961 S Mooney Blvd., Visalia CA 93277.

Signature: _____ Date: _____ Title: Chief Environmental Planner
Gary A. Mills

Signature: _____ Date: _____ Title: Environmental Assessment Officer
Reed Schenke, P.E. RMA Director

☒ Signed by Lead Agency

☒ Dept. of Fish & Wildlife Fees Required

☒ EIR

☐ MND

☐ ND

☐ Dept. of Fish & Wildlife Fees Not Required – Fees Paid

Receipt Number: _____

Cc: California. Dept. of Fish and Wildlife, 715 P St., Sacramento, CA 95814

Note: Authority cited: Section 21083, Public Resource Code; Reference: Sections 21108, 21152 and 21167, Public Resource Code.

Attachment E

Hearing Notice

**NOTICE OF PUBLIC HEARING AND
NOTICE OF AVAILABILITY OF THE ENVIRONMENTAL IMPACT REPORT,
VISALIA DISPOSAL (LANDFILL) SITE AND BIOGAS AND COMPOST FACILITY –
LANDFILLING OPERATIONS (SCH # 2021022054)**

The Tulare County Environmental Assessment Officer has approved for public review the Focused Subsequent Environmental Impact Report (FSEIR) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility – Landfilling Operations Project Name (SCH# 2021022054). Copies are available for review and comment at the Resource Management Agency, Permit Center, 5961 South Mooney Blvd., Visalia, California 93277-9394, (559) 624-7000, (Monday – Friday, 9:00 a.m. to 4:30 p.m). Documents can be found at the Tulare County website: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/visalia-landfill-compost-and-biomass-conversion-facility/>. Comments and recommendations on the adequacy of the documents may be filed at the aforementioned address during the public review period established for the project.

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on Tuesday, December 17, 2024, at 9:30 a.m., or as soon thereafter as the matter can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California. The hearing will pertain to certification of the FSEIR and approval of the project by the Board of Supervisors. Following the public hearing, the Tulare County Environmental Health Division (TCEHD), serving as the Local Enforcement Agency (LEA), will hold an informational meeting to discuss the permit application with the public.

PROJECT: This FSEIR is tiering off the adopted/certified EIR (SCH No. 2021020054) for the Visalia Disposal (Landfill) Site Compost and Biogas Compost - Facility project. The SEIR will address two proposed updates to the County's current landfill permit from the California Department of Resources Recycling and Recovery (CalRecycle) to avoid the County's risk of violating its current permit by exceeding its daily tonnage limit.

Tulare County intends to develop and operate a covered aerated static pile (CASP) compost facility within the Visalia Landfill property to comply with the upcoming SB 1383 regulations. The compost facility will occupy 36 acres of the 634-acre Landfill site. 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 can store up to 200,000 cubic yards on-site of organic material that would have otherwise been landfilled. The compost facility would include installing processing and composting equipment, a 50,000 square foot processing building, compacted compost pads, and a lined pond. To accommodate the transport of organic material for the compost and biogas component at the Landfill, it is anticipated that a maximum of 300 vehicles (haul trucks) would be required. Increases in haul trucks would be incremental over an approximately 13-year period when the compost and biogas component reach maximum operations.

The proposed Project is intended to maintain the current maximum permitted volume of solid waste (2,000 TPD) and increase total daily vehicles by 300 vehicles (to haul in organic material) for the compost/biogas component of the Landfill. To summarize, the Project consists of two updates to the existing Landfill operational permits: 1) increase the Landfill's total permitted tonnage to 3,000 tons per day (tpd), by directing 2,000 tpd to the landfilling operation and the remaining 1,000 tpd to the composting operation; and increase the Landfill's total permitted haul trucks from 900 to 1,200 trucks per day to accommodate the additional 1,000 tpd.

APPLICANT/AGENT: Tulare County Solid Waste

LOCATION: Visalia Disposal Site, 8614 Avenue 328, Visalia, CA 93291

ENVIRONMENTAL DOCUMENT: Focused Subsequent Environmental Impact Report (State Clearinghouse #2021022054), Findings of Fact, and Mitigation Monitoring and Reporting Program (MMRP).

REVIEW PERIOD: 10 days until December 16, 2024, at 5:00 p.m.

PUBLIC HEARING: Board of Supervisors on December 17, 2024, at 9:30 a.m.

All meetings are held at the Board of Supervisors Chambers, 2800 West Burrel Avenue, Visalia, California 93291. Board of Supervisors meetings start at 9:00 a.m. All interested parties are invited to attend and be heard. For further information regarding this project, please call Aaron Bock (559) 624-

7000 or for environmental questions please call Gary Mills, Chief Environmental Planner at 624-7199 **(para Español llame Brenda Alcantar (559) 624-7132).**

If you challenge the decision on any of the foregoing matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Tulare County Resource Management Agency, Economic Development and Planning Branch, within the review period described herein.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in meetings call (559) 624-7000 48-hours in advance of the meeting.

REED SCHENKE, ENVIRONMENTAL ASSESSMENT OFFICER
