

CEQA FINDINGS OF FACT

OF THE COUNTY OF SOLANO

for the

RECOLOGY HAY ROAD LANDFILL LAND USE PERMIT AMENDMENT NO. 2

May 8, 2020

I.
INTRODUCTION

Solano County (County), as lead agency, prepared a Subsequent Environmental Impact Report (SEIR) for the proposed amendments (Amendment No. 2) to the Recology Hay Road (RHR) Landfill Land Use Permit (LUP), hereafter referred to as the proposed project (project). The document consists of the December 2019 Draft SEIR and the April 2020 Final SEIR (State Clearinghouse No. 2018032031) (collectively referred to as the EIR). The EIR for the project presents an assessment of the reasonably foreseeable and potentially significant adverse environmental effects that may occur from construction and implementation of the project. These findings have been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and its implementing guidelines (State CEQA Guidelines) (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). Solano County is the lead agency under CEQA and the Solano County Planning Commission is the decision-making authority for the project. The Planning Commission adopts these findings in that capacity.

II.
PROJECT DESCRIPTION

A. LOCATION

The RHR Landfill (project site) is located on a 640-acre property (property) at 6426 Hay Road, immediately west of State Route (SR) 113 and south of Hay Road, in the unincorporated area of Solano County. The site is approximately 5 miles southeast of the City of Vacaville and 8 miles south of the City of Dixon. The 256-acre permitted landfill disposal footprint is located within the larger 640-acre property. The RHR Landfill consists of three parcels, which are County Assessor's parcel numbers (APNs) 042-020-060, 042-020-280, and 042-020-020. The site is located in Section 2, Township 5 North, Range 1 East on the U.S. Geological Survey Dozier 7.5-minute quadrangle.

The property is bounded by Hay Road and irrigated row crop and pastureland uses to the north; irrigated pasture uses and Burke Ranch Conservation Preserve to the south and west; and SR 113 and irrigated row crop and pasture-land uses east of the project site. The nearest residential uses are located approximately 1 mile north of the project site.

B. BACKGROUND

The RHR Landfill has been operating at the site since 1964. RHR is an integrated resource recovery company that currently owns and operates the landfill. Facilities at the project site associated with landfill operations include monitoring and control systems (e.g., groundwater, landfill gas, leachate), storm water retention ponds, flood control berms, groundwater dewatering facilities, materials handling and processing areas, various structures, access roads, and a borrow

pit.¹ The Jepson Prairie Organics (JPO) Compost Facility is also located within the RHR property and serves San Francisco, surrounding Bay Area communities, and several municipalities within Solano County.² The landfill provides solid waste disposal services for both municipal and commercial customers in the San Francisco Bay Area and the Sacramento Valley, but primarily serves San Francisco as well as Solano County (i.e., cities of Vacaville and Dixon and portions of the unincorporated County).³ Under the current Land Use Permit U-11-09/Solid Waste Facility Permit 48-AA-0002, the landfill has a maximum allowable height limit of 215 feet above mean sea level (msl), a maximum limit for disposal depth of 20 feet below msl, and a total disposal design capacity of 37 million cubic yards.⁴ In 2016, the RHR Landfill had an average daily throughput of 1,682 tons per day (tpd). In 2017, fires in Sonoma County, an emergency condition, resulted in the need to accept fire debris at local landfills, including the RHR Landfill. As a result, annual throughput at the RHR Landfill increased to 1,947 tpd in response to the emergency condition. As of May 2018, 24.9 million cubic yards of disposal capacity was available for solid waste disposal.⁵

Included on top of the 256-acre permitted landfill is the JPO Compost Facility. The permitted footprint of JPO is 39 acres.⁶ JPO is permitted to process manure, orchard and vineyard prunings, crop residue, post-consumer food waste, and yard waste; however, no biosolids are permitted for composting. The maximum annual composting capacity of the JPO facility is 172,600 cubic yards.⁷ JPO currently utilizes two types of composting processes: windrow and Aerated Static Piles (ASP). The windrow process is used for the composting of green waste by piling organic matter or biodegradable waste in long rows. The ASP system is used to compost food and green waste, and employs covers, fans, and several biofilters within different composting zones. Before 2009, JPO utilized the AgBag© vessel reactor system but switched methods due to lower VOC emissions associated with the ECS system (i.e., a reduction of approximately 50%).⁸ Facilities associated with JPO operations include a 22-acre engineered composting pad; leachate collection ditches and sumps, two leachate ponds (Pond A and B), leachate storage tanks, and storm water controls, various structures, and access roads.⁹

¹ Central Valley Regional Water Quality Control Board. 2016 (April). *Central Valley Region Order R5-2016-0056: Waste Discharge Requirements for Recology Hay Road, DBA Jepson Prairie Organics Maintenance and Corrective Action, Solano County*. Available:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/solano/r5-2016-0056.pdf. Accessed April 19, 2018.

² Recology. n.d. Jepson Prairie Organics. Available: <https://www.recology.com/recology-vacaville-solano/jepson-prairie-organics/>. Accessed October 7, 2019.

³ Recology. n.d. Jepson Prairie Organics. Available: <https://www.recology.com/recology-vacaville-solano/jepson-prairie-organics/>. Accessed October 7, 2019.

⁴ Solano County. 2013 (July 9). Solid Waste Facility Permit 48-AA-002. Available:

www.calrecycle.ca.gov/SWFacilities/Directory/48-AA-0002/Document/194927. Accessed April 17, 2018.

⁵ Golder Associates, Inc. 2018 (May). *Joint Technical Document – Recology Hay Road Solano County, California*.

⁶ California Department of Resources Recycling and Recovery. 2018. Solid Waste Facility Permit 48-AA-0083. Jepson Prairie Organics Composting Facility. Permit issued August 30, 2018.

⁷ California Department of Resources Recycling and Recovery. 2018. Solid Waste Facility Permit 48-AA-0083. Jepson Prairie Organics Composting Facility. Permit issued August 30, 2018.

⁸ Sullivan, Dan. 2011. *Web Extra: Food Waste Critical to San Francisco's High Diversion*. BioCycle.

⁹ Central Valley Regional Water Quality Control Board. 2016 (April). *Central Valley Region Order R5-2016-0056: Waste Discharge Requirements for Recology Hay Road, DBA Jepson Prairie Organics Maintenance and Corrective Action, Solano County*. Available:

C. OVERVIEW

The project involves the amendments to the existing RHR Landfill LUP and other associated permits to allow for the following new/expanded landfill operations:

- A 24-acre lateral expansion of the landfill disposal area within existing landfill property to include an adjacent triangular area (Triangle). Currently, the Triangle is largely undeveloped open space with a private gravel road, a manmade drainage channel (drainage ditch), an aboveground stormwater pipeline, and infrastructure for groundwater monitoring and landfill gas and leachate management. Under the proposed project, this entire area would be included within the permitted landfill disposal area. The Triangle would result in an increase of approximately 8.8 million cubic yards to the landfill's disposal capacity with the landfill footprint extended to the south. Because the expansion area would provide additional disposal capacity, it would extend the landfill's overall life by at least 5 years. Because the JPO compost facility is within the permitted disposal footprint and will, in a later phase of the landfill, be decommissioned to allow for disposal of waste in this area, the proposed capacity increase associated with the lateral expansion of the landfill would also extend the potential life of JPO by at least 4 years.
- The permitted 39-acre JPO facility boundary would be reduced to approximately 38 acres. The 1-acre area to be removed from the JPO boundary is currently a setback area and would be operated under the RHR Landfill's SWFP instead of the JPO's Compostable Materials Handling Permit (CMHP).
- A LUP modification that acknowledges disposal module-1 (DM-1) extends 0.3-acre beyond its originally defined disposal footprint. The permitted disposal footprint would be adjusted to reconcile the newly understood disposal footprint.
- Temporary storage (i.e., maximum of six months) of baled, single-stream recyclables within the landfill footprint until processing capabilities are improved to meet the new requirements and/or new markets are developed to accept the material. Specifically, RHR is proposing four bale stockpiles near the existing administrative office of up to 3,680 bales total.
- Increase in the allowable tonnage received on a peak day to 3,400 tpd with a 7-day-average limit of 3,200 tpd of disposal. The inclusion of a peak tonnage and a 7-day-average limit would allow the facility to accept additional waste on peak days without having to divert haulers to other facilities while en-route.
- Installation and operation of a sorting, separation, and processing area for construction and demolition (C&D) materials. This would allow for greater recovery of recyclable materials and greater diversion of materials from landfill disposal. The footprint of the portable C&D sorting operation would be approximately 150 feet wide by 300 feet long and would include all equipment and stockpiled materials.
- As part of permit modifications and except for DM-2.1, friable asbestos disposal is proposed within all existing DMs. Currently, the landfill is permitted to receive up to 2,500 tons per

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/solano/r5-2016-0056.pdf. Accessed April 19, 2018.

month of friable asbestos with disposal of this material limited to DM-1. No modification of the monthly tonnage limit on friable asbestos disposal would occur; rather, the onsite location would change because DM-1 is expected to meet capacity and close by 2021.

- Deepening and widening the limits of the existing soil borrow pit to accommodate the increased need for soil associated with proposed landfill construction and operations. The existing borrow pit measures 80 acres with a current maximum excavation depth of 60 feet below ground surface (bgs). In anticipation of the need for approximately 3.6 million cubic yards of additional soil, up to a 6-acre increase in the existing footprint of the borrow pit and deepening of the borrow pit by an additional 68 feet bgs is proposed as part of the project.

An additional enclosed landfill gas (LFG) flare would be installed adjacent to the existing flare to ensure a total capacity of 6,000 cfm at the landfill for safe and adequate control of LFG.

D. PREVIOUS CEQA DOCUMENTATION

As disposal and diversion methods and needs have evolved since initial operation of the RHR Landfill, amendments to existing permits, including the currently proposed amendments to the landfill's LUP with the County, have necessitated environmental analysis pursuant to CEQA. RHR Landfill operations have been previously evaluated under CEQA in two environmental impact reports prepared in 1993 and 2005, one Initial Study/Negative Declaration (IS/ND) prepared in 2011, and three Initial Study/Mitigated Negative Declarations (IS/MNDs) prepared in 1995, 2001, and 2012. A summary of these documents is provided below. The setting discussion and summary of project impacts and mitigation measures included in the CEQA documents listed below are incorporated by reference into the SEIR, consistent with State CEQA Guidelines Section 15150.

1. 1993 EIR

In April 1993, the County certified the Final EIR (State Clearinghouse No. 92063112) for the B&J Landfill Master Development Plan,¹⁰ in conjunction with Solano County's approval of Use Permit #U-91-28. The 1993 EIR included an evaluation of the following operational changes:

1. an overall expansion of landfill operations and development of the 640-acre project site,
2. a vertical expansion of the landfill to a maximum height of 150 feet above the natural ground surface (170 feet above msl),
3. a lateral expansion onto an adjacent 160-acre parcel,
4. creation of a soil borrow pit to provide soil for landfill cover,
5. relocation of the landfill entrance and new landfill entrance facilities,

¹⁰ Brown and Caldwell Consultants. 1992 (December). *B&J Landfill Master Development Plan Draft Environmental Impact Report*, Volume 1- SCH 92063112.

6. and revised landfill operations,
7. increased landfill disposal capacity from 6.0 to 26.4 million cubic yards,
8. an increase in the average daily throughput to 780 tpd, and
9. modification to the landfill gas and treatment system to control additional landfill gas generation from the operational changes.

2. 1995 and 2001 IS/MNDs

Following the 1993 EIR, two IS/MNDs, issued in September 1995 (State Clearinghouse No. 1995093048) and March 2001 (State Clearinghouse No. 2001032035), were prepared to evaluate further revisions to the LUP at the RHR Landfill and were subsequently adopted by Solano County. The 1995 MND evaluated the following operational changes:

1. the addition of a composting facility for green waste and food waste,
2. the receipt and drying of sewage sludge,
3. a household hazardous waste acceptance facility,
4. a change in the landfill classification from Class III to Class II to accept designated waste, and
5. an increase in the peak tonnage of waste accepted (up to 2,400 tpd with an average of 1,200 tpd).

The 2001 MND evaluated the following changes at RHR Landfill:

1. changes in the landfill design and operations,
2. a change in the hours of operation,
3. the use of alternative daily cover materials, and
4. an increase in the permitted amount of friable asbestos received at the site.

3. 2005 Subsequent EIR

In March 2005, the County certified the Final SEIR (State Clearinghouse No. 2004032138) for the NorCal Waste Systems, Inc. Hay Road Landfill Project,¹¹ in conjunction with approval of further revisions to the use permit at that time. The 2005 SEIR included an evaluation of the following operational changes:

¹¹ EDAAW. 2005 (March). *Response to Comments/Final Subsequent Environmental Impact Review for the Norcal Waste Systems, Inc. Hay Road Landfill Project.*

1. a landfill support facility, including a maintenance facility and corporation yard;
2. composting operation modifications;
3. addition of a recyclables loading area where both the public and collection vehicles deliver collected recyclables before transport to an offsite materials recovery facility;
4. a revised landfill final cover design meeting existing Central Valley Regional Water Quality Control Board (CVRWQCB) Waste Discharge Requirements (WDRs) and increasing the final permitted landfill height by 50 feet to the current 215 feet above msl; and
5. revision and update of the 1995 Solano County Use Permit covering the landfill operations.

4. 2011 IS/ND

In 2011, an IS/ND that evaluated the addition of a landfill-gas-to-energy facility at the RHR Landfill was adopted. The IS/ND evaluated the addition of a 7,500-square-foot facility with an internal combustion engine, adjacent to the existing landfill gas flare. The facility, upon completion, was estimated to provide up to 1.6 megawatts (MW) per year of renewable electricity supplies. Any excess landfill gas would be burned in the existing flare.

5. 2012 IS/MND

Finally, in October 2012, an IS/MND (State Clearinghouse No. 2004032138) that evaluated further revisions to the use permit at the RHR Landfill was adopted. The 2012 revisions included:

1. elimination of the landfill's average permitted tonnage limit;
2. the modification of the landfill's gas management system consistent with Yolo Solano Air Quality Management District (YSAQMD) Rule 3-4;
3. 12 additional onsite employees;
4. an upgrade of landfill equipment used in the disposal operations;
5. an increase in the landfill's active working face (i.e. the area where waste is deposited within the portion of the landfill actively being filled);
6. a reduction in the existing soil deficit at the site by using alternative daily cover (ex., C&D debris); and
7. implementation of odor management requirements.

E. PROJECT OBJECTIVES

As set forth in the Draft SEIR on page 3-6, the following project objectives have been identified for the project:

- increase the RHR Landfill's disposal capacity by approximately 8.8 million cubic yards;
- maximize daily tonnage to the RHR Landfill, while providing at least 15 years of estimated disposal capacity at the RHR Landfill;
- extend the estimated RHR Landfill life by at least 5 years compared to future conditions under which the RHR Landfill's disposal capacity is not increased;
- extend the ability of JPO to compost Solano County organics by at least 4 years compared to future conditions under which the RHR Landfill's disposal capacity is not increased;
- correct the permitted RHR Landfill boundary to reflect existing conditions at the site;
- allow the RHR Landfill more flexibility in how it balances high-volume and low-volume days;
- achieve higher solid waste diversion at RHR with better sorting of construction and demolition materials;
- account for changing market conditions for recyclable commodities while avoiding disposal;
- allow for the continued disposal of friable asbestos in Solano County past the filling and closure of the existing permitted monofill (DM-1), projected to be 2021; and
- to provide adequate soil cover for the landfill and avoid the import of soil.

Based on its own review of the EIR and other information and testimony received in connection with the project, the County finds these objectives to be acceptable and persuasive from a public policy standpoint. In choosing whether to approve the project and/or reject one or more alternatives, the County thus adopts these objectives, and accords them weight in considering the feasibility of alternatives set forth in the EIR. (See *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508; *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal. App. 4th 704, 715 (*Sequoyah Hills*).)

F. DISCRETIONARY DECISIONS

As the CEQA lead agency, Solano County is responsible for considering the adequacy of the environmental analysis and determining whether the overall project should be approved. Specifically, the project applicant is requesting the following actions and planning entitlements from Solano County:

- certification of the SEIR,
- adoption of a mitigation monitoring and reporting program (MMRP) that includes all the mitigation measures identified in the Final SEIR,
- issuance of revisions to the LUP for the RHR Landfill.

III. ENVIRONMENTAL REVIEW PROCESS

In accordance with CEQA (14 CCR Section 15082), Solano County issued a notice of preparation (NOP) on March 12, 2018 and issued a revised NOP on August 31, 2018. (References to the NOP hereafter refer to the revised NOP unless otherwise noted.) The County circulated the NOP to responsible and trustee agencies, organizations, and interested individuals to solicit comments on the proposed project. The County followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The NOP was received by the State Clearinghouse (State Clearinghouse No. 2018032031) and a 30-day public review period ended on October 2, 2018. Two public scoping meetings were conducted by the County on March 27, 2018 and September 25, 2018. The NOPs and all comments received on the NOPs are presented in Appendix A of the Draft SEIR. Concerns raised in response to the NOPs were considered during preparation of the Draft SEIR.

The SEIR includes an analysis of the following issue areas:

- | | |
|---|-----------------------------------|
| • Aesthetics | • Greenhouse Gas Emissions |
| • Air Quality | • Hazards and Hazardous Materials |
| • Archaeological, Historical, and Tribal Cultural Resources | • Hydrology and Water Quality |
| • Biological Resources | • Noise |
| • Energy | • Transportation |
| • Geology, Soils, Mineral, and Paleontological Resources | |

(Draft SEIR, p. 1-5.)

The County published the Draft SEIR for public and agency review on December 10, 2019. A 45-day public review period was provided, ending on January 23, 2020.

Consistent with Section 15202 of the State CEQA Guidelines, a public hearing on the Draft SEIR was conducted on January 16, 2020, to provide an overview of the Draft SEIR and to invite public comments. During the public review period, the County received one comment letter from a federal agency, four letters from state agencies, and one letter from an organization. Those comments relevant to CEQA were addressed in compliance with the State CEQA Guidelines (Sections 15088, 15132). The Final SEIR was released on April 24, 2020 and was made available for review by commenting agencies, in accordance with CEQA requirements.

The Final SEIR includes: comments received on the Draft SEIR; responses to these comments; and revisions to the Draft SEIR, as necessary, in response to these comments or to amplify or clarify material in the Draft SEIR. The Draft and Final SEIR were made available for public review on the County's website at

<https://www.solanocounty.com/depts/rm/documents/eir/default.asp>. As discussed in **Section XIV**, below, none of the changes to the Draft SEIR, or information added to the Draft SEIR, constitutes "significant new information" requiring recirculation of the Draft SEIR pursuant to PRC Section 21092.1 and State CEQA Guidelines Section 15088.5.

Together, the December 2019 Draft SEIR and the April 2020 Final SEIR constitute the Subsequent Environmental Impact Report (SEIR) for the project. The Planning Commission certified the SEIR on May 7, 2020.

IV. RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6(e), the record of proceedings for the County's decision on the project includes the following documents:

- The NOP for the project and all other public notices issued by the County in conjunction with the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft SEIR for the project and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft SEIR;
- The Final SEIR for the project, including comments received on the Draft SEIR, responses to those comments, and appendices;
- Documents cited or referenced in the Draft SEIR and Final SEIR;
- The MMRP for the project;
- All findings and resolutions adopted by the Planning Commission in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the project;
- All documents submitted to the County by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;

- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by the County regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by PRC Section 21167.6(e).

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the Solano County Department of Resource Management, Solano County Government Center (675 Texas Street, Suite 5500, Fairfield, CA 94533)

V.

CONSISTENCY WITH APPLICABLE PLANS

The Planning Commission finds that the project is consistent with the *Solano County General Plan*, the County’s zoning and development policies, as well as other applicable plans, including the *Travis Air Force Base Land Use Plan*. The Commission agrees with, and is persuaded by, the reasoning set forth in the SEIR, including the introduction to Chapter 4, “Environmental Setting, Impacts, and Mitigation Measures,” under the subheading, “Impact Issue Areas not Warranting Detailed Evaluation,” regarding the project’s consistency with applicable plans and policies. In making these findings, the Commission ratifies, adopts, and incorporates into this discussion, the reasoning and determinations of the SEIR relating to consistency with applicable plans and the goals and policies within those plans. The Commission has reviewed the project in relation to the *Solano County General Plan* and the County’s zoning and development policies, and finds that the project, as proposed for approval, will be consistent with and in furtherance of said plans and policies.

VI.

FINDINGS REQUIRED UNDER CEQA

PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to provide that “in the event [that] specific economic, social, or other

conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” The second permissible finding is that “such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency.” The third potential finding is that “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (State CEQA Guidelines Section 15091.) PRC Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” The State CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See *Citizens of Goleta Valley v. Bd. of Supervisors* [*Goleta II*] (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (“CNPS”).)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be verified by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521 (“*Laurel Hills*”), in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although the State CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant. Moreover, although Section 15091, read literally, does not require findings to address

environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the SEIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (State CEQA Guidelines Section 15091(a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (State CEQA Guidelines Sections 15093, 15043(b); see also PRC Section 21081(b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

The Planning Commission has adopted the first permissible finding, concluding that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR. As noted above, after the implementation of mitigation measures, all of the project’s significant environmental impacts would be mitigated to less-than-significant levels. Thus, the County is not required to adopt a Statement of Overriding Considerations for the project.

VII. **LEGAL EFFECT OF FINDINGS**

These findings constitute the County’s best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the SEIR are feasible and have not been modified, superseded or withdrawn, the County hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Planning Commission adopts a resolution approving the project.

VIII. **MITIGATION MONITORING AND REPORTING PROGRAM**

PRC Section 21081.6 (a)(1) requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” A MMRP has been prepared for the project, and is being approved by the Planning Commission by the same Resolution that has adopted these findings. The County will use the MMRP to track compliance with project mitigation measures. The MMRP provides a list of all adopted project

mitigation measures, identifies the parties responsible for implementing such measures, and identifies the timing for implementing each measure. The MMRP will remain available for public review during the compliance period. The MMRP is attached to and incorporated into the environmental document approval resolution and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact.

IX.

SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The potential environmental impacts that would result from implementation of the project are summarized in Table 2-1 in the Executive Summary of the Draft SEIR, as updated by the revisions to the Draft SEIR set forth in the Final SEIR. In some cases, impacts that have been identified would be less than significant. In other instances, incorporation of the mitigation measures proposed in the Draft SEIR and Final SEIR would reduce the impacts to levels that are less than significant. Further and as noted in the Final SEIR, two cumulative impacts that were previously identified as significant and unavoidable are no longer considered applicable to CEQA analysis and have been removed. Following certification of an update to the State CEQA Guidelines in December 2018, an apparent gap between PRC Section 21099 and CEQA Guidelines Section 15064.3 was created that removed consideration of level of service (LOS) as part of the CEQA Guidelines before implementing vehicle miles travelled (VMT) as the appropriate metric for evaluating transportation impacts. Many lead agencies, like Solano County, elected to continue evaluating transportation using Level of Service before July 1, 2020 due to the interrelationship between general plan goals and policies and CEQA. However, on December 18, 2019 and during public review of the Draft SEIR, the Third District Court of Appeal ruled in favor of the City of Sacramento's approval and adoption the City of Sacramento 2035 General Plan and certification of the Environmental Impact Report (EIR) for the City of Sacramento 2035 General Plan Update. The decision in the *Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609 is notable for its ruling on the applicability of State CEQA Guidelines Section 15064.3 as it relates to projects for which draft EIRs are published before July 1, 2020 (i.e., the VMT impact analysis opt-in date). The ruling issued by the Third District affirms that upon certification of the guidelines by the Secretary of the Natural Resources Agency (i.e., on December 28, 2018), automobile delay no longer constitutes a significant impact on the environment under CEQA and that it is optional for a lead agency to analyze transportation impacts using VMT until July 1, 2020, after which it becomes mandatory.

With respect to the RHR Land Use Permit Amendment No. 2 Draft SEIR, impacts and mitigation measures from the Draft SEIR associated with automobile delay are considered to be no longer applicable within the context of CEQA and have been removed from the Final SEIR.

Mitigation measures appear in the SEIR and the MMRP, and are listed in these Findings (see **Section XII**, below). The County has attempted to ensure that the measures set forth in each of these documents are consistent with one another. These measures may have been refined and clarified over time. It is possible that such revisions or clarifications have been made in one document, but not another. The Planning Commission finds that any such inconsistency is inadvertent. In the event of such inconsistency, the language of a measure in one document shall be applied in a manner that harmonizes the measure with the corresponding measure in other

documents, such that the most stringent version of the measure shall apply unless clearly modified via an errata.

The County's findings with respect to the project's significant and potentially significant effects and mitigation measures are set forth in **Section XII**, below. This section does not attempt to describe the full analysis of each environmental impact contained in the SEIR. Instead, the section provides a summary description of each impact, describes the applicable mitigation measures identified in SEIR and adopted by the Planning Commission, and states the Commission's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the SEIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the SEIR's determinations regarding mitigation measures and the project's mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts, and incorporates into these findings the analysis and explanation in the SEIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the SEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Planning Commission has adopted all of the mitigation measures identified in these sections. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the Commission finds those agencies can and should implement those measures within their jurisdiction and control.

X.

FINDINGS REGARDING RECIRCULATION OF THE DRAFT SEIR

The Planning Commission adopts the following findings with respect to whether to recirculate the Draft SEIR. Under Section 15088.5 of the State CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(State CEQA Guidelines Section 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) “Recirculation was intended to be an exception, rather than the general rule.” (*Ibid.*)

The Final SEIR also includes revisions to the text of the Draft SEIR (see Final SEIR, Chapter 4, “Revisions to the Draft EIR”) As discussed in the Final SEIR, none of the information added to the Draft SEIR altered the significance conclusions. Rather, the new information amplified and clarified the information provided in the Draft SEIR. None of the revisions or updates to the Draft SEIR’s analyses represents “significant new information” as that term is defined by the State CEQA Guidelines Section 15088.5(a).

The County finds that recirculation of the Draft SEIR is not required: (1) because the new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR (State CEQA Guidelines Section 15088.5(b); and (2) because no “substantial adverse” impact would result from any of the revisions to the portions of the Draft EIR that were not recirculated (State CEQA Guidelines Section 15088.5(e)).

XI. **PROJECT ALTERNATIVES**

A. BASIS FOR ALTERNATIVES FEASIBILITY AND ENVIRONMENTAL IMPACT ANALYSIS

CEQA mandates that every EIR evaluate a no project alternative, plus a reasonable range of potentially feasible alternatives to the project or its location that would avoid or substantially lessen the significant impacts of the project while still achieving most of the project objectives. (See State CEQA Guidelines Section 15126.6(a)(b).) The Planning Commission finds that the range of alternatives studied in the SEIR reflects a reasonable range of alternatives.

These findings consider the feasibility of each alternative analyzed in the SEIR. Under CEQA, “‘(f)feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (State CEQA Guidelines Section 15364.) As described above, the concept of feasibility permits agency decisionmakers to consider the extent to which an alternative is able to meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses desirability to the extent that an agency’s determination of infeasibility represents a reasonable

balancing of competing economic, environmental, social, and technological factors. (See *CNPS, supra*, 177 Cal.App.4th 957, 1001.) An “alternative that ‘is impractical or undesirable from a policy standpoint’ may be rejected as infeasible.” (*Ibid.*) Additionally, an alternative “‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record.’” (*Ibid.*)

CEQA also contains the principle that a proposed project or feasible alternative may be rejected when there is another feasible alternative available that would lessen the identified potential impacts. “The required findings constitute the principal means chosen by the Legislature to enforce the state's declared policy ‘that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects’” (*City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 350, quoting Public Resources Code § 21002.) Therefore, these findings consider that, among feasible alternatives, one feasible alternative may be considered superior, and therefore approved, if it would generate lesser adverse environmental impacts compared to other feasible alternatives.

B. DESCRIPTION OF ALTERNATIVES AND FEASIBILITY ASSESSMENT

Section 15126.6 of the CEQA Guidelines stipulates that EIRs must “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” As noted above, the No Action Alternative would not meet any of the basic project objectives. Notwithstanding, CEQA requires EIRs to describe and evaluate a no project (or no action) alternative “to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project” (CEQA Guidelines Section 15126.6[e][1]). This purpose has been achieved in the SEIR.

The Draft SEIR identified and compared the significant environmental impacts of the alternatives listed below. In accordance with the State CEQA Guidelines Section 15126.6, the following alternatives were evaluated:

- Alternative 1: No Project;
- Alternative 2: Vertical Expansion Alternative; and
- Alternative 3: Recology Ostrom Road Expansion.

The feasibility of each of the alternatives other than the No Project alternative is addressed below. The Comparison of Environmental Impacts among the alternatives is addressed separately in Section C, below.

1. Alternative 1: No Project

Description

Under the No Project Alternative, no amendments to the existing RHR Landfill LUP and other permits would be made. Current conditions would continue until the landfill reaches capacity and

updates to the RHR Road and Litter Agreement would continue to be updated periodically based on road conditions. Once the site reaches capacity, the landfill would be closed in accordance with closure and monitoring procedures and groundwater and LFG would continue to be monitored. All structures unrelated to ongoing monitoring of the site would be removed.

2. Alternative 2: Vertical Expansion Alternative

Description

Alternative 2 would involve an increase in the allowable height limit of the existing landfill as part of the amended LUP to the maximum feasible height (260 feet above ground surface) from a grading perspective (shown in Figure 6-1 in the Draft SEIR). This alternative would result in no lateral expansion of the landfill into the Triangle and no increase to existing tonnage limit of 2,400 tpd. As a result, deepening and widening of the borrow pit and installation of an additional flare would not be required under this alternative. However, improvements to existing C&D operations, as well as temporary storage of recyclable bales would occur under this alternative. While this alternative would result in an expansion in the overall solid waste disposal capacity of the landfill, the expansion would accommodate approximately 7,721,700 cubic yards less than that of the proposed project. The smaller increase in disposal capacity under Alternative 2 would result in an estimated closure date extension of less than one year versus the five years that would likely occur under the proposed project

Finding of Feasibility/Infeasibility

No evidence was found during the SEIR analysis to indicate that economic, legal, social, technological, or other considerations would make this alternative infeasible. Therefore, the Planning Commission determines that Alternative 2 is feasible, meaning that it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

3. Alternative 3: Recology Ostrom Road Expansion

Description

Under Alternative 3, expansion in disposal capacity would occur at the Recology Ostrom Road (ROR) Landfill instead of expanding disposal capacity at RHR Landfill. ROR is a Class II Landfill and the only other landfill owned and operated by Recology. Located in southern Yuba County (5900 Ostrom Rd, Wheatland, CA), the ROR Landfill is approximately 76 miles northeast of RHR Landfill and provides solid waste disposal services to both municipal and commercial customers in the northern Sacramento Valley including Yuba, Sutter, Butte, Nevada, and Colusa Counties. The facility has been in operation since 1995, and to date, approximately 70 acres out of a total landfill development of 225 acres has been constructed and approved for operation.¹² The facility's maximum permitted capacity is 43,467,231 cubic yards and maximum

¹² California Regional Water Quality Control Board, Central Valley Region. 2018. Order R5-2018-0007, Waste Discharge Requirements for Recology Ostrom Road. Available:

permitted throughput is 3,000 tons per day.¹³ With a remaining capacity of 24,395,000 tons as of June 2016, ROR Landfill is estimated to reach capacity by 2102.¹⁴ Expansion of an existing waste disposal facility would have fewer impacts than construction of a new site, and as discussed above, other offsite alternatives were determined to be infeasible. In order to meet long-term, regional solid waste disposal needs, the projected additional solid waste capacity necessary for RHR customers (i.e., 8.8 million cubic yards) would be provided at ROR Landfill for disposal instead of through the expansion of existing disposal capacity at RHR Landfill. Under this alternative, a similar lateral expansion of ROR Landfill would occur. Additionally, vehicles carrying solid waste coming from the Bay Area would travel an additional 152 miles per round trip to reach the ROR Landfill. Assuming that only transfer and packer trucks associated with the projected increase in vehicle trips under the proposed project would travel to the ROR Landfill instead of the RHR Landfill, up to 114 vehicles per day (see Table 4.11-6 in Section 4.11, “Transportation,” of the Draft SEIR) would travel the additional 152 miles, resulting in a net increase of 17,328 vehicle miles per day under this alternative, compared to the proposed project. However, no expansion of operations or potential increase in the number of vehicles travelling to and from the landfill per day would occur at the RHR Landfill under this alternative.

Finding of Feasibility/Infeasibility

No evidence was found during the SEIR analysis to indicate that economic, legal, social, technological, or other considerations would make this alternative infeasible. Therefore, the Planning Commission determines that Alternative 3 is feasible, meaning that it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

C. COMPARISON OF ENVIRONMENTAL IMPACTS

As described in the previous section, Alternative 1 would not attain any of the basic project objectives. The following section, therefore, focuses on the significant environmental effects of the two feasible action alternatives to determine which alternative (among Alternatives 2 and 3) would be most effective in reducing environmental effects. This is similar to the identification of the environmentally superior alternative as already conducted in the Draft SEIR (see Section 6.1.1, “Environmentally Superior Alternative,” therein).

Table 6-2 in Chapter 6, “Alternatives,” of the Draft SEIR identifies the environmental impacts of the proposed project and provides a tabular comparison of the alternatives in contrast to the proposed project.

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/yuba/r5-2018-0007.pdf. Accessed August 21, 2019. Page 2.

¹³ California Department of Resources Recycling and Recovery. 2007. Solid Waste Information System: Facility Detail. Recology Ostrom Road LF Inc. (58-AA-0011). Available: <https://www2.calrecycle.ca.gov/swfacilities/Directory/58-AA-0011>. Accessed August 21, 2019.

¹⁴ California Regional Water Quality Control Board, Central Valley Region. 2018. Order R5-2018-0007, Waste Discharge Requirements for Recology Ostrom Road. Available: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/yuba/r5-2018-0007.pdf. Accessed August 21, 2019. Page 2.

As described above, Alternative 3 would involve expansion of the existing ROR Landfill in Yolo County instead of at the RHR Landfill in Solano County. In general, the same types of impacts would be generated, though they would occur at a different location. Specifically, and as shown in Table 6-2, Alternative 3 would result in less impacts for geology, soils, mineral, and paleontological resources compared with the proposed project because no paleontological resources have been previously identified in Yolo County. Alternative 3 would have similar impacts for aesthetics; archaeological, historic, and tribal cultural resources; biological resources; hazards and hazardous materials; hydrology and water quality; and noise due to the similar nature of expanding an existing landfill. Finally, Alternative 3 would have greater impacts for air quality and greenhouse gas emissions; energy; and transportation due to the need to transport waste from RHR Landfill customers (i.e., Solano County, San Francisco Bay Area, and Sacramento Valley) to the ROR Landfill in Yolo County; this greater distance would result in additional operational emissions related to truck trips, greater fuel consumption from operations, and new or exacerbated localized traffic impacts near the ROR Landfill. In summary, Alternative 3 would reduce localized impacts at the RHR Landfill but would have potentially greater impacts associated with haul trucks travelling further for disposal purposes and similar localized impacts at the ROR Landfill. With respect to objectives, this alternative would allow for the continued operation of the existing landfill within existing permit limits but would not achieve any of the project objectives related to operational efficiencies that would occur with implementation of the proposed project.

As shown in Table 6-2, Alternative 2 would result in lesser impacts in all impact areas except for aesthetics compared to the project, primarily due to less land disturbance. Alternative 2 would have greater aesthetic impacts due to the increased visibility and height of the landfill. Regarding transportation impacts, Alternative 2 would avoid the considerable contribution to significant and unavoidable cumulative intersection (i.e., SR 113/Midway Road and SR 12/SR 113) and roadway segment (i.e., Midway Road between I-80 and Porter Road) operational impacts in the vicinity of the RHR Landfill associated with the project. However, while Alternative 2 would involve an expansion of landfill capacity, consistent with the project objectives, it would not achieve the project objectives related to increased gross disposal capacity and extension of the landfill's life to the extent of the proposed project. Therefore, Alternative 2 would be environmentally superior within the near term but may result in greater long-term effects as a result of a lack of solid waste disposal options available to the Bay Area. Therefore, the environmental impact differences between the project and Alternative 2 are not substantial enough that one is clearly superior over the other. On balance, the environmentally superior alternative would be either the project or Alternative 2, depending on decisions weighing types of environmental benefits and adverse effects by Solano County.

D. REJECTION OF ALTERNATIVES 1, 2, AND 3; AND APPROVAL OF PROPOSED PROJECT

As described above, the No Project Alternative would not attain any project objectives. Also as described above, although Alternatives 2 and 3 were each determined to be feasible and would each achieve some or all of the project objectives, the Planning Commission rejects Alternatives 2 and 3 from further consideration because Alternative 3 would result in greater environmental effects than the proposed project and Alternative 2 would not achieve the project objectives

related to increased gross disposal capacity and extension of the landfill's life to the extent of the proposed project (see Section C, above, for further details).

After thoroughly considering the project objectives, issues, alternatives, and analyses presented in the SEIR, including public and agency comments, the Planning Commission determines to approve the proposed project as the environmentally superior alternative. The project, with incorporation of the required mitigation measures, would reduce potential environmental impacts in comparison to the other action alternatives. In addition, having reviewed the project objectives, the Commission finds that the project satisfies all of the project objectives.

CEQA Section 15091 Findings

XII.

FINDINGS REGARDING IMPACTS THAT ARE NOT SIGNIFICANT OR THAT CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

SECTION 4.1: AESTHETICS

Impact 4.1-1: Temporary Changes in Visual Character. Temporary changes in views would occur as a result of construction activities, primarily related to the presence and operation of heavy equipment associated with lateral expansion of the landfill within the Triangle. These activities would include excavation of a realigned drainage ditch segment, construction of a 10-foot high perimeter berm, and installation of a required base liner containment system. Foreground views of these construction activities would be available to motorists heading northbound on SR 113. These changes would be temporary, largely screened from outside views, and not out of character with the existing landfill operations onsite. Therefore, the temporary changes as a result of the proposed project would not substantially degrade views of the project site. This impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.1-2: Long-Term Adverse Changes in Visual Character. Lateral expansion of the landfill into the Triangle area and modification of existing landfill operations near the landfill's existing administrative office (i.e. storage of baled recyclables and addition of a new flare at G2 facility) would result in changes to views of the project site. However, views of the landfill expansion and operation modifications would be consistent and blend in with existing views of landfill operations from Hay Road and immediately north, east, and west of the Triangle area. Further, design of the landfill expansion area would include vegetated landfill perimeter slopes with a 4:1 (horizontal: vertical) slope along the southern boundary of the Triangle to screen views of landfill operations from SR 113. Modifications to these views would be consistent with existing views of the landfill operations onsite and substantial adverse changes would not occur. With project implementation, the increase in truck trips and the expansion of the landfill into the Triangle area could result in an increase in the amount of windblown litter generated from the facility. Although existing litter removal is governed by the 2016 RHR Road and Litter Agreement, it does not factor in the proposed lateral expansion and increase in truck trips. Therefore, the impact is considered potentially significant.

Mitigation Measure 4.1-1: Litter Control. The facility operator shall implement the following litter control mitigation measures to address the lateral landfill expansion area and/or the increase in landfill truck trips following implementation of the proposed project:

- Windblown Litter from the RHR Site:
 - Portable litter control fences shall be installed directly downwind of the working face during site operations.
 - Additional litter collection crews shall be deployed following high wind events to remove litter from the parcels adjacent to the landfill. The RHR facility operator shall work to establish site access agreements with the adjacent property owners prior to project implementation.
 - The maximum size of the working face shall be limited to 200' x 75' or smaller.
 - Use of portable fencing in the immediate vicinity of the landfills working face and downwind of the working face shall be used to contain litter.
 - Fencing along the site boundary of the landfill expansion area shall be high enough to contain litter from migrating offsite.
 - Prior to the start of landfill operations within the expansion area, RHR shall construct a permanent 25 ft. tall litter-control fence that extends along the entire length of the southerly site boundary of the landfill expansion area.
 - Adequate staffing shall be onsite to remove litter immediately from the property boundary in the event of a sudden change in wind speed or direction. Similarly, additional litter collection crews shall be deployed following such high wind events to remove litter from parcels adjacent to the landfill. The permittee (RHR) shall negotiate the site access agreement with adjacent property owners and submit a copy of the executed agreement to the Department of Resource Management within 90 days of the approval of Land Use Permit U-11-09 Amendment No. 2.

- Windblown Litter from RHR-Related Truck Trips:
 - If waste is hauled by RHR or its contractors over the following roads, RHR shall check for and pick up litter, on a weekly basis, or more frequently, on the following roads: Vanden Road from Peabody Road to Canon Road, Canon Road from Vanden Road to North Gate Road, North Gate Road from Canon Road to McCrory Road, McCrory Road from North Gate Road to Meridian Road, Meridian Road from McCrory Road to Hay Road, Hay Road from Meridian Road to Lewis Road, Lewis Road from Midway Road to Fry Road, and Midway Road from I-80 to SR 113.
 - If Solano County personnel identify litter on roads used by RHR and its contractors, Solano County shall immediately notify RHR and request that it be removed. RHR shall respond and remove such litter within twenty-four (24) hours of receiving notification from Solano County.

- Litter Control:
 - The facility operator shall reimburse the County the cost of removing trash and materials dumped along the above mentioned County roads, should County employees be required to assist in the removal of trash associated with the expanded use of the landfill.
 - Litter control shall be the responsibility of the RHR compliance officer and shall be monitored by the Solano County Local Enforcement Agency (LEA) to ensure compliance with state minimum standards. A plan for litter control, by means of fencing, crews, adjustment of the size of working the face and use of soil cover, shall be detailed in the litter management plan.
 - On a weekly basis, or more frequently if needed, RHR shall check for and pick up litter along adjacent properties, and along Burke Lane south of Hay Road, Dally Road north and south of Hay Road, Box R Ranch Road, Binghampton Road between SR 113 and Pedrick Road, Main Prairie Road between SR 113 and Pedrick Road, Brown Road between SR 113 and Pedrick Road, Pedrick Road between Brown Road and Binghampton Road, and along the following major haul routes: Fry Road between Leisure Town Road and SR 113, Lewis Road between Fry Road and Hay Road, Hay Road between SR 113 and Meridian Road, and Meridian Road between McCrory Road and Fry Road. The site, offsite properties, and roads listed above shall be kept as litter free as possible depending upon weather conditions. The County shall not be charged for disposal of litter or trash picked up during these activities.

FINDING

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the - SEIR. (PRC Section 21081(a)(1); State CEQA Guidelines Section 15091(a)(1).) The effect as mitigated will be less than significant.

Implementation of Mitigation Measure 4.1-1, which is a continuation of existing litter control measures from the RHR landfill's existing LUP (U-11-09), measures provided in Chapter 9 of the 1993 EIR (p. 9-17), and Mitigation Measure 1 from the RHR Landfill's 2012 IS/MND, would reduce potentially significant impacts related to long-term adverse changes in visual character because the potential for an increase in scattering of windblown litter onto adjacent parcels and roads would be reduced with implementation of required litter control measures. In addition, the Road Damage and Fee Agreement is updated regularly and will continue to be implemented. With implementation of Mitigation Measure 4.1-1, this impact would be reduced to a less-than-significant level.

Impact 4.1-3: Potential to Substantially Damage or Change Views from Any Scenic Resources Within a Designated Scenic Corridor. SR 113 is a County Scenic Roadway located adjacent to the eastern boundary of the RHR Property boundary and approximately 0.25 mile from the Triangle area. Foreground views of the expanded landfill into the Triangle area would be available to motorists on northbound SR 113. Foreground views of the Triangle from SR 113

may include new views of landfill operations (i.e., trucks and refuse) within this area of the site. However, views of the expanded landfill area would be consistent with and blend into existing views of landfill operations located immediately north, east, and west of the Triangle. Consistent with existing landfill design onsite, the landfill expansion area would include vegetated landfill perimeter slopes with a 4:1 (horizontal: vertical) slope to partially screen views of landfill operations from SR 113. At final grade, a rounded, rolling land formation is proposed to enhance the aesthetic appearance of the landfill modules. With implementation of the project, changes to views of the Triangle from SR 113 would be consistent with existing views of immediately adjacent landfill operations and design measures included in the project would partially screen views of the landfill expansion area from SR 113 motorists. This impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.1-4: Potential for Increased Light and Glare. The existing landfill includes fixed and portable nighttime lighting, which would continue after implementation of the project. No new sources of fixed lighting are proposed. The project would include base liner preparation work during construction of the landfill expansion area that could result in the need for occasional and temporary portable nighttime lighting if the operator determines daytime temperatures are too high. Use of portable nighttime lighting under this circumstance is allowable under the landfill's light control program and would require downcast and shielded lighting to prevent offsite glare and confine lighting to the work area. This impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

SECTION 4.2: AIR QUALITY

Impact 4.2-1: Construction-Related Emissions of Criteria Air Pollutants and Precursors. Project construction would generate emissions of reactive organic gases (ROG), oxides of nitrogen (NO_x), respirable particulate matter with aerodynamic diameter of 10 micrometers or less (PM₁₀), and fine particulate matter with aerodynamic diameter of 2.5 micrometers or less (PM_{2.5}) from grading, excavation, and installation of the geomembrane. Emissions would be generated by heavy-duty, off-road equipment and by worker commute trips and trucks hauling materials and equipment to the site. However, construction activities would not generate emissions of ROG, NO_x, and PM₁₀ that would exceed Yolo-Solano Air Quality Management District (YSAQMD) recommended mass emission thresholds. Therefore, construction-generated emissions of criteria air pollutants and precursors would not conflict with the air quality planning efforts in the region or contribute substantially to the nonattainment status of the Sacramento Valley Air Basin (SVAB) with respect to the national ambient air quality standards (NAAQS)

and California ambient air quality standards (CAAQS) for ozone, the CAAQS for PM₁₀, or the NAAQS for PM_{2.5}. Thus, emissions generated during the project's construction would not contribute to air quality-related health complications experienced by people living in the SVAB. This impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.2-2: Long-Term Operational Emissions of Criteria Air Pollutants and Precursors.

The increase in project-related truck travel would generate levels of NO_x in the San Francisco Bay Area Air Basin (SFBAAB) that exceed Bay Area Air Quality Management District (BAAQMD) recommended daily mass emission thresholds. Therefore, operational emissions could conflict with the air quality planning efforts in the SFBAAB or contribute substantially to the nonattainment status of SFBAAB with respect to the NAAQS and CAAQS for ozone and the project's operational emissions could contribute to air quality-related health complications experienced by people living in the SFBAAB. This would be a **significant** impact.

Mitigation Measure 4.2-2: Ensure Truck-Generated Emissions of NO_x in the San Francisco Bay Area Air Basin Will Not Exceed BAAQMD-recommended Mass Emission Criteria. The applicant shall demonstrate compliance with one or a combination of the following mitigation options to ensure that the level of NO_x emissions in the SFBAAB associated with project-related truck trips does not exceed BAAQMD's recommended significance criteria of 54 lb/day and 10 tons/year. Within 60 days of use permit approval, the applicant shall submit to the Planning Services Division of the Department of Resource Management, a detailed action plan that demonstrates implementation of this measure.

- **Option A. Achieve Early Compliance with the Truck and Bus Regulation.** The applicant shall retrofit and/or upgrade its fleet of trucks to fully comply with the California Air Resources Board's (CARB) Truck and Bus Regulation prior to increasing average daily throughput at RHR landfill and before January 1, 2023, which is the date by which all trucks are required to comply with the emissions standards imposed by the Truck and Bus Regulation. The action plan submitted for this mitigation measure shall include an inventory of the vehicles to be retrofitted or upgraded and may include a phased approach. After January 1, 2023, Recology shall contract with haulers that are compliant and certified with CARB's Truck and Bus Regulations.
- **Option B. Pay an Offset Fee to a Third-Party to Fund NO_x Emissions Offsets.** The applicant shall purchase and retire NO_x offset credits sufficient to offset NO_x emissions in the SFBAAB at a rate of 57 lb/day and 10.3 tons/year from to a third-party non-profit (e.g., Bay Area Clean Air Foundation) or governmental entity prior to the receiving an increase in truck trips greater than the limits identified in Option B. The NO_x emission offset credits must be used to fund a NO_x reduction project in the SFBAAB. The cost of the credits, as well as any related administrative costs, shall be paid by the applicant. The applicant shall provide to the county the agreement that specifies the payment fee, timing

of payment, and offset mechanism. This agreement must be signed by the applicant and the third-party entity. The specific emissions reduction project must result in emission reductions within the SFBAAB that are real, surplus, quantifiable, and enforceable and would not otherwise be achieved through compliance with existing regulatory requirements or any other legal requirement. The cost of implementing the selected measures shall be fully funded by the applicant. The NO_x project or program that would be implemented to offset NO_x must be approved by BAAQMD. The applicant shall provide proof to the county that the offsets are approved by BAAQMD and have been fully funded by the applicant. This option can only be implemented if NO_x offset credits are available at the time they are needed.

- **Option C: Use Renewable Diesel Fuel in All Diesel Trucks Operated by the Applicant.** The applicant shall use only renewable diesel (RD) fuels in all diesel-powered trucks used to haul materials to the landfill and the Construction and Demolition Sorting Operation. This measure applies to diesel trucks operated or contracted by the applicant. RD fuel must meet the following criteria:
 - meet California’s Low Carbon Fuel Standards and be certified by CARB Executive Officer;
 - be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;
 - contain no fatty acids or functionalized fatty acid esters; and
 - have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.

The use of RD in trucks is estimated to reduce NO_x emissions by approximately 14 percent compared to conventional diesel fuel.¹⁵

FINDING

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the - SEIR. (PRC Section 21081(a)(1); State CEQA Guidelines Section 15091(a)(1).) The effect as mitigated will be less than significant.

Implementation of Mitigation Measure 4.2-2 would ensure that the project-related increase in truck-generated emissions of NO_x in the SFBAAB would not exceed BAAQMD’s recommended threshold of 54 lb/day or 10 tons/year. This could be achieved through implementation of one or more of the options (i.e., Option A, B,

¹⁵ Sacramento Metropolitan Air Quality Management District. 2015 (May). *LUTRANews*, Volume 9, Issue 2. Page 3.

and/or C) listed under Mitigation Measure 4.2-2. With implementation of the mitigation measure, this impact would be reduced to a less-than-significant level.

Impact 4.2-3: Exposure of Offsite Sensitive Receptors to Toxic Air Contaminants.

Emissions of toxic air contaminants (TACs) associated with implementation of the project, including diesel PM emitted by heavy construction equipment, TACs contained in LFG, and diesel PM generated by haul trucks traveling on area roadways, would not result in an incremental increase in cancer risk greater than 10 in one million or a hazard index of 1.0 or greater at any offsite sensitive receptors. Therefore, this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.2-4: Exposure of Sensitive Receptors to Odors. The increase in municipal solid waste processed and landfilled at the project site as expansion occurs is not expected to result in additional sources or objectionable odors nor increased intensity of odors. Additionally, the area of landfill expansion is further away from the nearest offsite sensitive receptors than the portions of the landfill that are the currently being filled. Any odors associated with proposed storage of baled recyclables would be addressed with implementation of the nuisance and odor control measures described in the RHR Recyclable Material Bale Management Operations Plan that was approved by the County in April 2018. Therefore, it is not anticipated that the project would result in odors adversely affecting a substantial number of people. This impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

SECTION 4.3: ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

Impact 4.3-1: Potential Impacts to Unique Archaeological Resources. Results of the records search and pedestrian survey did not indicate any known archaeological sites within the project site. However, project-related ground-disturbing activities could result in discovery or damage of yet undiscovered subsurface unique archaeological resources. This would be a potentially significant impact.

Mitigation Measure 4.3-1: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features. In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a professional archaeologist, qualified under the Secretary of the Interior’s Professional Qualification Standards, shall be

retained to assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or a tribal cultural resource. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to Solano County regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal cultural resource, Solano County shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the resource. Solano County shall implement such recommended measures if it determines that they are feasible in light of project design, logistics, and cost considerations.

FINDING

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the - SEIR. (PRC Section 21081(a)(1); State CEQA Guidelines Section 15091(a)(1).) The effect as mitigated will be less than significant.

The certified 1993 EIR for the landfill included similar mitigation (Recommendation 11.a.) to halt construction activities in the event of discover. Mitigation Measure 4.3-1 would replace the previously adopted mitigation measure. Implementation of Mitigation Measure 4.3-1 would reduce impacts associated with archaeological resources to a less-than-significant level because it would require the performance of feasible, professionally accepted, and legally compliant procedures for the discovery of any previously undocumented archaeological resources.

Impact 4.3-2: Impacts to Unknown Tribal Cultural Resources. Consultation with the Yocha Dehe Wintun Nation has resulted in no resources identified within the project boundaries as tribal cultural resources per AB 52. However, it is possible that tribal cultural resources could be encountered during construction within the Triangle. Due to the potential for unknown resources within the Triangle that may be discovered through project construction activities, potential impacts to tribal cultural resources could be potentially significant.

Mitigation Measure 4.3-2: Pre-Construction Cultural Sensitivity Training. Prior to ground disturbance activities for the borrow pit and lateral expansion (Triangle), the project applicant shall provide evidence to Solano County to demonstrate compliance with Mitigation Measure 4.3-2. The project applicant shall arrange for a qualified archaeologist to conduct a cultural resources sensitivity training for all construction personnel who will be active on the project site during project-related construction activities. The training will be provided before the initiation of construction activities and will be developed and conducted in coordination with a representative from Yocha Dehe Wintun Nation. The training will include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The cultural sensitivity training will also describe appropriate avoidance and

minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential tribal cultural resources are discovered.

FINDING

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the - SEIR. (PRC Section 21081(a)(1); State CEQA Guidelines Section 15091(a)(1).) The effect as mitigated will be less than significant.

Implementation of Mitigation Measure 4.3-2 would reduce impacts to a less-than-significant level by requiring pre-construction training for construction personnel and ensuring that proper care and protocol of potentially undiscovered tribal cultural resources be taken.

Impact 4.3-3: Discovery of Human Remains. Based on documentary research, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, ground-disturbing construction activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097 would make this impact less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

SECTION 4.4: BIOLOGICAL RESOURCES

Impact 4.4-1: Potential Impacts to Special-Status Plants. Project construction activities, including ground disturbance and vegetation removal, could result in disturbance to or loss of special-status plants if present on the project site. Because the loss of special-status plants could substantially affect the abundance, distribution, and viability of local and regional populations of these species, this would be a significant impact.

Mitigation Measure 4.4-1a: Special-Status Plant Surveys. Prior to commencement of ground disturbance within habitats in the Triangle where special-status plants may occur (i.e., grassland habitat, vernal pool habitat), and during the blooming period for the special-status plants with potential to occur on the sites (Table 4.4-4 in the Draft SEIR and MMRP), a qualified botanist will conduct protocol-level surveys for the potentially occurring special-status plants that could be removed or disturbed by project activities. Protocol-level surveys will be conducted in accordance with Protocols for Surveying and Evaluating Impacts to

Special Status Native Plant Populations and Natural Communities.¹⁶ Surveys will be conducted not more than one or two seasons prior to project implementation. If special-status plants are not found, the botanist will document the findings in a letter report to CDFW and further mitigation will not be required. Perennial shrub species (e.g., Carquinez goldenbush) may be identified to genus (i.e., *Isocoma*) outside of the plants bloom period. If no specimens in the *Isocoma* genus are detected during the special-status plant survey, further surveys during the species' bloom period will not be necessary to determine presence.

Mitigation Measure 4.4-1b: Special-Status Plant Avoidance. If special-status plant species are found on the project site and are located outside of the permanent footprint of any proposed structures/site features and can be avoided, the project applicant will establish and maintain a protective buffer around special-status plants to be retained.

Mitigation Measure 4.4-1c: Special-Status Plant Impact Minimization Measures. If special-status plants are found during rare plant surveys and cannot be avoided, the project applicant will consult with CDFW and USFWS, as appropriate depending on species status, to determine the appropriate compensation to achieve no net loss of occupied habitat or individuals. Mitigation measures may include, but are not limited to, preserving and enhancing existing populations, creating offsite populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Potential mitigation sites could include suitable locations within the site or offsite locations, preferably in Solano County. The project applicant will develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants will be compensated. Success criteria for preserved and compensatory populations will include:

- The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat. Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when:
 - plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
 - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.

If offsite mitigation includes dedication of conservation easements, purchase of mitigation credits, or other offsite conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as

¹⁶ California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>. Accessed February 18, 2020.

those listed above and other details, as appropriate to target the preservation of long term viable populations.

FINDING

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the - SEIR. (PRC Section 21081(a)(1); State CEQA Guidelines Section 15091(a)(1).) The effect as mitigated will be less than significant.

Implementation of Mitigation Measures 4.4-1a through 4.4-1c would reduce significant impacts on special-status plants to a less-than-significant level because these measures would require identification and avoidance of special-status plants or provide compensation for loss of special-status plants through enhancement of existing populations, creation and management of offsite populations, conservation easements, or other appropriate measures.

Impact 4.4-2: Potential impacts to Special-status Wildlife. Construction activities, such as ground disturbance, grading, and vegetation removal could result in the disturbance to several special-status wildlife species, including California tiger salamander, giant garter snake, burrowing owl, California black rail, northern harrier, Swainson's hawk, tricolored blackbird, white-tailed kite, special-status branchiopods, and Delta green ground beetle. The loss of special-status wildlife species and their habitat would be a potentially significant impact.

Mitigation Measure 4.4-2a: California Tiger Salamander Avoidance and Compensatory Mitigation for Habitat Loss. Prior to issuance of a grading permit for the lateral expansion (Triangle), widening of the borrow pit, and commencement of ground-disturbing activities within suitable habitat for California tiger salamander (i.e., grassland, vernal pools), the project applicant will implement the following measures to avoid direct loss of California tiger salamanders if present within the project site.

- A worker environmental awareness training shall be conducted to inform onsite construction personnel regarding the potential presence of listed species and the importance of avoiding impacts to these species and their habitat.
- A USFWS and CDFW-approved biologist will conduct a pre-construction survey of the project site no more than two weeks before commencement of project construction activities.
- When feasible, there will be a 50-foot no-disturbance buffer around burrows that provide suitable upland habitat for California tiger salamander. Burrows considered suitable for California tiger salamander will be determined by a qualified biologist, approved by USFWS and CDFW.
- All suitable burrows directly impacted by construction will be hand excavated under the supervision of a qualified wildlife biologist. A small excavator or backhoe could be utilized to assist in burrow excavation, under the direction of a qualified wildlife

biologist. If California tiger salamanders are found, the biologist will relocate the organism to the nearest burrow that is outside of the construction impact area.

- For work conducted during the California tiger salamander migration season (November 1 to May 31), exclusionary fencing will be erected around the construction site during ground-disturbing activities after hand excavation of burrows has been completed. A qualified biologist will visit the site weekly to ensure that the fencing is in good working condition. Fencing material and design will be subject to the approval of the USFWS and CDFW. If exclusionary fencing is not used, a qualified biological monitor will be onsite during all ground disturbance activities. Exclusion fencing will also be placed around all spoils and stockpiles.
- For work conducted during the California tiger salamander migration season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) each day that the 72-hour National Weather Service forecast predicts a 40 percent chance or greater of precipitation or after rain events of a tenth of an inch or greater. Construction may commence once the biologist has confirmed that no California tiger salamander are in the work area.
- Prior to beginning work each day, underneath equipment and stored pipes greater than 1.2 inches (3 cm) in diameter will be inspected for California tiger salamander. If any are found, they will be allowed to move out of the construction area under their own accord.
- Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than 1 foot will contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches will be inspected prior to filling.
- All food and food-related trash will be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site once every three days to avoid attracting wildlife.
- A speed limit of 15 mph will be maintained on dirt roads.
- All equipment will be maintained such that there are no leaks of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.
- Plastic monofilament netting (erosion control matting) or similar material will not be used at the Project site because California tiger salamander may become entangled or trapped. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.
- Hazardous materials such as fuels, oils, solvents, etc. will be stored in sealable containers in a designated location that is at least 100 feet from aquatic habitat. If it is not feasible to store hazardous materials 100 feet from wetlands and the river channel, then spill

containment measures will be implemented to prevent the possibility of accidental discharges to wetlands and waters.

- The applicant shall secure any necessary take authorization prior to project construction through formal consultation with USFWS pursuant to Section 7 of the ESA and approval from CDFW and proper take authorization under CESA.

Prior to issuance of a grading permit of the lateral expansion (Triangle) and commencement of ground-disturbing activities within suitable habitat for California tiger salamander in the Triangle (i.e., grassland and vernal pools within the landfill expansion area), the project applicant will implement the following measures to compensate for loss of California tiger salamander habitat.

- The project applicant will provide suitable in-kind habitat that will be created, restored, and/ or set aside in perpetuity at a ratio of 3:1. Alternatively, credits will be purchased at a USFWS and CDFW-approved conservation bank. The conservation bank will be located within Solano County, if feasible (i.e., if applicable credits are available at conservation banks in Solano County). Compensation plans will be subject to review and approval by USFWS and CDFW. All compensation will be acquired or secured prior to the beginning of ground disturbance
- In-kind habitat compensation in Solano County will occur prior to initiation of ground or vegetation disturbance activities. Aquatic habitat will be provided for damage or loss of aquatic habitat and upland habitat will be provided for damage or loss of upland habitat. Compensation will be accomplished on lands located within Solano County, to the extent feasible, through the following options: 1) acquire land, by itself, or possibly in conjunction with a conservation organization, State park, State Wildlife Area, National Wildlife Refuge, or local regional park that provides occupied habitat; 2) purchase the appropriate credit units at a USFWS and CDFW-approved conservation bank; 3) restore habitat to support the Central California tiger salamander; or 4) other method as determined by USFWS and CDFW including participation within a HCP permit area.

Mitigation Measure 4.4-2b: Protection of Giant Garter Snake. Prior to deepening and widening of the borrow pit and commencement of ground-disturbing activities within suitable aquatic (i.e., irrigation ditches) or upland habitat (i.e., grassland habitat) for giant garter snake in the Triangle, the project applicant will implement the following measures to avoid direct loss of giant garter snake if present within the project site.

For projects or ground-disturbing activities with potential to disturb suitable aquatic or adjacent upland habitat for giant garter snake, the following measures will be implemented.

- The applicant shall retain a qualified biologist to conduct a field investigation to delineate giant garter snake aquatic habitat within the project footprint and adjacent areas within 300 feet of the project footprint. Giant garter snake aquatic habitat includes agricultural ditches. A report summarizing the results of the delineation shall be submitted to the Solano County Department of Resource Management, CDFW, and USFWS within 10 days of the delineation.

- During construction, an approved biologist experienced with giant garter snake identification and behavior shall be onsite daily when construction activities within aquatic habitat or within 300 feet of aquatic habitat are taking place. The biologist shall inspect the project site daily for giant garter snake prior to construction activities. The biologist will also conduct environmental awareness training for all construction personnel working on the project site on required avoidance procedures and protocols if a giant garter snake enters an active construction zone.
- All construction activity within giant garter snake aquatic and upland habitat in and around the site shall be conducted between May 1 and October 1, the active period for giant garter snakes. This would reduce direct impacts on the species because the snakes would be active and respond to construction activities by moving out of the way.
- If construction activities occur in giant garter snake aquatic habitat (i.e., irrigation ditches, the borrow pit, other habitat identified during the delineation of habitat), aquatic habitat shall be dewatered and then remain dry and absent of aquatic prey (e.g., fish and tadpoles) for 15 days prior to initiation of construction activities. If complete dewatering is not possible, the project applicant shall consult with CDFW and USFWS to determine what additional measures may be necessary to minimize effects to giant garter snake. After aquatic habitat has been dewatered 15 days prior to construction activities, exclusion fencing shall be installed extending a minimum of 300 feet into adjacent uplands to isolate both the aquatic and adjacent upland habitat. Exclusionary fencing shall be erected 36 inches above ground and buried at least 6 inches below the ground to prevent snakes from attempting to move under the fence into the construction area. In addition, high-visibility fencing shall be erected to identify the construction limits and to protect adjacent habitat from encroachment of personnel and equipment. Exclusionary fencing and high-visibility fencing will be made from material that will not cause entanglement (e.g., silt fencing and stakes with flagging and/or poly wire). Giant garter snake habitat outside construction fencing shall be avoided by all construction personnel. The fencing and the work area shall be inspected by the approved biologist to ensure that the fencing is intact and that no snakes have entered the work area before the start of each work day. The fencing shall be maintained by the contractor until completion of the project.
- If a giant garter snake is observed, the biologist shall notify CDFW and USFWS immediately. Construction activities will be suspended in a 100-foot radius of the garter snake until the snake leaves the site on its own volition. If necessary, the biologist shall consult with CDFW and USFWS regarding appropriate procedures for relocation. If the animal is handled, a report shall be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect giant garter snake within 1 business day to CDFW and USFWS. The biologist shall report any take of listed species to USFWS and CDFW immediately. Any worker who inadvertently injures or kills a giant garter snake or who finds one dead, injured, or entrapped must immediately report the incident to the approved biologist.
- All excavated steep-walled holes and trenches more than 6 inches deep shall be covered with plywood (or similar material) or provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior

to sunset, whichever occurs first. All steep-walled holes and trenches shall be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within giant garter snake modeled habitat shall be inspected for giant garter snake by the approved biologist prior to being moved.

- If erosion control is implemented on the project site, non-entangling erosion control material shall be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure snakes are not trapped (no monofilament). Coconut coir matting and fiber rolls containing burlap are examples of acceptable erosion control materials.
- The applicant shall ensure that there is no-net-loss of giant garter snake habitat by compensating for loss of habitat at a ratio of 1:1, by purchasing credits from a USFWS-approved conservation bank. The selected conservation bank will be located within Solano County, if feasible (i.e., if applicable credits are available at conservation banks in Solano County).
- Prior to construction, USFWS shall be consulted pursuant to Section 7 of the ESA. Approval from CDFW and proper take authorization under CESA shall be obtained. The activities may qualify to use the “Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California.”¹⁷ The Habitat Replacement & Restoration Guidelines (Appendix A), Items Necessary for Formal Consultation (Appendix B), Avoidance & Minimization Measures During Construction (Appendix C), and Monitoring Requirements (Appendix D) shall be followed.

Mitigation Measure 4.4-2c: Vernal Pool Tadpole Shrimp and Vernal Pool Fairy Shrimp Habitat Compensation for Direct Effects. The project applicant shall implement the following measures to minimize and compensate for loss of vernal pool fairy shrimp and vernal pool tadpole shrimp and suitable habitat prior to ground-disturbing activities.

The following mitigation shall occur before the approval of any grading or improvement plans for the lateral expansion and any project phase that would allow work within 250 feet of such habitat, and before any ground-disturbing activity within 250 feet of the habitat.

- Habitat Preservation: The applicant, in consultation with USFWS, shall compensate for direct effects of the project on potential habitat for vernal pool fairy shrimp, and vernal pool tadpole shrimp at a ratio of 2:1, by purchasing vernal pool preservation credits from a USFWS-approved conservation bank. The selected conservation bank will be located within Solano County if feasible (i.e., if applicable credits are available at conservation

¹⁷ USFWS. 1997 (November). *Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California.*

banks in Solano County). Compensation credits shall be purchased prior to any ground-disturbing activities.

- **Habitat Creation:** The applicant shall compensate for the direct effects of the project on potential habitat for vernal pool fairy shrimp, and vernal pool tadpole shrimp at a ratio of 1:1, by purchasing vernal pool creation credits from a USFWS-approved conservation bank. The selected conservation bank will be located within Solano County if feasible (i.e., if applicable credits are available at conservation banks in Solano County).
- For seasonal wetlands and drainages that shall be retained on the site (i.e., those not proposed to be filled), a minimum setback of at least 50 feet from these features will be avoided on the project site. The buffer area shall be fenced with high visibility construction fencing prior to commencement of ground-disturbing activities and shall be maintained for the duration of construction activities.
- A worker environmental awareness training shall be conducted to inform onsite construction personnel regarding the potential presence of listed species and the importance of avoiding impacts to these species and their habitat.
- The applicant shall secure any necessary take authorization prior to project construction through consultation with USFWS pursuant to Section 7 of the ESA.
- Documentation of habitat preservation, habitat creation, and take authorization shall be provided to the County following approval by USFWS.

Mitigation Measure 4.4-2d: Protection of Conservancy Fairy Shrimp Habitat From Indirect Effects. The project applicant shall implement the following measures to minimize indirect effects to Conservancy fairy shrimp habitat prior to any ground-disturbing activities within or adjacent to the playa pool on the project site.

- During the dry season, when the playa pool is completely devoid of water, the project applicant shall construct a permanent, impermeable barrier along the southern boundary of the new disposal area within the Triangle that overlaps the playa pool. The barrier will be designed to prevent stormwater runoff or sediment discharge between the project site and the playa pool and will remain in place after construction to prevent operation-related discharge into the playa pool. The barrier shall be constructed of material that prevents discharge into the playa pool, including but not limited to: an earthen levee, steel sheet piles, or concrete riprap. Final design plans shall be reviewed and approved by a qualified biologist and the County.
- The project site will be graded in a manner that prevents surface water flow from the project site into the playa pool.
- A worker environmental awareness training shall be conducted to inform onsite construction personnel regarding the potential presence of listed species and the importance of avoiding impacts to these species and their habitat.

Mitigation Measure 4.4-2e: Protection of Burrowing Owl. Prior to ground disturbance, grading, or vegetation removal activities for the lateral expansion (Triangle), the project applicant will implement the following measures:

- The applicant shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within 1,500 feet of the project site. Surveys shall be conducted prior to the start of construction activities and in accordance with Appendix D of CDFW's *Staff Report on Burrowing Owl Mitigation*.¹⁸
- If no occupied burrows are found, a letter report documenting the survey methods and results shall be submitted to CDFW and no further mitigation will be required.
- If an active burrow is found during the nonbreeding season (September 1 through January 31), the applicant shall consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of CDFW's 2012 Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project's burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a plan for creation, maintenance, and monitoring of artificial burrows in suitable habitat proximate to the burrows to be destroyed, that provide substitute burrows for displaced owls.
- If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level disturbance as outlined in the CDFW Staff Report.¹⁹ The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented to ensure burrowing owls are not detrimentally affected. Once the fledglings are capable of independent survival, the owls can be evicted and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW's 2012 Staff Report.
- If active burrowing owl nests are found on the site and are destroyed by project implementation, the project applicant shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW 2012 Staff Report, which states that permanent impacts to nesting, occupied and satellite burrows, and burrowing owl habitat shall be mitigated such that habitat acreage, number of burrows, and burrowing owls impacted are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing mammals (e.g., ground squirrels)

¹⁸ California Department of Fish and Wildlife. 2012. *Staff Report on Burrowing Owl Mitigation*. Sacramento, CA.

¹⁹ California Department of Fish and Wildlife. 2012. *Staff Report on Burrowing Owl Mitigation*. Sacramento, CA.

present to provide for nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards:

- Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species range wide.
- If feasible, mitigation lands shall be provided adjacent or proximate to the site so that displaced owls can relocate with reduced risk of take. Feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient suitable habitat to support displaced owls that may be preserved in perpetuity.
- If suitable habitat is not available for conservation adjacent or proximate to the project site, mitigation lands shall be focused on consolidating and enlarging conservation areas outside of urban and planned growth areas and within foraging distance of other conservation lands. Mitigation may be accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. If mitigation credits are not available from an approved bank and mitigation lands are not available adjacent to other conservation lands, alternative mitigation sites and acreage shall be determined in consultation with CDFW. The conservation bank will be located within Solano County, if feasible (i.e., if applicable credits are available at conservation banks in Solano County).
- If mitigation is not available through an approved mitigation bank and will be completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the site and if the numbers are maintained over time. Measures of success, as suggested in the 2012 Staff Report, shall include site tenacity, number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors.

Mitigation Measure 4.4-2f: Special-status and Other Nesting Bird Surveys and

Avoidance. Prior to issuance of a grading permit for the lateral expansion (Triangle) or any ground disturbances, the applicant will implement the following measures to reduce impacts on special-status bird species:

- To minimize the potential for disturbance or loss of tricolored blackbird, northern harrier, California black rail, or other bird nests, vegetation removal activities will only occur during the nonbreeding season (September 16-January 31). If all suitable nesting habitat (e.g., trees, grassland) is removed during the nonbreeding season, no further mitigation would be required.

- Prior to removal of any vegetation or any ground disturbance between February 1 and September 15, a qualified biologist will conduct protocol-level surveys for Swainson's hawk nests within 0.5 mile of the project site and for black rail within suitable habitat. Protocol-level surveys for Swainson's hawks will follow the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Protocol-level surveys for Swainson's hawk and black rail may require multiple site visits; some more than 30 days prior to project implementation. Additionally, preconstruction surveys will be conducted within 500 feet of the project site for other nesting raptors, and 100 feet for all other birds. The surveys will be conducted no more than 7 days before construction commences.
- If no active nests are found during focused surveys, no further action under this measure will be required.
- If active nests are located during the protocol-level and preconstruction surveys, the biologist will notify CDFW. Impacts to nesting Swainson's hawks, other raptors, or other nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction surveys. Project activity shall not commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW guidelines recommend implementation of 0.5-mile-wide buffer for Swainson's hawk, 500 feet for other raptors, and 100 feet for other nesting birds, but the size of the buffer may be adjusted if a qualified biologist and the project applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities shall be required if the activity has potential to adversely affect the nest.

Mitigation Measure 4.4-2g: Swainson's Hawk Foraging Habitat Mitigation. To mitigate for the loss of approximately 17 acres of suitable Swainson's hawk foraging habitat, the project applicant shall implement a Swainson's hawk mitigation plan consistent with the following but not limited to the requirements described below:

- Prior to site disturbance associated with the landfill expansion, such as clearing or grubbing within the Triangle, building, or other site improvements, or recordation of a final map, whichever occurs first, the project applicant shall acquire suitable Swainson's hawk foraging habitat as determined by CDFW.
- The project applicant shall preserve through conservation easement(s) or fee title one acre of similar habitat for each acre affected or shall purchase credits from a CDFW-approved mitigation bank in Solano County at the same ratio.
- The project applicant may transfer said easement(s) or title to CDFW and a third-party conservation organization as acceptable to CDFW. Such third-party conservation organizations shall be characterized by non-profit 5019(c)(3) status with the Internal Revenue Service.

FINDING

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the - SEIR. (PRC Section 21081(a)(1); State CEQA Guidelines Section 15091(a)(1).) The effect as mitigated will be less than significant.

Implementation of Mitigation Measure 4.4-2a would reduce impacts on California tiger salamander to a less-than-significant level because California tiger salamanders and their habitat would be avoided and protected from construction activities, and the project applicant would compensate for loss of suitable occupied habitat because of construction activities.

Implementation of Mitigation Measure 4.4-2b would reduce impacts on giant garter snake to a less-than-significant level because giant garter snakes and habitat would be avoided and protected from construction activities, and the project applicant would compensate for loss of suitable occupied habitat because of construction activities.

Implementation of Mitigation Measure 4.4-2c would reduce significant impacts on vernal pool fairy shrimp, and vernal pool tadpole shrimp and suitable habitat to a less-than-significant level because it would offset the impact through preserving vernal pool habitat at a ratio of 2:1 and the creation of vernal pool habitat at a ratio of 1:1 within a USFWS-approved mitigation bank or onsite habitat enhancement and protection subject to USFWS approval.

Implementation of Mitigation Measure 4.4-2d would reduce significant impacts on conservancy fairy shrimp habitat to a less-than-significant level because it would prevent indirect effects to suitable habitat for this species within the playa pool by preventing sediment discharge from the project site.

Implementation of Mitigation Measure 4.4-2e would reduce potential impacts on burrowing owl to a less-than-significant level because burrowing owls would be avoided and protected from construction activities, or the project applicant would compensate for project-related loss of suitable occupied habitat.

Implementation of Mitigation Measure 4.4-2f would minimize impacts on nesting special-status birds, raptors, and other migratory birds by requiring pre-construction surveys and protection of active nests within and adjacent to the project site. Implementation of Mitigation Measure 4.4-2g would reduce impacts to Swainson's hawk foraging habitat by requiring compensation for habitat loss. With implementation of these mitigation measures and for the aforementioned reasons, impacts would be less than significant.

Impact 4.4-3: Potential impacts to Wetlands, Vernal Pools, and Other Waters of the United States and State. Potentially jurisdictional vernal pools, vernal pool swales, open water, detention basins, and drainage ditches are present within the project site. Future land use changes

and development would result in conversion of these wetlands and vernal pools to urban uses. Loss or degradation of wetland or vernal pool habitat would be a potentially significant impact.

Mitigation Measure 4.4-3: Wetland Delineation Verification, Permitting, and Compensatory Mitigation. Prior to ground disturbance, grading, or vegetation removal activities within undeveloped areas of the project site (including ditches) the project applicant will implement the following measures:

- Wetlands and vernal pools are of special concern to resource agencies and are afforded specific consideration, based on Section 404 of the CWA and other applicable regulations. An updated delineation of waters of the United States or state, including wetlands that would be affected by the project, was completed by ICF in 2017.²⁰ This delineation shall be submitted to and verified by USACE. If, based on the verified delineation, it is determined that fill of waters of the United States or state would result from implementation of the project, authorization for such fill shall be secured from USACE through the 404 permitting process.
- Any waters of the United States that would be affected by project development shall be replaced or restored on a “no-net-loss” basis in accordance with USACE mitigation guidelines (or the applicable USACE guidelines in place at the time of construction). In association with the Section 404 permit (if applicable) and prior to ground disturbance, grading, or vegetation removal activities within undeveloped areas of the project site (including ditches), Section 401 Water Quality Certification from the RWQCB shall be obtained.
- If it is determined that waters subject to jurisdiction by CDFW are present within the project site following the delineation of waters of the United States and state, and that site development would affect the bed, bank, or channel, a Streambed Alteration Notification will be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the project proponent will abide by the conditions of any executed agreement prior to ground disturbance, grading, or vegetation removal activities within undeveloped areas of the project site (including ditches). Several aquatic features onsite, including intermittent streams, would likely fall under the jurisdiction of CDFW.

FINDING

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the - SEIR. (PRC Section 21081(a)(1); State CEQA Guidelines Section 15091(a)(1).) The effect as mitigated will be less than significant.

Implementation of Mitigation Measure 4.4-3 would reduce impacts to wetlands, other waters of the United States, and waters of the state to a less-than-significant level because implementation of the measure would result in no net loss of functions

²⁰ ICF. 2017 (June). *Recology Hay Road Facility Aquatic Resources Delineation Report for the “Triangle Parcel.”* Prepared for Recology, San Francisco, CA.

and acreage of wetlands, vernal pools, and other waters through implementation of USACE mitigation guidelines.

Impact 4.4-4: Impacts to Wildlife Migratory Corridors. Future land use changes and development within the project site would result in loss of grassland and vernal pool habitats but would not substantially impede wildlife movement because the project site is relatively small, mostly developed, and is surrounded by roads and agricultural development. The project site does not contain any native wildlife nursery sites. Impacts to movement corridors and habitat connectivity for these species would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.4-5: Conflict with the Solano County General Plan. Project implementation could result in impacts to natural resources and conversion of vernal pool habitat within an area identified as a high-priority habitat area in the Solano County General Plan, potentially resulting in a conflict with the Plan. This would be a potentially significant impact.

Mitigation Measures: Implement Mitigation Measures 4.4-1a, 4.4-1b, 4.4-1c, 4.4-2a, 4.4-2b, 4.4-2c, 4.4-2d, 4.4-2e, 4.4-2f, 4.4-2g, and 4.4-3 as described in this section.

FINDING

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the - SEIR. (PRC Section 21081(a)(1); State CEQA Guidelines Section 15091(a)(1).) The effect as mitigated will be less than significant.

Implementation of Mitigation Measures 4.4-1a, 4.4-1b, 4.4-1c, 4.4-2a, 4.4-2b, 4.4-2c, 4.4-2d, 4.4-2e, 4.4-2f, 4.4-2g, and 4.4-3 would result in consistency with the Solano County General Plan. Therefore, no resulting conflicts would occur and this impact would be less than significant.

SECTION 4.5: ENERGY

Impact 4.5-1: Result in Inefficient and Wasteful Consumption of Energy. The project would not increase electricity and natural gas consumption at the project site relative to existing conditions; no new structures requiring energy supplies would be required. However, construction and operation of the project would result in additional fuel consumption, associated with the use of construction equipment and vehicles travelling to and from the landfill. However, as part of the project and on an ongoing basis, Recology would use modern, more fuel-efficient equipment, and as part of the project, the increase in transfer trucks under the project reflects a consolidation and overall reduction in the number of potential vehicles travelling to and from the landfill. For these reasons, the project would not result in wasteful, inefficient, or unnecessary consumption of energy. This impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.5-2: Consistency with Plans for Renewable Energy and Energy Efficiency. The project would be required to comply with federal and State energy standards regulations for reducing fuel consumption through construction and landfilling activities. Thus, this impact is less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

SECTION 4.6: GEOLOGY, SOILS, MINERAL, AND PALEONTOLOGICAL RESOURCES

Impact 4.6-1: Project facilities would be constructed on a site that may be subject to strong seismic ground shaking from active earthquake faults and the site is located within an area of high shrink-swell potential area. Seismic ground shaking, though infrequent, could cause structural failure of proposed facilities. Because the project would be designed, engineered, and constructed in conformance with applicable codes and standard engineering practices, which consider the characteristics of materials and forces, and are designed to result in adequate strength and safety requirements, the potential for structural damage and associated hazards to people during a seismic event would be substantially reduced, and this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.6-2: Destruction of a Unique Paleontological Resource. Portions of the RHR Property are underlain by older (Pleistocene) alluvium and the Tehama Formation, two geologic units known to be highly sensitive for paleontological resources. Thus, the project could have a **potentially significant** impact on paleontological resources.

Mitigation Measure 4.6-1: Paleontological Resources. Prior to initiation of earthmoving activities associated with the Triangle or deepening and widening of the borrow pit, Recology shall retain a qualified paleontologist to alert all construction personnel involved with earthmoving activities, including the site superintendent, about the possibility of encountering fossils. The appearance and types of fossils likely to be seen during construction will be described. Construction personnel will be trained about the proper notification procedures should fossils be encountered.

If paleontological resources are discovered during earthmoving activities, the construction crew will be directed to immediately cease work in the vicinity of the find and notify the County. Recology will retain a qualified paleontologist that will be readily available for quick identification and salvage of fossils so that construction delays can be minimized. If large specimens are discovered, the paleontologist will have the authority to halt or divert grading and construction equipment while the finds are removed. The paleontologist will be responsible for implementing the following measures.

- In the event of discovery, salvage of unearthed fossil remains, typically involving simple excavation of the exposed specimen but possibly also plaster-jacketing of large and/or fragile specimens, or more elaborate quarry excavations of richly fossiliferous deposits
- Recovery of stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including description of lithologies of fossil-bearing strata, measurement and description of the overall stratigraphic section, and photographic documentation of the geologic setting
- Laboratory preparation (cleaning and repair) of collected fossil remains to a point of curation, generally involving removal of enclosing rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens
- Cataloging and identification of prepared fossil remains, typically involving scientific identification of specimens, inventory of specimens, assignment of catalog numbers, and entry of data into an inventory database
- Transferal, for storage, of cataloged fossil remains to an appropriate repository
- Preparation of a final report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.

FINDING

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the - SEIR. (PRC Section 21081(a)(1); State CEQA Guidelines Section 15091(a)(1).) The effect as mitigated will be less than significant.

Implementation of Mitigation Measure 4.6-1 would reduce significant impacts on previously-unknown paleontological resources to a less-than-significant level because construction workers would be alerted to the possibility of encountering paleontological resources and, if resources were encountered, fossil specimens would be appropriately recorded and treated, including potential curation.

SECTION 4.7: GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Impact 4.7-1: Generation of Greenhouse Gas Emissions and Consistency with GHG

Reduction Targets/Plan. The project would result in increased GHG emissions contained in landfill gas and increased GHG emissions generated by truck hauling. All the GHG-emitting activities that would operate with the project are subject to regulations developed for the purpose of reducing GHG emissions and/or are consistent with GHG reduction policies identified in CARB's 2017 Scoping Plan to help California meet its statewide GHG emission targets. Therefore, the project would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. Because the RHR Landfill is both infrastructure and an accessory land use that receives waste generated by residential and commercial land uses throughout the Bay Area and Sacramento Region, thereby supporting a large population and a large quantity of economic activity, its emissions of GHGs would not be substantial. For these reasons, project-related GHG emissions would not result in a cumulatively considerable contribution to climate change and this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

SECTION 4.8: HAZARDS AND HAZARDOUS MATERIALS

Impact 4.8-1: Exposure of People and the Environment to Hazardous Materials. Operation of a landfill inherently involves the storage, use, and transport of hazardous materials; however, systems are in place at the RHR facility that are compliant with federal, state, and local laws to allow such handling in a way that is protective of people and the environment. No aspect of the proposed project would substantially change operations such that new or revised systems or procedures would be required. Hazardous materials would continue to be managed with existing controls in place and in accordance with all applicable laws, including Title 27 of the CCR, as it is currently. Implementation of the project would extend the disposal area laterally, deepen and widen an existing onsite borrow pit, allow for friable asbestos disposal within additional areas of the landfill, and allow for an increase in the existing daily peak tonnage limit. However, operations related to the storage, use, and transport of hazardous materials would remain the same as under existing conditions. Thus, the project would operate in accordance with all federal, state, and local regulations pertaining to the use, storage, and transport of hazardous materials. This impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.8-2: Exposure of People and the Environment to Hazards Related to LFG.

Expansion of the landfill could result in the production of additional LFG that could expose people or the environment to safety hazards. However, a third LFG flare is proposed as part of this project to ensure a total capacity of 6,000 cubic feet per minute (cfm) at the landfill for safe and adequate

control of LFG with landfill expansion. LFG would continue to be monitored at the project site and the LFG collection and the monitoring system would be expanded to accommodate the increased production of LFG. Therefore, this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.8-3: Potential Hazards Associated with Vectors. Vector control measures that are currently in place are effective and would continue to be implemented. In addition, there no proposed expansions of onsite water-related facilities; therefore, the proposed project would not increase the amount of standing water that could attract mosquitoes. Any vector control issues associated with proposed storage of baled recyclables would be addressed with implementation of the vector control measures described in the RHR Recyclable Material Bale Management Operations Plan that was approved by the County in April 2018. Therefore, this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.8-4: Exposure of People and the Environment to Hazards Related to LFG. The RHR Landfill is located approximately four miles northeast of the landfill and within the Travis Air Force Base (AFB) Land Use Compatibility Plan Zones C and B2. Potential safety hazards for aircraft using Travis AFB pertain to the landfill's potential to attract birds, which may increase wildlife strikes, and the use of lighting, which can be confused with landing zones by aircraft pilots. No new sources of fixed lighting are proposed and portable lighting to be used onsite would be consistent with the landfill's light control program and limited to base liner preparation work, as needed, during construction of the landfill expansion area and. The landfill maintains a bird control program and facility lighting standards, both of which minimize potential adverse hazards on aircraft. This impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.8-5: Increased Potential for Wildland Fires. The project site is located in an area classified as a moderate fire hazard severity zone. However, extensive fire control measures are currently, and would continue to be, implemented at the project site to reduce the potential risk for fires. Thus, this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

SECTION 4.9: HYDROLOGY AND WATER QUALITY

Impact 4.9-1: Violation of Water Quality Standards or Waste Discharge Requirements Related to Construction Activities. Project construction activities could result in soil erosion, sedimentation, and discharge of pollutants in nearby surface water bodies and groundwater, resulting in reduced water quality. The project applicant will control onsite stormwater and protect water quality through implementation of a stormwater pollution prevention plan (SWPPP) and associated best management practices (BMPs), as required by federal and State regulations and the RHR Recyclable Material Bale Management Operations Plan approved by the County in April 2018. Therefore, this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.9-2: Violation of Water Quality Standards or Waste Discharge Requirements Related to Construction Activities. Project operation could result in soil erosion, sedimentation, and discharge of pollutants in nearby surface water bodies and groundwater, resulting in reduced water quality. The new disposal expansion area would be constructed to isolate any runoff and/or materials onsite, including a composite liner system to collect and remove leachate from the landfill, to prevent pollutant discharge to groundwater. This liner, as well as compliance with federal and State regulations regarding water quality, would ensure that this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.9-3: Deplete Groundwater Supplies or Interfere Substantially with Groundwater Recharge. With proposed expansion of the landfill, project implementation would require extended water use onsite related to dust control for the extended life of the landfill, and the current source of onsite water, the borrow pit, would be deepened and widened as part of the project. The project would not require groundwater supplies in excess of current demands. The change in the acreage of impervious surfaces would be negligible. Therefore, this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.9-4: Changes to Drainage Patterns or Stormwater Runoff that Would Create Flooding or Exceed the Capacity of Existing or Planned Storm Drains. Project implementation would result in a negligible increase in impervious surfaces across the site. With implementation of the project, the RHR Landfill's existing surface water management system would be extended and expanded to include the landfill expansion area. As required by existing WDRs issued by the CVRWQCB, the surface water management system would be designed to handle a minimum 100-year, 24 hour storm event such that any additional runoff generated onsite would be retained at the landfill property and no offsite flooding or potential capacity exceedances of existing or planned storm drains would occur. Therefore, this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

SECTION 4.10: NOISE

Impact 4.10-1: Short-Term Construction Noise. Project implementation would result in construction activity associated with the expansion of the existing landfill capacity. However, construction-generated noise levels would not exceed the applicable daytime or nighttime noise exposure standards established by the County for non-transportation noise sources at any sensitive receptors. Therefore, this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.10-2: On-Site Operational Noise. Project implementation would result in the expansion of the existing landfill capacity as well as other modifications to the landfill. The expansion of the existing landfill capacity and other modifications would not result in changes in daily operations at the landfill and would not result in an increase in the number of facility employees. The project would also incorporate the processing of construction and demolition materials. Based on noise modeling conducted, noise levels generated by project-related operational activity would not increase and would not expose offsite receptors to noise levels that exceed applicable noise standards. This impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Impact 4.10-3: Traffic-Related Noise. Project implementation would result in an estimated 195 additional daily trips to the landfill facility. Project-generated traffic volume increases along affected roadways would result in an increase in traffic noise levels along these roadways. However, based on traffic noise modeling conducted for the project, traffic noise levels along affected roadways would not exceed the County's transportation noise standards at any noise-sensitive receptors. As a result, this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

SECTION 4.11: TRANSPORTATION

Impact 4.11-1: Impacts to Local Roadways. Operation of the project could cause additional damage to local roadways within the vicinity of the landfill. Compliance with the Road and Litter Agreement between Recology and Solano County would ensure that any additional road damage caused by facility operations are paid for by RHR. Therefore, this impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

CHAPTER 5: CUMULATIVE IMPACTS

Aesthetics: With project-specific mitigation, the project would implement litter control measures that would minimize the potential for additional windblown litter resulting from project implementation. The proposed project, in combination with cumulative development, would not make a considerable contribution to skyglow in the project vicinity because lighting currently exists onsite and, with the exception of occasional portable nighttime lighting use that is consistent with the landfill's light control program, no additional sources of lighting or glare are included as part of the project. While the proposed project would result in changes in the immediate viewshed, there would be no significant contribution to cumulative long-distance views. Therefore, the project would not result in a considerable contribution to a significant cumulative visual resources impact, and the impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Air Quality (Short-Term Construction-Related Impacts): Emissions of ROG, NO_x, and PM₁₀ generated during construction of the project would be less than YSAQMD's applicable mass emission thresholds and, therefore, the contribution by project construction to the nonattainment condition would not be cumulatively considerable. Therefore, the project would result in a less-than-significant cumulative short-term construction-related emissions impact.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Air Quality (Long-Term Operational Impacts): With project-specific mitigation, the project would generate emissions that are less than YSAQMD and BAAQMD thresholds for emissions from an individual project, which were established to reach attainment with air quality standards in the SVAB and SFBAAB, respectively. The project's long-term operational emissions would not considerably contribute emissions which would exceed applicable air quality standards. Therefore, operational emissions generated by the project would result in a less-than-significant cumulative air quality impact.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Archaeological, Historic, and Tribal Cultural Resources: Compliance with California Health and Safety Code Sections 7050.5 and 7052 and California PRC Sections 5097, 21080.3.2, and 21084.3 (a), as well as implementation of Mitigation Measures 4.3-1 and 4.3-2, would ensure that treatment and disposition of unique archaeological resources are handled by a professional archaeologist, qualified under the Secretary of the Interior's Professional Qualification Standards, and tribal cultural resources, including human remains, occurs in a manner consistent with the California Native American Heritage Commission guidance. As a result, the project's contribution to cumulative impacts would not be cumulatively considerable. Therefore, cumulative impacts related to archaeological and tribal cultural resources are considered less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Biological Resources: The proposed project could disturb areas that include special-status plant species, vernal pools, and habitat for special-status species, which are considered significant impacts without mitigation. However, with implementation of Mitigation Measures 4.4-1a through 4.4-1c, 4.4-2a through 4.4-2g, and 4.4-3, as described in Section 4.4, “Biological Resources” of this SEIR, the project’s contribution to these impacts would be reduced to a less-than-significant level. Therefore, while the overall cumulative condition is adverse, the project’s contribution to cumulative biological resource impacts would not be considerable, and the project would have a less-than-significant cumulative impact on biological resources.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Energy: The project’s contribution to cumulative energy demand impacts would not be cumulatively considerable. Therefore, no mitigation measures are necessary to reduce the project’s contribution to cumulative impacts to energy. The project would have a less-than-significant cumulative impact on energy.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Geology, Soils, Minerals, and Paleontological Resources: Due to the site-specific nature of geology, soils, and paleontological impacts and necessary compliance with uniform site development standards, construction standards, and County standards, as well as implementation of Mitigation Measure 4.6-1, the proposed project would not result in a considerable contribution to any cumulative impact related to geology, soils, and paleontological resources; the cumulative impact of the project would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Greenhouse Gas Emissions: The analysis under Impact 4.7-1 concludes that the level of GHG emissions associated with implementation of the project would not be substantial or conflict with the state’s ability to meet its statewide GHG targets and, therefore, would not be cumulatively considerable. The impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Hazards and Hazardous Materials: Through continued implementation of practices and procedures at the existing landfill, the proposed project would not result in a considerable contribution to a cumulative impact related to hazards or hazardous materials. Cumulative impacts related to hazards and hazardous materials would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Hydrology and Water Quality: Because of the hydrologically-isolated nature of the existing landfill and the control and monitoring systems that would be expanded as part of the proposed project, construction and operation of the proposed project would not represent a substantial contribution to off-site hydrology and water quality conditions and would not be cumulatively considerable such that a new significant cumulative impact would occur. This would be a less-than-significant cumulative impact.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Noise: Because the incremental contributions of the proposed project during construction and operation is expected to be similar to the existing noise environment and distance to receptors from landfill-related noise sources, the project would not have a cumulatively considerable contribution to any cumulative impact related to noise; therefore, the cumulative impact would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

Transportation: Through continued compliance with the Road and Litter Agreement between Recology and Solano County, the proposed project would not result in a considerable contribution to a cumulative impact related to damage to local roadways. Cumulative impacts related to roadway damage would be less than significant.

FINDING

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines Sections 15126.4(a)(3), 15091.)

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