

ATTACHMENT 1

CDLP18-02022 CPC STAFF REPORT – JUNE 23, 2021



Department of Conservation and Development

County Planning Commission

Wednesday, June 23, 2021 – 6:30. P.M.

STAFF REPORT

Agenda Item # 2.a

Project Title:	Ameresco Keller Canyon RNG LLC –Renewable Natural Gas Processing Facility and Pipeline Project (Ameresco RNGPFP)
County File:	Land Use Permit CDLP18-02022, amending Land Use Permit LP89-2020, Keller Canyon Landfill
Applicant/Owner:	Ameresco Keller Canyon RNG LLC (Applicant), Keller Canyon Landfill Company (Owner)
Zoning/General Plan:	A-2, General Agricultural District; A-3 Heavy Agricultural District; A-4 Agricultural Preserve District / LF Landfill; OS Open Space
Site Address/Location:	Keller Canyon Landfill, 901 Bailey Road in the Pittsburg area in unincorporated Contra Costa County (Assessor's Parcel Numbers (APNs) 094-360-008, -019, -020, -022; 094-080-012)
California Environmental Quality Act (CEQA) Status:	Mitigated Negative Declaration
Project Planner:	Stan Muraoka, AICP, Principal Planner (925) 655-2876
Staff Recommendation:	Recommend Approval (See section II for full recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a Land Use Permit application for a renewable natural gas processing facility and pipeline (RNGPFP) at the Keller Canyon Landfill (KCL), that would amend the approved KCL Land Use Permit LP89-2020. KCL is required by permits and regulations to collect and control landfill gas (LFG) to minimize impacts to the community and environment. The proposed RNGPFP would process LFG to a sufficient quality to allow it to be placed into the regional natural

gas network. The design of the RNGPFP would meet or exceed all regulatory requirements and/or industry standards. The proposed project has been developed in accordance with the conditions of approval of LP89-2020. The pipeline would carry renewable natural gas (RNG) from the proposed processing facility to a connection with the existing PG&E Line 191-1 natural gas transmission pipeline located on PG&E property east of KCL. The total pipeline length would be approximately 2.85 miles. Construction of the Ameresco RNGPFP would take 8 to 12 months.

II. RECOMMENDATIONS

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Planning Commission:

- A. ADOPT Mitigated Negative Declaration/Initial Study (MND) for the Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project, consisting of the draft MND and the Final MND, and the Mitigation Monitoring Program, based on the attached Findings; and specify that the Department of Conservation and Development (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
- B. ADOPT a motion recommending that the Board of Supervisors:
 1. ADOPT Mitigated Negative Declaration/Initial Study (MND) for Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project, finding that: there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment; the MND, consisting of the draft MND and Final MND, reflects the County's independent judgement and analysis, the MND is adequate and complete; and, the MND has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and specify that the Department of Conservation and Development (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
 2. APPROVE proposed Land Use Permit CDLP18-02022 for the Ameresco Keller Canyon RNG LLC –Renewable Natural Gas Processing Facility and Pipeline Project.

3. DIRECT staff to file a Notice of Determination with the County Clerk.

III. GENERAL INFORMATION

- A. General Plan: LF Landfill designation for the portion of the Ameresco RINGPFP site within the active KCL landfill area (APNs 094-360-008, -019); OS Open Space designation for the portion of the Ameresco RINGPFP site within the Special Buffer Area (SBA) (APNs 094-360-020, -022) and the utility corridor owned by the Pacific Gas and Electric Company (PG&E) (APN 094-080-012).
- B. Zoning: A-3 Heavy Agricultural District for the portion of the Ameresco RINGPFP site within the active KCL landfill area (APNs 094-360-008, -019); A-4 Agricultural Preserve District for the portion of the Ameresco RINGPFP site within the SBA (APNs 094-360-020, -022); A-2 General Agricultural District for the PG&E – owned utility corridor (APN 094-080-012).
- C. California Environmental Quality Act: A Mitigated Negative Declaration/Initial Study (MND) was completed for the project. A draft MND was prepared, published, and noticed on October 7, 2020, and re-noticed on November 12, 2020. The public review period for the draft MND started on October 7, 2020, and ended on December 23, 2020. The Draft MND is included as Attachment 5. Written comments were received from eight commenters during the public review period for the draft MND. A Final MND has been prepared that includes a revised project description, summary responses addressing the project description and potential impacts, the written comments received on the November 2020 re-noticed draft MND, responses to the comments received, and staff-initiated text changes including changes resulting from the preparation of responses to comments received and revised and/or deleted figures. The Final MND is included as Attachment 6. A related Mitigation Monitoring Program is included as Attachment 7.
- D. Tribal Cultural Resources: On October 7, 2020, in accordance with Section 21080.3.1 of the California Public Resources Code, a Notice of Opportunity to Request Consultation was mailed and emailed to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects. Pursuant to Section 21080.3.1(d), there was a 30 day time period for the Wilton Rancheria to either request or decline consultation in writing for this project. The Wilton Rancheria submitted an email on October 27, 2020, stating

that it wished to initiate consultation. On October 27, 2020, DCD staff sent the Wilton Rancheria an email acknowledging the request for consultation, provided a website link to download the draft MND, offered to upload the draft MND and the April 21, 2020 Phase I Cultural Resources Assessment prepared for the proposed project into a dropbox link, and offered to meet during November 2020. On November 20, 2020, DCD received an email from the Wilton Rancheria in which it reiterated its request to initiate consultation. On November 24, 2020, DCD staff sent an email acknowledging the request for consultation and requested the Wilton Rancheria to provide dates and times for a consultation meeting. Staff also resent its October 27, 2020 email replying to the Wilton Rancheria's October 27, 2020 request for consultation. On December 1, 2020, the Wilton Rancheria sent an email stating that it did not have a dropbox to receive documents. DCD staff sent the Wilton Rancheria an email on December 4, 2020, with a link to download the draft MND and the Phase I Cultural Resources Assessment. On December 14, 2020, DCD staff sent the Wilton Rancheria an email requesting that the Wilton Rancheria let staff know if it had problems downloading the documents. To date, DCD staff has not received a reply from the Wilton Rancheria regarding the downloading of the documents and has not been provided with any dates and times for consultation.

E. Previous Applications:

LP89-2020: A Land Use Permit to allow the construction and operation of the Keller Canyon Landfill was approved by the Board of Supervisors on July 24, 1990.

LP01-2115: A Land Use Permit to allow the construction and operation of a landfill gas power plant at the Keller Canyon Landfill was approved by the Board of Supervisors on June 25, 2002. This Land Use Permit amended Land Use Permit LP89-2020. The approved power plant is the existing Ameresco landfill-gas-to-energy (LFGTE) power plant.

IV. SITE/AREA DESCRIPTION

The Ameresco RNGPFP is located almost entirely on KCL property. The KCL property is approximately 2,345 acres, which consists of an active KCL landfill use area of approximately 1,596 acres and a KCL-owned portion of the SBA of approximately 750 acres located directly east of, and contiguous with, the active KCL landfill area. Along with open space, active landfill operations occur within the active KCL landfill area. Landfill activities encompass 375 acres, and the permitted landfill disposal

footprint covers 244 acres.

The SBA is conserved open space that serves to “buffer” or isolate the landfill from surrounding land uses and is reserved for uses consistent with open space, agriculture, and non-waste disposal landfill infrastructure as determined by Contra Costa County. The SBA includes two non-KCL parcels that are not part of the RNGPFP project.

A portion of the RNG transmission pipeline would be in PG&E property east of, and contiguous to, the SBA. The PG&E property is open space land that serves as a north-south utility corridor that contains large electrical transmission lattice towers, overhead high-voltage electrical transmission lines, and an underground natural gas transmission pipeline, Line 191-1.

The Ameresco RNGPFP would be located on the following KCL-owned and PG&E-owned parcels.

<u>Location</u>	<u>APN</u>
Active KCL Landfill Area	094-360-008
	094-360-019
Special Buffer Area	094-360-020
	094-360-022
PG&E Utility Corridor	094-080-012

Land immediately surrounding the Ameresco RNGPFP includes the above described active KCL area and SBA, and the adjoining PG&E utility corridor. The Concord Hills open space is adjacent to KCL to the south and southeast. The nearest developed non-landfill land uses are single-family residences located off the KCL property approximately 0.33 mile north-northwest of the proposed project site; single-family residences located about 0.40 mile west of the proposed project site west of Bailey Road; and single-family residences and the City of Pittsburg Water Treatment Plant located east of the project site and adjacent to the PG&E utility corridor.

V. PROJECT DESCRIPTION

Ameresco owns and operates an existing landfill gas-to-energy power plant with a peak capacity of 3.8 megawatts at Keller Canyon Landfill. KCL is required by permit and regulation to collect and control landfill gas to minimize impacts to the community and environment. The gas collection and control system are expanded

regularly as KCL continues to dispose of waste, and the volume of LFG generated increases. As required by Keller Canyon Landfill Land Use Permit LP89-2020 Condition of Approval 31.7 (Methane Recovery), KCL is required to explore use of the LFG as a fuel commodity.

LFG is a valuable source of fuel. Consistent with LP89-2020 Condition of Approval 31.7, Ameresco has contracted with the Keller Canyon Landfill Company for the right to utilize the LFG for energy production or other beneficial uses as allowed by regulations. Since 2009, Ameresco has operated a LFGTE power plant that processes the LFG by filtration and drying to create fuel used to fire internal combustion generators to produce electricity. At present, the volume of LFG generated at KCL exceeds the fuel demands of the LFGTE plant, and the excess LFG is destroyed in an existing KCL enclosed flare facility located adjacent to the LFGTE plant.

Ameresco is proposing a renewable natural gas processing facility and pipeline that includes construction and operation of a new RNG processing facility (RNGPF) and an underground transmission pipeline. The proposed RNGPF would be constructed in the landfill area west of the LFGTE plant. The RNGPF would significantly reduce LFG flows to the existing KCL enclosed flare facility. The new RNGPF would operate independently of the existing LFGTE plant and would significantly increase the utilization of LFG for energy. The RNGPF would process LFG to sufficient quality to allow it to be placed into the regional natural gas network.

The footprint of the new RNG processing equipment would cover an area of approximately 48,000 square feet (1.1 acres) on a new level pad of approximately 84,000 square feet (1.9 acres). The new RNGPF would operate 24 hours per day/7 days per week and its operation would be overseen by two operators for 40 hours per week. Most of the equipment would be less than 10 feet in height and, except for the proposed enclosed flare, and a few larger pieces of equipment that would vary in height from 25 to 35 feet. The proposed enclosed flare would be approximately 50 feet in height, similar to the two existing flares at the KCL enclosed flare facility.

The RNG pipeline would carry the RNG from the new RNGPF to a proposed PG&E metering station located near the eastern edge of KCL property, and ultimately connect with existing PG&E Line 191-1. The design of the pipeline would meet or exceed all regulatory requirements and industry standards. The RNG pipeline would start at the RNGPF located on a portion of the KCL Primary Project Area, traverse through the KCL-owned portion of the SBA, and into the contiguous PG&E-owned

utility corridor.

The RNG pipeline would connect to an interconnect station to be owned and operated by Ameresco. The interconnect station would be located adjacent to a PG&E metering station described above, and both would be enclosed in an approximately 100' square area surrounded by a fence. The estimated total pipeline length is approximately 15,050' (2.9 miles). The pipeline would be buried underground with 48 inches of minimum cover and would be a four-inch diameter steel-wrapped pipe designed for operation at an estimated pressure of 400 pounds per square inch, which is less than 10 percent of the pipe yield strength (SMYS).

VI. AGENCY COMMENTS

An Agency Comment Request packet was sent on July 25, 2018 to a number of public agencies, including: Building Inspection Division, Environmental Health Division of the Health Services Department, Engineering Services Division of the Public Works Department, Contra Costa County Flood Control and Water Conservation District, Contra Costa County Fire Protection District, Contra Costa Water District, City of Pittsburg, Contra Costa Mosquito and Vector Control District, California Historical Resources Information System, and California Department of Fish and Wildlife. Agency comments received by staff are included in Attachment 3. Following are summaries of the agency comments and, as appropriate, staff responses to the comments.

- A. Contra Costa Mosquito and Vector Control District: The Mosquito and Vector Control District returned the Agency Comment Request form on July 26, 2018, stating that the project is subject to California Health and Safety Code Section 2002 regarding maintaining a public nuisance on the property and Sections 2060 to 2067 regarding abatement of the nuisance.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is responsible for contacting the Contra Costa Mosquito and Vector Control District regarding the District's requirements and permits.

- B. Building Inspection Division: On August 14, 2018, the Building Inspection Division returned the Agency Comment Request form with a comment that requirements of current Building Codes will be required.

An Advisory Note is included in the Conditions of Approval and Advisory Notes

whereby the applicant is required to submit building and grading plans to the Building Inspection Division and to comply with Division requirements.

- C. Northwest Information Center of the California Historical Resources Information System: Northwest Information Center submitted a letter on August 20, 2018, stating that they have records of six previous cultural resource studies of the project area, that the project area includes six archaeological sites, that there are features associated with Native American resources in the area, and there is evidence of three potentially historic buildings in the area. The Center also recommended that a study of unrecorded archaeological sites be conducted, and that local Native American tribes be contacted regarding Native American resources.

The MND prepared for the Ameresco RNGFPF that is discussed in Section III.C (General Information, California Environmental Quality Act) includes an assessment of cultural resources based on a records search and literature review conducted in November 2018 at the Northwest Information Center and a subsequent assessment completed by FirstCarbon Solutions for the project. The MND includes a finding that there is a possibility of accidental discovery of buried historical resources and previously undiscovered archaeological resources during project construction and mitigation measures to reduce potential impacts of accidental discoveries to less than significant levels. The MND mitigation measures for accidental discovery are included in the amended LP89-2020 Conditions of Approval.

As discussed in Section III.D (General Information, Tribal Cultural Resources), a Notice of Opportunity to Request Consultation was sent to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects in the County. DCD staff was subsequently contacted by the Wilton Rancheria on initiating consultation. Staff has made the draft MND and the April 21, 2020 Phase I Cultural Resources Assessment available to the Wilton Rancheria, as well as making itself available to the Wilton Rancheria for consultation. To date, staff has not received a reply from the Wilton Rancheria regarding the documents provided, and has not been provided with any dates and times for consultation.

- D. Contra Costa County Public Works Department, Engineering Services Division: The Engineering Services Division submitted a letter on August 22, 2018, stating that the land use permit application was incomplete and that the applicant

needed to submit a conceptual drainage plan that shows how the RNG processing facility site will drain into the existing on-site drainage system, along with an operation and maintenance manual, and either a preliminary stormwater control plan or documentation that the project will be covered by the Keller Canyon Landfill National Pollution Discharge Elimination System permit.

On June 10, 2021, the Engineering Services Division submitted an email, stating that the previous Public Works conditions of approval for LP89-2020 are still applicable and no additional conditions are required for the Ameresco RNGPFP.

- E. Contra Costa County Flood Control and Water Conservation District: On August 23, 2018, the Flood Control District submitted a letter stating that the project is deemed incomplete and that hydrology and hydraulic calculations should be provided to the Engineering Services Division of the Public Works Department demonstrating the adequacy of the on-site and downstream drainage system. The Flood Control District also stated that the applicant shall provide a drainage study for review and approval and an operation and maintenance manual for the on-site drainage system.

As described above in Section VI.D (Agency Comments, Engineering Services Division), the Flood Control District incomplete items have been addressed. Further, The District requirements for review of drainage and the operation and maintenance manual are included in the LP89-2020 Conditions of approval.

- F. City of Pittsburg: An Agency Comment Request packet was sent to the City of Pittsburg on July 25, 2018. The City did not respond to the Agency Comment Request packet, but has submitted a comment letter on the draft MND. See Section VIII (Environmental Review).
- G. Contra Costa Water District: An Agency Comment Request packet was sent to the Water District on July 25, 2018. The District did not respond to the Agency Comment Request packet, but has submitted a comment letter on the draft MND. See Section VIII (Environmental Review).
- H. California Department of Fish and Wildlife: An Agency Comment Request packet was sent to the Department of Fish and Wildlife on July 25, 2018. To date, the Department has not submitted any comments on the Ameresco RNGPFP.

- I. Contra Costa County Health Services Department, Environmental Health Division: The Environmental Health Division submitted a letter on September 17, 2018, stating that: a permit was required for any well or soil boring, abandoned wells and septic tanks must be destroyed under a permit from the Division; the applicant should contact the Division to verify that the onsite water and septic systems are unaffected and meet current standards; and that Keller Canyon Landfill may need to modify or update its permit. The Division also stated applicable requirements for the handling of construction and demolition materials.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is responsible for contacting the Environmental Health division regarding its requirements and permits.

- J. Contra Costa County Fire Protection District: On November 8, 2018, the Fire Protection District returned the Agency Comment Request form, stating that the applicant must contact the state agency responsible for pipeline safety and that photo-voltaic plans must be submitted to the District for approval prior to installation.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is required to submit plans for new construction to the Fire Protection District and comply with District requirements, and that plans submitted for a building permit must receive prior approval and be stamped by the District.

VII. PUBLIC COMMENTS

In addition to Agency Comments in Section VI above, staff received a number of public comment letters. These comment letters are included in Attachment 4. Following are summaries of the public comments on the Ameresco RNGPFP and staff responses to the comments.

- A. Hanson Bridgett on behalf of Discovery Builders, Inc.: On February 2, 2021, Hanson Bridgett submitted a letter commenting on the draft MND. As discussed in Section III.C (General Information, California Environmental Quality Act) and in Section VIII (Environmental Review), the public review period for the draft MND started on October 7, 2020, and ended on December 23, 2020. Hanson Bridgett submitted its comment letter 42 days after the close of the 78-day public review

period. As a result, the comment letter is not included in the Final MND. Nevertheless, staff has evaluated the Hanson Bridgett letter, identified 29 comments in the letter, and have numbered the comments in the letter.

As discussed in Section VIII (Environmental Review) the proposed project has been revised in response to written comments received from the City of Pittsburg and other interested parties on the draft MND regarding potential project effects. The applicant has revised the alignment of three (3) segments of the proposed RNG pipeline system. Project revisions primarily comprise of changes in the three pipeline segments, corresponding changes in pipeline operating pressure, and relocation of the metering station from PG&E property to Keller Canyon Landfill property. As a result of these revisions, several of the Hanson Bridgett comments related to potential significant impacts no longer apply and are so noted in the response. Following are staff responses to the 29 comments as numbered in the letter.

Staff Response to Comment 16-1: The comment stating that the MND should be recirculated is not supported by the evidence regarding the project's impacts, all of which can be mitigated to a less-than-significant level. Even though the Project's impacts are less than significant with mitigation, in response to the City of Pittsburg's comment about potential impacts from the pipeline, the applicant has realigned the proposed RNG pipeline in the PG&E property. The RNG pipeline would tie-in to existing PG&E Line 191-1 thereby eliminating a wide range of potential impacts to residential neighborhoods that are described in the MND. In addition, the revised project moves the pipeline an additional 25 feet away from the proposed Stoneman Park development. Please see the Section III. Revised Project Description of the Final MND (Attachment 6 of this staff report) for a detailed description of the revised RNG pipeline alignment.

Staff Response to Comment 16-2: Information regarding locations of landslide risk is provided in the Tetra Tech reports, Tetra Tech BAS, 2019. Geotechnical Feasibility Report, Ameresco Gas Processing Plant, Keller Canyon Landfill, Pittsburg, California, Tetra Tech Job #BAS 18-136E., and Tetra Tech BAS, 2020. Geotechnical Engineering Report, Renewable Natural Gas Transmission Pipeline, Ameresco Keller Canyon, Pittsburg, California, Tetra Tech Job #BAS 18-136E. These reports are background documents for the MND and are available upon request at the Department of Conservation and Development.

Regarding the comment that future field studies for construction and operation

of the pipeline represents deferred mitigation, substantial field study and testing was performed and is reflected in the MND. Furthermore, it is infeasible to excavate or perform more detailed soil investigations along the pipeline route to disclose weak soil conditions until there is project approval and a specific pipeline route is selected and approved. Thus, use of data from future studies to inform appropriate engineering solutions does not constitute deferred mitigation. Regarding failure to consider future residential development such as Stoneman Park in the cumulative impact analysis, that project is speculative and not a probable future project. The Stoneman Park parcel currently is designated in the City of Pittsburg General Plan as "Park" and at this point it is speculative and not reasonably foreseeable that the site would be redesignated for residential development. Even if the analysis considered Stoneman Park, the Ameresco RNGPFP would be constructed long before Stoneman Park would be constructed assuming the City decides to amend its General Plan and approve it. Accordingly, there is no possibility that the construction impacts from the two projects would combine together.

Staff Response to Comment 16-3: Comment noted. Please response 16-17 below. As disclosed in the Environmental Checklist Section 16(a) (Recreation), on page 210 of the MND, the project would not create a hazard to open space areas or recreational users.

Staff Response to Comment 16-4: This comment states that the project includes a "pipeline system that siphons natural gas from the Landfill." This statement is incorrect. As stated in the Project Description, page 2 of the MND, the Renewable Natural Gas Processing Facility will accept and process landfill gas produced by the KCL Gas Collection and Control System. The RNGPF will process the LFG into a renewable natural gas and transport the RNG under pressure via the proposed pipeline. Please see Section II. Revised Project Description of the Final MND that provides additional information on the RNGPF and the maximum allowable operating pressure.

The 0.33 mile and 0.40 mile distances referenced in this comment and cited in the MND correspond only to the site of the RNGPF and not the various sections of the pipeline. The MND states in the discussion of the High Consequence Area on page 164, that the pipeline would run within 50 feet of the boundary between the PG&E property and residence east of the PG&E property. This alignment has been eliminated in the Revised Project. The MND disclosed that the pipeline would run about 50 feet from the property boundary with the proposed

Stoneman Park development; however, with the Revised Project, the separation at the boundary with the proposed Stoneman Park development has been increased to 75 feet. The portion of the pipeline that was proposed to run within 50 feet of residences adjacent to the PG&E property has been eliminated from the project. As noted in response to comment 16-2, although there is an application on file for Stoneman Park, it requires several legislative approvals, including a General Plan amendment, making its ultimate approval and development speculative at this point in time. Even if Stoneman Park is approved, the MND has adequately disclosed the impacts on residences within 50 feet of the pipeline.

Staff Response to Comment 16-5: Comment noted. The Lead Agency has determined that the contents, data, and conclusions of the draft MND and Final MND provide sufficient information for the general public and decision-makers to evaluate potential impacts of the proposed project. A re-circulated MND is not required.

Staff Response to Comment 16-6: Comprehensive geotechnical reports were prepared that identified potential soil and geology impacts associated with the proposed RNGPF and pipeline. For each potential impact identified, detailed analyses and evaluations were performed and, when required, specific mitigation measures Geology 1 through Geology 5 were prescribed in the MND to reduce potential impacts to a less-than-significant level. None of the mitigation measures prescribed is considered inadequate, or requires that alternative plans be investigated. Mitigation measures that identify "other safety measures" pertain to requirements by law such as 49 CFR Part 192.

The geotechnical study for the proposed RNGPF concluded that the soil materials encountered during field exploration generally consisted of very stiff and hard lean clays and silts, and medium dense to dense clayey sands and silty sands. These soil materials are not anticipated to be susceptible to liquefaction based on the soil fines content and engineering characteristics of the soils. For completeness, a rigorous liquefaction analysis was completed on representative soils. This analysis confirmed the site soils are not susceptible to liquefaction.

With respect to the comment that some of Mitigation Measure Geology 2 constitutes deferred mitigation, it should be noted that two methods were used to assess liquefaction potential within the proposed RNGPF site. Both engineering methods concluded the site soils are not susceptible to liquefaction.

The County Peer Review Geologist considered the assessment of liquefaction prepared for the RNG processing facility to be adequate for an evaluation during the IS/MND phase; however, details regarding specific seismic parameters and selected methodology will be confirmed and documented prior to application of the building permit.

To clarify, the geotechnical study for the RNGPF was prepared to evaluate project feasibility as part of the MND. Comprehensive analyses were completed for the MND assessed potential soil and geologic environmental impacts. The geotechnical study is not intended as a final design-level report as such studies are not typically prepared during the CEQA stage, but rather, at the subsequent building and grading permit stage. For example, specific details regarding liquefaction analysis as summarized in Mitigation Measure Geology 2, will be mandatory components of a design-level geotechnical report that will be prepared when final development plans are prepared and will be the basis for applying for project building and grading permits.

Staff Response to Comment 16-7. Please response 16-6 above.

Staff Response to Comment 16-8. Please response 16-6 above.

Staff Response to Comment 16-9. Please response 16-6 above.

Staff Response to Comment 16-10. The soil and geology analyses presented in the MND are based on site-specific geotechnical studies completed for the proposed RNGPF and the proposed pipeline. The geotechnical studies included detailed field investigations and extensive engineering and geologic analyses to determine appropriate design requirements and mitigation measures to reduce potential environmental impacts to a less-than-significant level.

Expansion tests were performed on representative soil samples collected from the low-lying areas of the proposed RNGPF site. Based on laboratory test results and the USCS visual classification, the on-site fine-grained soils are anticipated to possess a “medium” to “high” expansion potentials.

With respect to future site development within the RNGPF site, significant volumes of select earth materials will be transported from pre-determined borrow site locations on the Keller Canyon Landfill property (please also see response to comment 11-5 in the Final MND regarding this issue). The select

earth materials are necessary to raise the low-lying portions of the site by as much as 50 feet in elevation to achieve the required finish grade elevations for the proposed RNGPF building pad. Earth materials transported to the site must generally consist of granular soils possessing Very low to Low expansion potentials. Prior to transporting select earth materials to the RNGPF site, routine confirmation testing of expansion potentials will be performed by the project geotechnical engineer. Consequently, the risk of adverse impacts as a result of expansive soil to the proposed RNGPF site is considered less than significant with incorporation of the described mitigation measures.

Expansive soils are not anticipated to pose significant impacts to the future pipeline based on geotechnical studies completed along the pipeline route. Consequently, the risk of adverse impacts to the proposed pipeline as a result of expansive soil is considered less than significant.

With respect to potential soil erosion and scour, substantive mitigation measures have been established by the geotechnical engineer at defined locations along the pipeline route. Specific mitigation measures described in the MND by the geotechnical engineer include, deepening the proposed pipeline below the potential scour depth, wherever practical. If necessary, alternate mitigation for scour protection may also include riprap, gabion baskets, and geofabric lining. Per common industry standard, selection of specific scour protection measures will be determined only upon completion of a site-specific scour assessment in accordance with State and federal regulations. Consequently, the potential for adverse impacts to the proposed pipeline as a result of erosion and or the loss of topsoil is considered less than significant with incorporation of the described mitigation measures.

Staff Response to Comment 16-11: Please response 16-10 above.

With respect to future site development within the RNGPF site, significant volumes of select earth materials will be transported from pre-determined borrow site locations on the Keller Canyon Landfill property (please also see response to comment 11-5 in the Final MND regarding this issue). The select earth materials are necessary to raise the low-lying portions of the site by as much as 50 feet in elevation to achieve the required finish grade elevations for the proposed RNGPF building pad. Earth materials transported to the site must generally consist of granular soils possessing Very low to Low expansion potentials. This granular soil will be tested upon completion of the fill for the

corrosion potential on ferrous materials to determine if there are any additional requirements on the RNGPF design. The RNGPF is designed to mitigate the soil corrosion potential with the majority of the pipeline.

Staff Response to Comment 16-12: Please see response 16-1. With the revised project, the separation between the proposed pipeline and property boundary with the Stoneman Park development has been increased from 50 feet (as cited in the MND and this comment) to 75 feet. The pipeline will be designed with full cathodic protection to protect the pipeline from corrosion. Soils readings were taken along the entirety of the proposed pipeline pathway in order to provide sound design of the cathodic protection system. Additionally, this cathodic protection system will be monitored by personnel trained to make adjustments to cathodic protection as needed to prevent corrosion based on readings taken in the field.

Staff Response to Comment 16-13: The federal requirements outlined in this comment and its Attachment A are acknowledged. In addition, the requirements specified in bullet paragraphs on pages 7 and 8 of this letter are also acknowledged. The RNG pipeline system will be designed to meet all applicable federal and State requirements based on general and specific requirements of Title 49 of the Code of Federal Regulations Part 192 (49 CFR Part 192) "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards". In addition, the pipeline will be subject to design review and approval by PG&E. The three sets of design criteria, Federal, California Public Utilities Commission and PG&E, will ensure the pipeline will be designed to meet all applicable requirements. The applicant will implement a cathodic protection monitoring program. The RNG pipeline will be tested in accordance with 49 CFR 192 upon its initial construction. Post construction, it shall be assessed on a 7-year basis via either pressure test, in-line inspection, direct assessment, or other method(s) required by law. The applicant will prepare and maintain a pipeline OM&E manual. Ameresco will monitor the pressures and flow rates of the pipeline from the control station. All of this information will be contained within the Ameresco OM&E Manual, per 49 C.F.R. Part 192.

Staff Response to Comment 16-14: Please see response 16-13 above regarding cathodic protection of the proposed pipeline. All documents submitted to the County can be obtained from the County upon request. Disclosure items listed in this comment will be provided upon completion of final design for the pipeline. The RNG pipeline will be constructed across the PG&E property that includes

high voltage overhead transmission lines. During the design of the pipeline, a full Alternating Current (AC) Mitigation Study will be performed prior to designing and applying pipeline grounding systems to prevent voltage spikes during fault conditions; reduce AC current density to protect against AC induced corrosion; and to maintain AC step and touch potentials below 15 volts alternating current (Vac) to protect personnel from shock hazards. Design strategies may include, but not be limited to, fault shielding, gradient control mats, lumped grounding systems, and gradient control wire grounding systems. The requirements of this Study likely will change and require less AC mitigation due to the pipeline route change to connect with existing PG&E Line 191-1 and removal of the piping running north parallel to the high voltage overhead transmission lines.

Staff Response to Comment 16-15: Part 69 of the EPA regulations governs all handling of explosive gases and not only natural gas. The potential impact radius as set forth in Title 49 of the C.F.R. Part 192 will be utilized as it is directly applicable to natural gas. With the revised project description, the potential impact radius for the RNG pipeline has been reduced from 72 feet to 55 feet. There is no basis for expanding the potential impact radius to 2,214 feet as described in this comment. Title 40 C.F.R. section 192.903 does not require use of a 2,214-foot potential impact radius because the PIR by definition is clearly calculated based on specific design parameters as is shown in the MND. In addition, requirements of this section pertain to high pressure pipelines over SMYS of 30 percent which do not apply to the RNG pipeline which will be designed to operate at less than 10 percent SMYS.

Staff Response to Comment 16-16: Full evaluation of all fault crossings and adjacencies, landslide crossings, and unstable soils was undertaken for this project and are described in page 137 of the MND, Environmental Checklist Section 7 (Geology and Soils). It was determined by the engineering geologist that external stresses would not place the pipeline in a stress condition outside or above its allowable displacement capacity. The RNG pipeline will be well marked and clearly visible, and will be placed at 4' depth. Warning tape will be installed above the pipeline to prevent accidental dig-in. Pressure fluctuation in excess of the maximum allowable operating pressure of 400psi for the proposed pipeline is not feasible as the existing PG&E Line 191-1 would likely not withstand an overpressure event of that magnitude.

Staff Response to Comment 16-17: Extensive information is provided in the MND in the Project Description and in Environmental Checklist Section 9 (Hazards and

Hazardous Materials). These sections clearly describe the regulatory standards that apply to the proposed project regarding design, construction, and operation of the RNG pipeline.

Staff Response to Comment 16-18: There is no fencing or new access roads proposed for the construction of the pipeline. Except where shown, the pipeline would be constructed in developed areas of the landfill or ranch roads in the Special Buffer Area. The existing roads along which the pipeline will be built will provide access for the RNGPF operator and emergency personnel in the same manner the roads are currently used for fire protection by the Contra Costa County Fire Protection District. The pipeline route is shown on Plat 1 in Section III. Revised Project Description of the Final MND. The project has been revised to locate the PG&E metering station and Ameresco inter-connect station adjacent to a paved road on KCL property that is also accessible from PG&E property by emergency personnel. The pipeline will be placed underground and secured per federal and State regulations.

Please see Section IV. Summary Responses of the Final MND for detailed discussion of the proposed placement of redwood trees as mitigation and updated visual simulations that better illustrate possible views from off-site locations, not including the Stoneman Park development. To perform detailed visual analysis of the effect of redwood trees to screen views from portions of the proposed Stoneman Park development would be speculative because it is not reasonably foreseeable that the property in question would be redesignated for residential development or, even if it were, where the public vantage points from Stoneman Park ultimately would be located.

Staff Response to Comment 16-19: The locations of the PG&E metering station and Ameresco inter-connect station have been moved from the north end of the PG&E property as described in the MND, to a single location on the KCL property. Please see Section III. Revised Project Description in the Final MND for details and location. To perform detailed visual analysis of the possible visibility of the metering and interconnect stations from portions of the proposed Stoneman Park development would be speculative because it is not reasonably foreseeable that the property in question would be redesignated for residential development and the details of potential future development are unknown. The MND properly focuses on the analyzing the project's impacts on the existing environment and cumulative impacts to the existing environment that could be created by the project, past projects, and probable future projects.

Staff Response to Comment 16-20: The proposed pipeline is located in the 573-acre Keller Canyon watershed. As described on page 177 of Environmental Checklist Section 10 (Hydrology and Water Quality) of the MND, the pad for the RNGPF will add about 1.9 acres of developed area, which represents about 0.3 percent of the total watershed. The proposed RNG processing facility site would increase surface runoff by a maximum of approximately 1.2 percent for the 50-year recurrence interval. All runoff from the proposed RNG processing facility would be collected and directed into the existing drainage system of the landfill. The 1.2 percent or lower increase in surface runoff would not be a substantial increase in the rate or amount of surface runoff, and therefore, would have a less than significant impact on the existing landfill drainage system and would not result in on or off-site flooding.

Staff Response to Comment 16-21: This comment raises concern that construction of the RNG pipeline could occur after occupancy of Stoneman Park. The construction and operation of the RNGPF and pipeline will occur eight (8) to 12 months after project approval. Operations would begin in 2022. It is unlikely that the Stoneman Park Development would be approved and occupied before the RNGPF and pipeline.

Staff Response to Comment 16-22: This comment raises concern that construction of the RNGPF could occur after occupancy of Stoneman Park. The construction and operation of the RNGPF and pipeline will occur eight (8) to 12 months after project approval. Operations would begin in 2022. It is unlikely that the Stoneman Park Development would be approved and occupied before the RNGPF and pipeline.

Staff Response to Comment 16-23: This comment requests that the MND be revised and recirculated to address concerns about ground borne vibration during pipeline installation in the PG&E property. The Lead Agency does not agree to this request. Detailed responses to the issue of ground borne vibration are provided in responses to the City of Pittsburg, Letter 11, responses 11-51 through 11-54. See response to comment 16-22.

Staff Response to Comment 16-24: The pipeline's physical components and operating parameters are adequately described in the Project Description in pages 9 and 10 of the MND. The issue of leaks versus rupture is described in the bullet paragraph "Pipeline Design Standards" on pages 18 and 19 of Section IV.

Summary Responses of the Final MND. The characterization of geology and soils are fully characterized in MND Environmental Checklist Section 7 (Geology and Soils). The pipeline will be buried underground and thus will have no aesthetic impacts. The issues of pipeline design and safety are addressed in the MND Environmental Checklist Sections 3 (Air Quality), 9 (Hazards and Hazardous Materials), and 15(a) (Public Services, Fire Protection).

Staff Response to Comment 16-25: This comment states that MND must evaluate impacts of Stoneman Park, a residential development whose application is pending with the County. This is incorrect, the Stoneman Park property is located entirely within the City of Pittsburg. The application is pending with the City (application no. 1545) and not the County. The information provided by the commenter indicates that the site of the proposed Stoneman Park project is currently designated as Park by the City General Plan. Negative declarations are required to compare impacts to existing conditions, and normally would only consider impacts of potential future approvals if those approvals were a consequence of the project in question or if the development contemplated by those approvals would be completed, and thus part of the existing environment, by the time the project begins operation. There is nothing in the approval of the proposed RNGPF and pipeline project that leads to approval of the Stoneman Park project. Given that the Stoneman Park parcel appears to be designated in the City General Plan as Park, at this point it is speculative and not reasonably foreseeable that the site would be redesignated for residential development. Also, given the project's construction timeline, the project will likely be operational before Stoneman Park has completed its environmental review and before Stoneman Park could be developed.

Staff Response to Comment 16-26: The proposed project has been revised, including the segment of pipeline that would be located on KCL property east of the Stoneman Park development. The revised project also includes a reduction in the Potential Impact Radius from 72 feet to 55 feet. The pipeline alignment adjacent to the proposed Stoneman Park development has been shifted 25 feet further away from the property boundary, placing PIR entirely within KCL property. The pipeline would be located about 75 feet away from the property boundary.

Staff Response to Comment 16-27: As noted above, the PIR for the project has been reduced increasing the separation of the pipeline from the property boundary with the Stoneman Park development. Please see detailed discussion

of the PIR and potential pipe leakage or rupture in the responses to the City of Pittsburg comment letter, response 11-36, in the Final MND.

Staff Response to Comment 16-28: To perform detailed visual analysis of the proposed project's visibility from portions of the proposed Stoneman Park development would be speculative. Even if Stoneman Park currently existed, changes in views from private residences is not an impact under CEQA. Further, it is not reasonably foreseeable that the property in question would be redesignated for residential development or where public viewpoints would be.

Staff Response to Comment 16-29: Please see response 16-1 above.

- B. Adams Broadwell Joseph & Cardozo: On April 29, 2021, staff received a letter from Adams Broadwell stating its support for the Ameresco RNGPFP and listed a number of air quality, public health and safety, and biological resources measures agreed upon by the applicant.

The measures listed in the comment letter are included in the amended LP89-2020 Conditions of Approval.

- C. Pacific Gas and Electric Company: On May 20, 2021, staff received a letter from PG&E stating that it would review submitted plans for the Ameresco RNGPFP in relation to its existing gas and electric facilities within the project area, and stated a number of requirements for working in proximity to its facilities.

On May 28, 2021, staff received a second letter from PG&E stating the process for review of submitted plans for the Ameresco RNGPFP.

Also on May 28, 2021, staff was forwarded a letter dated May 25, 2021 from PG&E to Ameresco stating that it had completed a System Feasibility Study for the interconnection of the RNGPFP to the PG&E gas system and approves the interconnection on PG&E Line 191-1.

VIII. ENVIRONMENTAL REVIEW

Staff conducted an Initial Study assessment of potentially significant adverse environmental impacts that could result from the proposed Ameresco RNGPFP. Staff determined that although the proposed project could have potentially significant adverse environmental impacts, with implementation of mitigation measures that

have been agreed to by the applicant, and implementation of applicant proposed control measures and consistency measures, including required conditions of approval of the Keller Canyon Landfill Land Use Permit LP89-2020, the project would not result in significant environmental impacts. The identified potentially significant impacts include:

- Construction period impacts to certain special status wildlife species including the California red-legged frog, California tiger salamander, nesting special status bird species, American badger, San Joaquin kit fox, and special status bat species;
- Construction period impacts to one or more California buckeye trees, trees protected by the Contra Costa County Tree Protection and Preservation Ordinance, and gum plant patches;
- Loss of grassland and ruderal habitat;
- Potential non-compliance with the East Contra Costa County Habitat Conservation Plan/ Natural Community Conservation Plan;
- Potential non-compliance related to failure to submit an Aquatic Resources Delineation to the East Contra Costa County Habitat Conservancy, and as required, to the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the Regional Water Quality Control Board, and failure to obtain required permits;
- Accidental discovery of buried historical resources, previously undiscovered archaeological resources, and human remains;
- Geotechnical risks on the project site due to slope failure, reactivation of ancient landslides, and the potential for liquefaction, landslides, and soil creep;
- Geotechnical risks due to seismic related ground shaking and ground failure;
- Geotechnical risks of substantial soil erosion, and expansive and corrosive soils;
- Noise during the construction period within the PG&E utility corridor;
- Potential adverse impacts on Native American cultural resources; and,
- Potential adverse post-wildfire impacts due to seismic related ground failure, reactivation of ancient landslides, soil erosion, liquefaction, and unstable geologic units or soil.

A draft MND was prepared and published for the proposed project. The draft MND is included as Attachment 5. The 78-day public review period started on October 7, 2020, and ended on December 23, 2020.

A Final MND has been prepared that includes the written comments received on the draft MND during the public review period, responses to the comments received, and staff-initiated text changes, including minor corrections and technical changes related to revision of segments of the proposed RNG transmission pipeline received and revised and/or deleted figures.

The proposed Ameresco RNGPFP has been revised in response to written comments received from the City of Pittsburg and other interested parties on the draft MND regarding potential project effects. The applicant has revised the alignment of three (3) segments of the proposed RNG pipeline system. Project revisions primarily comprise of changes in the three pipeline segments, corresponding changes in pipeline operating pressure, and relocation of the metering station from PG&E property to Keller Canyon Landfill property. Other elements of the proposed project evaluated in the MND related to project design, and operation remain largely unchanged. Certain assumptions about construction methods, and disturbed ground surface area would change as a result of a pipeline segment change in the PG&E and KCL properties.

The text changes in the Final MND are not the result of any new significant adverse environmental impact, do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the section. The Final MND is included as Attachment 6.

Written comments from eight commenters were received during the October 7, 2020 to December 23, 2020 public review period for the draft MND, including letters and emails from (1) Adams Broadwell Joseph & Cardozo, (2) Pacific Gas & Electric Company, (3) Wilton Rancheria, (4) San Francisco Bay Regional Water Quality Board; (5) Bay Area Air Quality Management District, (6) Contra Costa Water District, (7) City of Pittsburg, and (8) Contra Costa Environmental Health. The written comments have been coded by commenter and the commenter's numbered comment, and included in the Final MND. Neither the comments nor the staff responses to the comments result in any substantial changes to the draft MND, and the impacts, mitigation measures, and findings of the MND are unchanged.

Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified significant impacts and mitigation measures in the MND. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the MND are implemented. The Mitigation Monitoring Program is included in Attachment 7. All mitigation measures are included in the amended LP89-2020 Conditions of Approval.

IX. STAFF ANALYSIS

- A. General Plan Consistency: The Ameresco RNGPFP is consistent with the General Plan, as discussed below.

Land Use Element: The active KCL landfill area is in the LF Landfill General Plan Land Use designation, and the SBA and the adjoining PG&E utility corridor are in the OS Open Space General Plan Land Use designation. The LF designation allows for landfill and related activities. The active KCL landfill area is in use for landfill activities and the related Ameresco LFGTE power plant, and is consistent with the LF designation. The proposed RNG processing facility would similarly be consistent with the LF designation. The OS designation includes publicly-owned open space and privately-owned properties with future development rights deeded to a public or private agency. The SBA is conserved open space that serves to “buffer” for the active KCL landfill area while the PG&E utility corridor is open space land that reserved for use as a north-south utility corridor for electrical and gas transmission lines. The uses on the SBA and the PG&E utility corridor, including the proposed underground RNG transmission pipeline, are consistent with the OS designation.

Conservation Element: The Ameresco RNGPFP conforms with Section 8-8, Renewable Energy Resources, of the General Plan Conservation Element, including:

Goal 8-k: *To encourage the use of renewable resources where they are compatible with the maintenance of environmental quality, and*

Policy 8-52: *Energy recovery projects, e.g., methane recovery from sewage (biomass), shall be encouraged, subject to adequate environmental protection.*

The Keller Canyon Landfill is a Class II waste disposal site operating in accordance with applicable local, State, and federal regulations. KCL is required by permit and regulation to collect and control landfill gas. As required by Keller Canyon Landfill Land Use Permit LP89-2020 Condition of Approval 31.7 (Methane Recovery), KCL is required to explore use of the LFG as a fuel commodity. Ameresco has contracted with the Keller Canyon Landfill Company for the right to utilize the LFG for energy production or other beneficial uses as allowed by regulations. Since 2009, Ameresco has operated a LFGTE power plant that utilizes the LFG to produce electricity. At present, the volume of LFG generated at KCL exceeds the fuel demands of the LFGTE plant, and the excess LFG is consumed in an enclosed flare facility located adjacent to the LFGTE plant.

The Ameresco RNGPPF includes construction and operation of a new RNG processing facility and an underground transmission pipeline. The RNGPPF would use a substantial portion of LFG currently generated by the landfill. Without the proposed project, this energy source would be wasted by combustion in the landfill flares and higher emissions of air pollutants from the landfill site would be released into the local community.

The new RNG processing facility would operate independently of the operation of the existing LFGTE plant and would significantly increase the utilization of LFG for energy, by processing the landfill gas to sufficient quality to allow it to be placed into the regional natural gas network. RNG pipeline would carry the RNG from the new processing facility to the existing PG&E Line 191-1 natural gas transmission pipeline network.

Ameresco anticipates that the RNG produced by the proposed RNG processing facility will be utilized by vehicles fueled by natural gas. Based on data prepared by the U.S. EPA and U.S. Department of Energy, the proposed project has the additional potential to substantially reduce overall GHG emissions of heavy-duty vehicles such as trucks and buses. Operating trucks on RNG rather than diesel fuel typically resulted in a 93 percent reduction in carbon monoxide emissions; a 45 percent reduction in oxides of nitrogen emissions; and more than a 90 percent reduction in total particulate matter. From the U.S. EPA Methane Outreach website, the RNG by the proposed Project when used to fuel heavy duty trucks would offset approximately 64,483 tons of CO₂ per year from fossil fuels or equivalent to the reduction of 6.5 million gallons of gasoline consumption in automobiles.

Transportation and Circulation Element: Figure 5-2, Roadway Network Plan, in the General Plan Transportation and Circulation Element shows designated arterials and expressways that are part of the County roadway network. Bailey Road, which is adjacent to the northwest of the project site, is the nearest designated arterial. Given that the proposed project would be accessed by the existing KCL road network off of Bailey Road and does not propose any changes to any existing roads, there would not be any effect on Bailey Road.

- B. Zoning Compliance: As described previously in Section III.B (General Information, Zoning), the portion of the Ameresco RNGPFP site within the active KCL landfill area is in the A-3 Heavy Agricultural District, the portion of the site within the SBA is in the A-4 Agricultural Preserve district, and the PG&E – owned utility corridor is in the A-2 General Agricultural District. Pursuant to County Code Section 84-40.406, refuse disposal uses such as the KCL are allowed in the A-3 District with a land use permit per County Code Chapter 418-4, Disposal Sites. Accordingly, Keller Canyon Landfill Land Use Permit LP89-2020 was approved by the Board of Supervisors on July 24, 1990. LP89-2020 was subsequently amended by the Board of Supervisors approval of Land Use Permit LP01-2115 on June 25, 2002, to allow the Ameresco LFGTE power plant as a related landfill activity. The proposed RNG processing facility and pipeline would be another related landfill activity allowed with the proposed approval of this land use permit, and would be consistent with the allowed uses in the A-3 District.

The proposed underground RNG transmission pipeline traversing through the SBA and PG&E utility corridor would be located in the A-4 District and A-2 District, respectively. Pursuant to County Code Section 84-38.406, refuse disposal uses such as the KCL are allowed in the A-2 District with a land use permit per County Code Chapter 418-4, Disposal Sites. As discussed above, the proposed RNG pipeline would be a related landfill activity allowed with the proposed approval of this land use permit, and would be consistent with the allowed uses in the A-2 District.

Pursuant to County Code Section 84-42.404(15), uses described in Government Code Section 51201(e) are allowed in the A-4 District with a land use permit. Government Code Section 51201(e) describes uses that are compatible with an agricultural preserve, as determined by the County pursuant to Sections 51231, 51238, or 51238.1. Government Code Section 51238 allows gas facilities on the land. Accordingly, the proposed RNG pipeline would be allowed with the proposed approval of this land use permit, and would be consistent with the

allowed uses in the A-4 District.

Required Findings for a Land Use Element: The following are the required findings for approval of this land use permit for the Ameresco RNGPFP.

1. The proposed project shall not be detrimental to the health, safety, and general welfare of the county.

Project Finding: The KCL is a Class II waste disposal site operating in accordance with applicable local, State, and federal regulations. KCL is required by permit and regulation to collect and control landfill gas (LFG) to minimize impacts to the community and environment. The gas collection and control system are expanded regularly as KCL continues to dispose of waste, and the volume of LFG generated increases. As required by LP89-2020 COA 31.7 (Methane Recovery), KCL is required to explore use of the LFG as a fuel commodity.

Consistent with LP89-2020 COA 31.7, Ameresco has contracted with the Keller Canyon Landfill Company for the right to utilize the LFG for energy production or other beneficial uses as allowed by regulations. Since 2009, Ameresco has operated a LFGTE power plant that processes the LFG by filtration and drying to create fuel used to fire internal combustion generators to produce electricity. At present, the volume of LFG generated at KCL exceeds the fuel demands of the LFGTE plant, and the excess LFG is consumed in an enclosed flare facility located adjacent to the LFGTE plant.

The Ameresco RNGPFP would significantly reduce LFG flows to the existing KCL enclosed flare facility. The new RNG processing facility would operate independently of the operation of the existing LFGTE plant and would significantly increase the utilization of LFG for energy, by processing the landfill gas to sufficient quality to allow it to be placed into the regional natural gas network.

The RNG pipeline would carry the RNG from the new processing facility site to the existing PG&E natural gas transmission pipeline network east of the site. The design of the pipeline would meet and/or exceed all regulatory requirements and/or industry standards.

2. The proposed project shall not adversely affect the orderly development within the County or the community.

Project Finding: Construction of the Ameresco RNGPFP would not require construction or improvement of any roadways in the area. There would be less than 20 inbound construction trips per day during the 8 to 12 month construction period. Access to the RNGPFP project area for construction traffic would be from the following locations:

- Bailey Road and internal site roads for construction on KCL property;
- John Henry Johnson Parkway to Ripple Rouge Road (near the Diablo Valley Radio Controllers' miniature airstrip) to connect to a laydown area located on KCL property; and
- Through an existing access gate located near the intersection of Alta Vista Circle and Alta Vista Court to provide access to the PG&E property.

To minimize disruption of local area traffic, the applicant would implement the following construction traffic measures.

- 1 During construction in the east portion of the project site on PG&E property, advance notice shall be given to the City of Pittsburg alerting of the need for potential traffic and parking controls on Alta Vista Circle on days vehicles and equipment are scheduled to access the PG&E property.
- 2 During construction in the mid portion of the project site, advance notice shall be given to the City of Pittsburg and/or property owners to allow for vehicle access via John Henry Johnson Parkway.

Construction would occur on land in the active KCL landfill area, within the Special Buffer Area (SBA), and within the PG&E-owned utility corridor. Construction of the Ameresco RNGPFP at this location is consistent with the intended use of the site and with applicable General Plan policies and General Plan and zoning development standards. The RNG processing

facility and RNG transmission pipeline do not produce significant amounts of noise, glare, or vibrations. Thus, the project would not impede future use of surrounding, developable properties.

3. The proposed project shall not adversely affect the preservation of property values and the protection of the tax base within the county.

Project Finding. Construction and operation of the Ameresco RNGPFP on land in the active KCL landfill area, within the SBA, and within the PG&E utility corridor, is consistent with the allowable uses of the landfill and open space properties, and thereby, would not affect property values in the area. The RNG processing facility is compatible with the existing industrial character of the KCL landfill area. The underground RNG transmission pipeline is compatible with open space and agricultural uses.

4. The proposed project shall not adversely affect the policy and goals as set by the General Plan.

Project Finding. The Ameresco RNGPFP is consistent with the Landfill and Open Space policies and goals of the General Plan. As discussed above, the RNG processing facility is compatible with the KCL landfill, and the underground RNG transmission pipeline is compatible with open space and agricultural uses on the SBA and PG&E utility corridor. The RNG project is also compatible with the County's Climate Action Plan (CAP) that furthers the overall goal of the General Plan to preserve the quality of life within the County. The RNGPFP is consistent with the CAP by implementing the following CAP goals:

- Goal 2: Renewable Energy, Increase the Production of Renewable Energy from Small-Scale and Commercial-Scale Renewable Energy Installations
 - o Measure RE 1: Alternative Energy Installations
 - o Measure RE 2: Alternative Energy Facilities
- Goal 3: Land Use and Transportation
 - o Measure LUT 2: Alternative-Fuel Infrastructure, Expand the Use of Alternative Fuels in Vehicle Travel

- Goal 4: Solid Waste, Reduce Waste Disposal
 - o Measure W 2: Landfill Management, Reduce Fugitive Methane Emissions and Other GHG Emissions from Solid Waste Landfills.

The RNGPFP would facilitate County-wide GHG emission reduction goals by substantially reducing the emissions of GHG and would be in conformance with applicable County and State GHG emission reduction strategies.

5. The proposed project shall not create a nuisance and/or enforcement problem within the neighborhood or community.

Project Finding: The Ameresco RNGPFP, as conditioned, would not create a nuisance and/or enforcement problem. The Conditions of Approval of LP89-2020 as amended by this approval, require the RNGPFP to be maintained in an orderly manner for the life of the project.

6. The proposed project shall not encourage marginal development within the neighborhood.

Project Finding: Approval of the land use permit would not change the established uses in the vicinity. Construction and operation of the RNG processing facility on a portion of the active KCL landfill area would extend existing water lines and install a new wastewater connection to an existing on-site septic system. Installation and operation of the underground RNG transmission pipeline would occur on dedicated open space land in the SBA and the PG&E utility corridor.

7. That special conditions or unique characteristics of the subject property and its location or surroundings are established.

Project Finding: The active KCL landfill area has been approved for a landfill operation in Land Use Permit LP89-2020. The Ameresco LFGTE plant is consistent with LP89-2020 COA 31.7 (Methane Recovery) and was approved in Land Use Permit LP01-2115 that amended LP89-2020. The Ameresco RNGPG is also consistent with LP89-2020 COA 31.7 and further amends LP89-2020. Given the availability of LFG at the landfill, the active KL area is the appropriate location for the new RNG processing facility

adjacent to the existing LFGTE plant, and within an area set aside for such use.

PG&E's existing natural gas transmission pipeline, Line 191-1, is located east of the RNG processing facility and is separated from the active KCL landfill area by the SBA. Thus, the Ameresco underground RNG transmission pipeline traverses a natural route from the RNG processing facility to Line 191-1 through the SBA and the PG&E utility corridor. Both the SBA and PG&E utility corridor are dedicated open space areas within the A-4 Agricultural Preserve land use district. After installation, the RNG pipeline alignment would be restored to its pre-construction state and the pipeline and its alignment would not be visible. Thus, the RNG pipeline is consistent with the intended open space and agricultural use of the SBA and PG&E utility corridor and would not disrupt or otherwise affect any adjacent land uses.

X. CONCLUSION

The Ameresco RNGPFP would be consistent with the LF Landfill and OS Open Space General Plan Land Use designations. The proposed project would implement the Goal 8-k and Policy 8-52 of the General Plan Conservation Element related to methane recovery. The RNGPFP would use a substantial portion of LFG currently generated by the landfill. Without the proposed project, this energy source would be wasted by combustion in the landfill flares and higher emissions of air pollutants from the landfill site would be released into the local community. The new RNG processing facility would significantly increase the utilization of LFG for energy, by processing the landfill gas to sufficient quality to allow it to be placed into the regional natural gas network, whereby it has the potential to substantially reduce overall GHG emissions of heavy-duty vehicles such as trucks and buses.

Findings can be adopted to approve a land use permit for the proposed project in the A-3 Heavy Agricultural, A-4 Agricultural Preserve, and A-2 General Agricultural Districts. The proposed project would be consistent with the surrounding area and would maintain the character of the active KCL landfill area, the SBA, and the PG&E utility corridor.

Staff recommends that the County Planning Commission recommend approval of the Ameresco RNGPFP Land Use Permit CDLP18-02022 by the Board of Supervisors.