ATTACHMENT 9

JUNE 2021 FINAL MND SCH #2020100267

JUNE 2021 FINAL MITIGATED NEGATIVE DECLARATION/INITIAL STUDY FOR AMERESCO KELLER CANYON RNG LLC – PROPOSED RENEWABLE NATURAL GAS PROCESSING FACILITY AND PIPELINE PROJECT
SCH #2020100267
LAND USE PERMIT LP18-2022
JUNE 23, 2021

I. INTRODUCTION

This document constitutes the Final Mitigated Negative Declaration/Initial Study (MND), State Clearinghouse SCH #2020100267, for the Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project (Ameresco RNGPFP) in unincorporated Contra Costa County near Pittsburg, CA. The proposed project is a renewable natural gas (RNG) processing facility (RNGPF) and pipeline that includes construction and operation of a new RNGPF and an underground transmission pipeline. The Final MND 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 text changes 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 does not alter any findings in the section. The County Planning Commission and Board of Supervisors will consider the environmental record including the draft MND, the Final MND, and the findings therein prior to taking action on the project as a whole.

On October 7, 2020, the Contra Costa County Department of Conservation and Development (DCD), published a draft MND that analyzed potential significant adverse environmental impacts of the proposed Ameresco RNGPFP. Pursuant to Section 15073 of the California Environmental Quality Act (CEQA), which requires a minimum 30-day public review period, the draft MND included a 38-day public review period that ended on November 13, 2020. A Re-Notice of Public Review was issued on November 12, 2020, which included a 42-day public review period that ended on December 23, 2020. In total, the public review period encompassed 78 consecutive calendar days. The purpose of the public review period is for the public to submit comments on the adequacy of the environmental analysis in the draft MND. DCD staff received written comments on the draft MND from eight (8) commenters during the public review period.

In addition to this introduction, the Final MND includes the following sections:

II. Comments Received
III. Revised Project Description
IV. Summary Responses
V. Comments and Responses to Comments
VI. Staff-Initiated Text Changes to the Draft MND
VII. Revised MND Figures

II. COMMENTS RECEIVED

During the October 7, 2020 to December 23, 2020 public review period on the draft MND, DCD staff received written comments from the following commenters. The written comments received by DCD staff are included in this Final MND as Section V.

Comments Received	Commenter	Type
1	Adams Broadwell Joseph & Cardozo	Letter
1 a	Adams Broadwell Joseph & Cardozo	Letter
1 b	Adams Broadwell Joseph & Cardozo	Letter
2	Pacific Gas & Electric Company (PG&E)	Letter
3	Wilton Rancheria	Email
3 a	Wilton Rancheria	Email
3 b	Wilton Rancheria	Email
4	San Francisco Bay Regional Water Quality Control Board	Letter
5	Bay Area Air Quality Management District	Email
6	Contra Costa Water District	Letter
7	Adams Broadwell Joseph & Cardozo	Letter
7 a	Adams Broadwell Joseph & Cardozo	Email
8	Adams Broadwell Joseph & Cardozo	Email
9	Adams Broadwell Joseph & Cardozo	Email
9 a	Adams Broadwell Joseph & Cardozo	Email
10	Adams Broadwell Joseph & Cardozo	Email
11	City of Pittsburg	Letter
12	Adams Broadwell Joseph & Cardozo	Email
13	Contra Costa Environmental Health	Letter
14	PG&E	Letter
15	Adams Broadwell Joseph & Cardozo	Letter

III. REVISED PROJECT DESCRIPTION

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 pipeline alignments, corresponding changes in pipeline operating pressure, and relocation of the metering station from PG&E property to Keller Canyon Landfill (KCL) property. Other elements of the Project Description 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 alignment change in the PG&E and KCL properties.

The project revisions were analyzed to determine the effects of the changes on the MND environmental assessments. The assessments include:

(1) Tetra Tech, 2021. *Addendum No.1 - Supplemental Geotechnical Assessment, Proposed RNG Pipeline Realignment, Project No. BAS 18-136E*;

(2) Swaim Biological Inc., 2021. *Ameresco Keller Canyon RNG Pipeline Alternative Evaluation*; and

(3) FirstCarbon Solutions, 2021. *Ameresco Keller Canyon – RNG Pipeline (email)*.

The assessments are available for review by contacting the Contra Costa County Department of Conservation and Development, 30 Muir Rd., Martinez, CA 94553.

1. California Environmental Quality Act

The California Environmental Quality Act allows for new project revisions to be added "in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects." CEQA Guideline 15073.5(c)(2). Such project revisions would not require recirculation of the negative declaration. Relocation of the RNG Pipeline as described above would not result in new significant impacts as defined in CEQA Guideline 15073.5(c)(2). The changes reduce impacts by reducing the length of the RNG pipeline, thus reducing associated construction impacts, and by locating the pipeline further away from residences

2. Applicable Codes and Design Standards for the RNG Pipeline

The proposed RNG pipeline would be designed and operated in accordance with applicable federal and State regulations. Federal and State regulations include the requirements and established practices to protect the safety of the public and employees.

CPUC General Order No. 112-F "State of California Rules Governing Design, Construction, Testing, Operation, and Maintenance of Gas Gathering, Transmission, and Distribution Piping Systems" (June 2015) rules would be incorporated into the RNG pipeline design. Additionally, the federal pipeline safety regulations outlined in 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" also govern the design, construction, testing, operation, and maintenance of gas piping systems. All applicable federal and State requirements would be incorporated into the RNG pipeline design. The rules outlined by the CPUC General Order do not supersede 49 CFR Part 192 but are considered a supplement.

3. Overview of Revised Pipeline Segments

The Project Description in the draft MND includes a total of 18,030 feet (3.41 miles) of RNG pipeline. The three segments of the proposed RNG pipeline that have been revised are designated as Segments 1, 2, and 3 from east to west respectively. The general location of each segment is depicted on Plat 1 (a revised Figure 9 – Pipeline Plan from the MND). Details of each segment are shown on other plats as described below.

With implementation of Segment 1, the total length of the RNG pipeline would be reduced to 15,050 feet (2.85 miles), a reduction of nearly 17 percent. Segment 1 is a direct tie-in of the RNG pipeline into the existing PG&E Line 191-1, approximately one mile south of the pipeline connection at the STANPAC pipeline as proposed in the draft MND. The tie-in of the RNG pipeline into existing PG&E Line 191-1 would eliminate approximately 75 percent of the RNG pipeline proposed for installation within PG&E property as described in the draft MND. The deleted portion of the RNG pipeline was proposed to run northeast across PG&E property and then north parallel to the existing PG&E Line 191-1, and be located within 50 feet of existing residences. In Segment 2, the RNG pipeline would be moved an additional 25 feet east of the property boundary with the proposed Stoneman Park development, resulting in a total physical separation of approximately 75 feet. Segment 3 includes a revision of the RNG pipeline route where it connects to the proposed RNG processing facility, to better separate it from existing and future underground utilities.

4. Potential Impact Radius

Comments were received on the Potential Impact Radius (PIR) associated with the RNG pipeline. The PIR is the radius of a sphere within which the potential failure of a pipeline could have significant impact on people or property, as defined by the 49 CFR Part 192. The PIR is not a blast radius or zone of destruction. The PIR factors in other potentially dangerous effects and includes impact from heat radiation in the highly unlikely event of a rupture and ignition. The PIR, by definition, does not represent an area of complete devastation.

A direct tie-in of the RNG pipeline to the existing PG&E Line 191-1 (described below in Segment 1) would allow for a reduction in maximum allowable operating pressure (MAOP) of the RNG pipeline to ensure efficient injection of RNG into existing PG&E Line 191-1. MAOP for the RNG pipeline would be reduced from ~680psi as proposed in the draft MND to ~400psi. As a result of the revised project, the PIR of 72 feet as described in the draft MND, would be reduced to 55 feet. The revised PIR was calculated as follows:

$$PIR = 0.69 \times 4.00 \times SQRT(400)$$
$$= 0.69 \times 4.00 \times 20.00$$
$$= 55.20$$
$$\sim 55 \text{ feet}$$

The reduction in MAOP would allow the RNG pipeline to operate at lower than 10 percent of its yield strength (SMYS). The pressure at which this type of pipe fails by rupture is in the 25 to 30 percent and higher SMYS range. Therefore, leakage is considered to be the mode of potential failure for the proposed RNG pipeline rather than sudden rupture. A failure would be detected by sensors at the RNGPF and would activate the automated shut-off system thereby limiting the flow of RNG that could escape from the pipeline.

5. Description of the Tie-In to Existing PG&E Line 191-1

The proposed tie-in would be a "hot tap" involving the connection of the RNG pipeline as an inlet lateral to the existing PG&E Line 191-1, a live operating header pipeline, without clearing the gas from the header pipeline. The tie-in would be installed by PG&E or their approved contractor and would not require service shut down of existing PG&E Line 191-1. PG&E and industry-standard equipment and procedures would be followed to connect the RNG pipeline to existing PG&E Line 191-1. These include installation of a "Stoppel fitting" (a device that provides access for tooling to make the pipe connection while safely restraining the pipeline contents), small pressure-equalizing valves, and a 4" branch valve to allow isolation of the RNG line. The branch valve operator would be set below ground, several feet west of existing PG&E Line 191-1, in a pre-cast concrete vault with a heavy (traffic-rated) cover.

6. Segment 1 – PG&E Property Area

The RNG Pipeline would connect to the existing PG&E Line 191-1 approximately one mile south of the connection shown in the draft MND. The proposed routing of the RNG pipeline to the tie-in point is shown on Plat 2. The proposed revised route was developed in response to written comments received on the draft MND regarding potential project effects. In the revised project, Ameresco has eliminated the segment of the RNG pipeline that was previously proposed to run parallel to PG&E Line 191-1 within 50 feet of some residences. The former PIR of 72 feet extended into portions of backyards of some residences. This potential impact has been eliminated.

The RNG pipeline route through PG&E property has been re-located outside of the Pittsburg city limit. The metering station previously proposed to be located on PG&E property has been re-located onto KCL property, eliminating potential impacts of close proximity of the metering station to adjacent residences. The tie-in route and proposed metering station are accessible from PG&E property via an existing paved road that traverses both PG&E and KCL properties. Access to the paved road is provided from the gate into PG&E property at Alta Vista Circle. The metering station is also seasonally accessible via existing un-paved access roads entirely within KCL property.

Compared to the RNG pipeline route evaluated in the draft MND, a tie-in to existing PG&E Line 191-1 would substantially reduce the potential effects of the project in, and adjacent to, the PG&E property. Changes in Segment 1 would:

- Eliminate ~3,135 feet of the RNG pipeline within PG&E property, including all of the pipeline and associated PIR previously proposed to be within 50 feet of some existing residences.

- Relocate the metering station from PG&E property onto KCL property, eliminating effects of close proximity of the metering station to nearby residences. The site for the metering station is an elevated plateau and is shown on Plats 2 and 3. The near-level ground surface of the plateau area appears to have been created prior to 1993, but subsequent to that area's use as a ranch/barn/corral beginning prior to the 1930's. The approximate boundaries of the metering station site are shown in a ground plane photograph on Plat 3.

- Eliminate all (~1,550 feet) of proposed horizontal directional drilling (HDD) and its associated potential effects from the PG&E property. Elimination of HDD also eliminates the need for a frac-out plan to address the unintentional return of drilling fluids to the ground surface during HDD.

- Reduce the length of RNG pipeline within PG&E property from 4,165 feet to about 1,030 feet from the assumed property line, a reduction of 3,135 feet (75 percent).

- Avoid potential direct impacts to two wetlands identified in the draft MND.

- Eliminate the need for National Environmental Policy Act review and permitting from the Contra Costa Water District as a result of deleting a portion of the RNG pipeline previously proposed to cross beneath the U.S. Bureau of Reclamation canal.

- Shorten the project pipeline construction duration and reduce the overall potential for impacts during pipeline construction.

- Eliminate four (4) construction equipment and material laydown areas within the Pittsburg city limit and near residences thereby reducing potential impacts related to construction and operation of each laydown area as shown on Plat 4 (revised MND Figure 18 – Access and Laydown Areas During Construction).

- Reduce potential noise and vibration impacts to adjacent properties during construction in the PG&E property due to substantially reduced RNG pipeline length, elimination of horizontal directional drilling, and substantially reduced proximity to residences.

- Reduce construction-related air emissions due to shortened construction duration.

- Cross an existing City of Pittsburg underground water line on KCL property.

- Reduce overall project energy demand for RNG processing due to lower compression of final product (MAOP reduced to ~400psi vs. ~680psi).

Field assessment and/or literature review were completed to evaluate potential impacts on cultural resources, biological resources, and geology and soils. No new impacts were identified based on field assessments and literature reviews. No impacts would occur to cultural resources; no impacts would occur to biological resources such as wetlands or other sensitive resources; and no impacts to geology and soils would occur related to landslides, slope stability, seismic shaking, or liquefaction. Standalone reports are available for biological resources (Swaim Biological Incorporated, Ameresco Keller Canyon RNG Pipeline Alternative Evaluation, April 16, 2021) and geotechnical (Tetra Tech, Draft Addendum No. 1 – Supplemental Geotechnical Assessment Proposed RNG Pipeline Relocation). Written confirmation was received from the project cultural resources specialist that the Segment 1 area was included in the evaluation presented in the draft MND and no new impacts would occur.

Further, preliminary information was received from PG&E as to their preferred tie-in location. Additional data were received from the pipeline design engineer regarding tie-in design, construction requirements, and operating data assumptions. The general location of the tie-in is shown on Plat 2. A ground plane photograph of the tie-in location is shown on Plat 5.

7. Segment 2 – RNG Pipeline Near Property Boundary with Proposed Stoneman Park

Ameresco Keller Canyon has revised the proposed RNG pipeline route for the segment of pipeline located along the property boundary with the proposed Stoneman Park development. This portion of the pipeline is located entirely on property owned by the Keller Canyon Landfill Company. The revised route was developed in response to written comments received on the MND regarding potential project effects. This discussion of a revised pipeline route pertains only to the segment of pipeline located along the property boundary with the proposed Stoneman Park development. The subject area is shown on Plat 6 in relation to the Stoneman Park Vesting Tentative Map (VTM) (dated 10-09-2020).

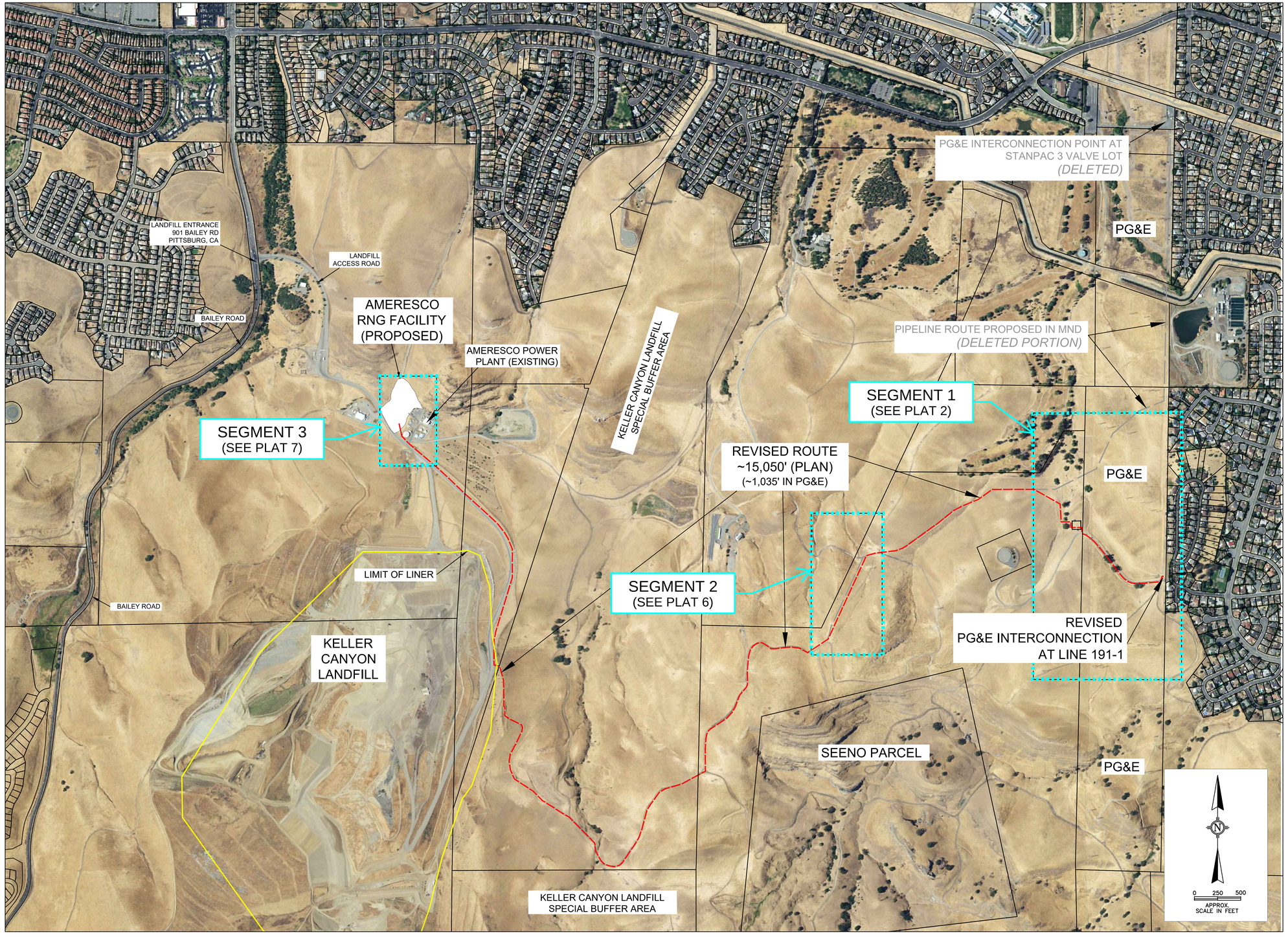
The RNG pipeline alignment proposed in the draft MND is shown as a blue dotted line on Plat 6. This alignment is situated about 50 feet east of the apparent property line indicated by an existing fence and has been deleted. The applicant was unaware of the proximity of proposed residential lots at the time the original alignment was established. The proposed Stoneman Park property is currently open space.

The RNG pipeline route adjacent to the proposed Stoneman Park has been revised in recognition of concerns expressed regarding the project's potential effects identified in comments on the draft MND. The revised segment is shown as a black dashed line on Plat 6. The revised segment creates additional physical separation between the RNG pipeline and the proposed Stoneman Park development. Separation would increase by 50 percent from 50 feet to 75 feet. The revised route places the RNG pipeline 20 feet outside of the new PIR of 55 feet. The revised RNG pipeline route

would not result in new significant impacts. The change in pipeline length is negligible. Analyses of potential impacts presented in the MND such as biological resources, geology and soils, potential hazards, and noise remain valid for the revised segment.

8. Segment 3 – Connection of RNG Pipeline to RNG Processing Facility

The project revision in Segment 3 comprises a change in RNG pipeline alignment where it would connect to the RNG Processing Facility as shown on Plat 7. This revision was required to minimize potential impacts on landfill operations and to increase physical separation between the RNG pipeline and existing and future underground utilities. No new significant impacts would result from this revised segment.



AMERESCO KCL – RNG FIG 1 FMR 9 (REV06-02-21).DWG

2018 AERIAL PHOTO FROM TERRAIN NAVIGATOR PRO (TRIMBLE, INC.)
PROPERTY BOUNDARIES FROM CONTRA COSTA COUNTY GIS

LENGTHS, AREAS, AND PROPERTY LINE LOCATIONS ARE APPROXIMATE

PLAT 1 (REVISED FROM MND FIGURE 9)
REVISED PIPELINE PLAN

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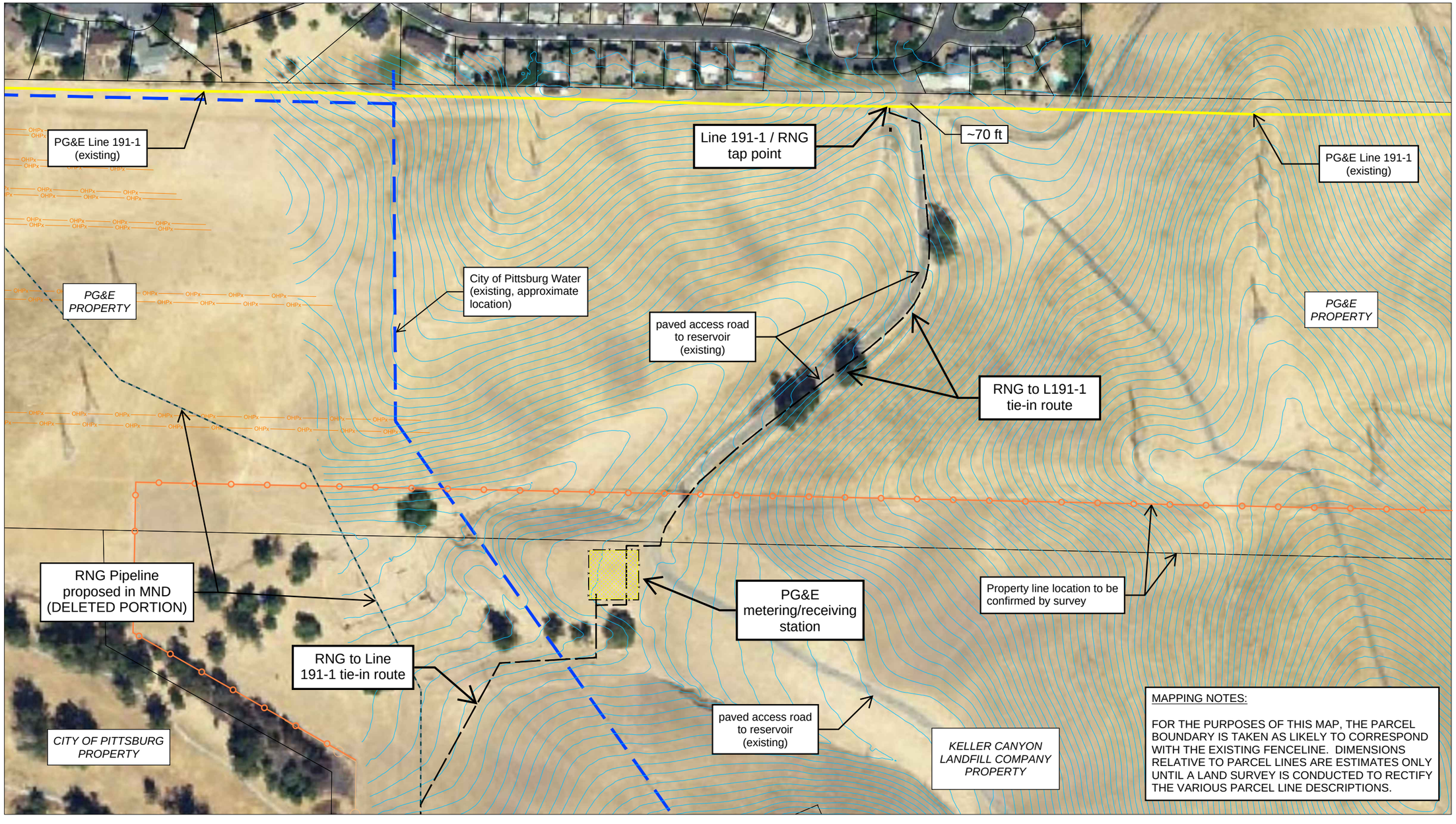

MAPPING NOTES:

FOR THE PURPOSES OF THIS MAP, THE PARCEL BOUNDARY IS TAKEN AS LIKELY TO CORRESPOND WITH THE EXISTING FENCELINE. DIMENSIONS RELATIVE TO PARCEL LINES ARE ESTIMATES ONLY UNTIL A LAND SURVEY IS CONDUCTED TO RECTIFY THE VARIOUS PARCEL LINE DESCRIPTIONS.

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APPROX.
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PLAT 2 - REVISED PIPELINE ROUTE SEGMENT 1
PG&E METERING STATION & LINE 191-1 TIE IN POINT

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PROPERTY LINES FROM CONTRA COSTA COUNTY GIS – CONFIRM BY SURVEY PRIOR TO CONSTRUCTION.
AERIAL PHOTO FROM TRIMBLE NAVIGATION, INC.
TOPOGRAPHY FROM LIDAR PROCESSED BY TETRA TECH

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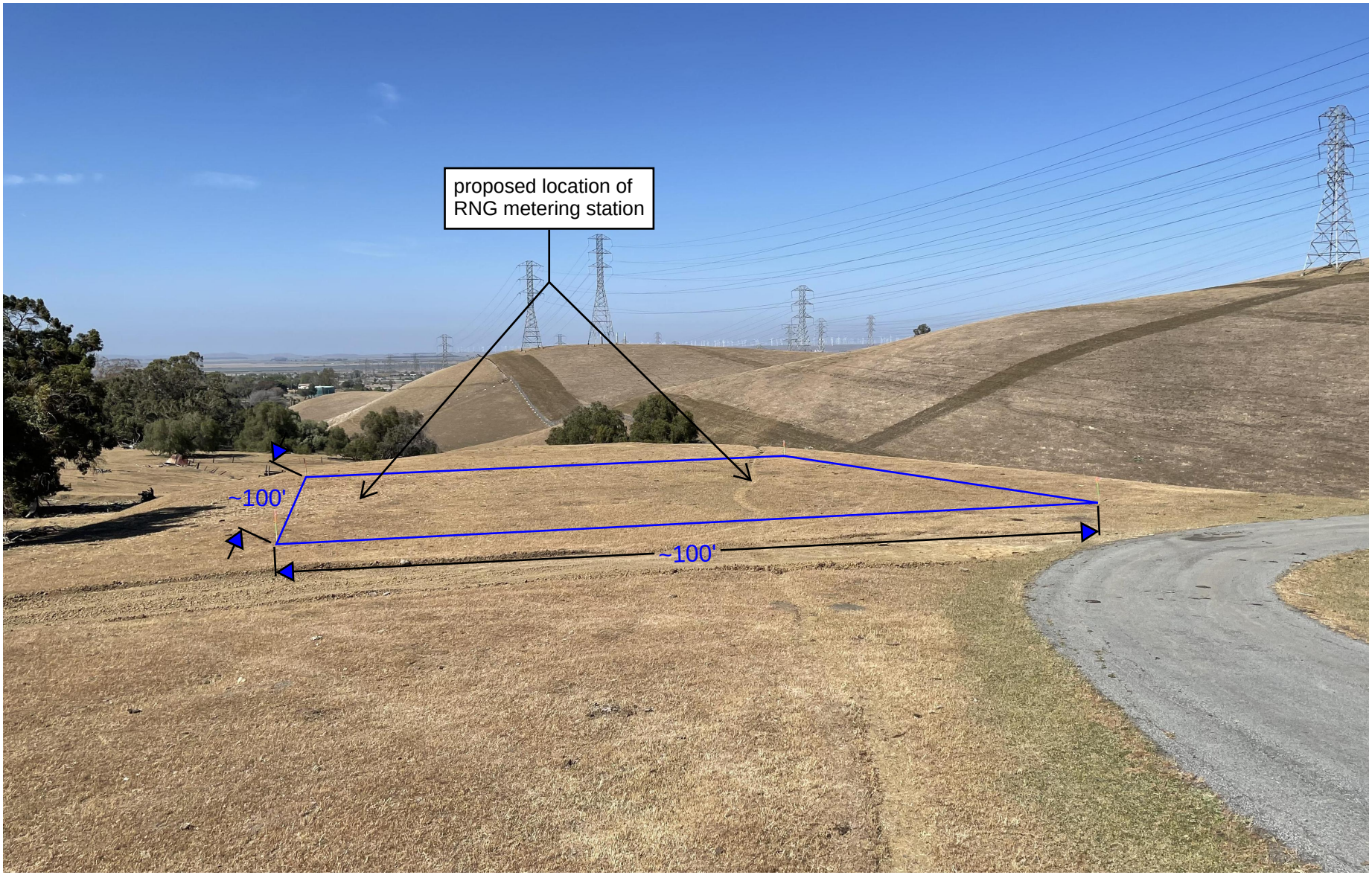

PLAT 3
PROPOSED METERING STATION (LOOKING NORTH)

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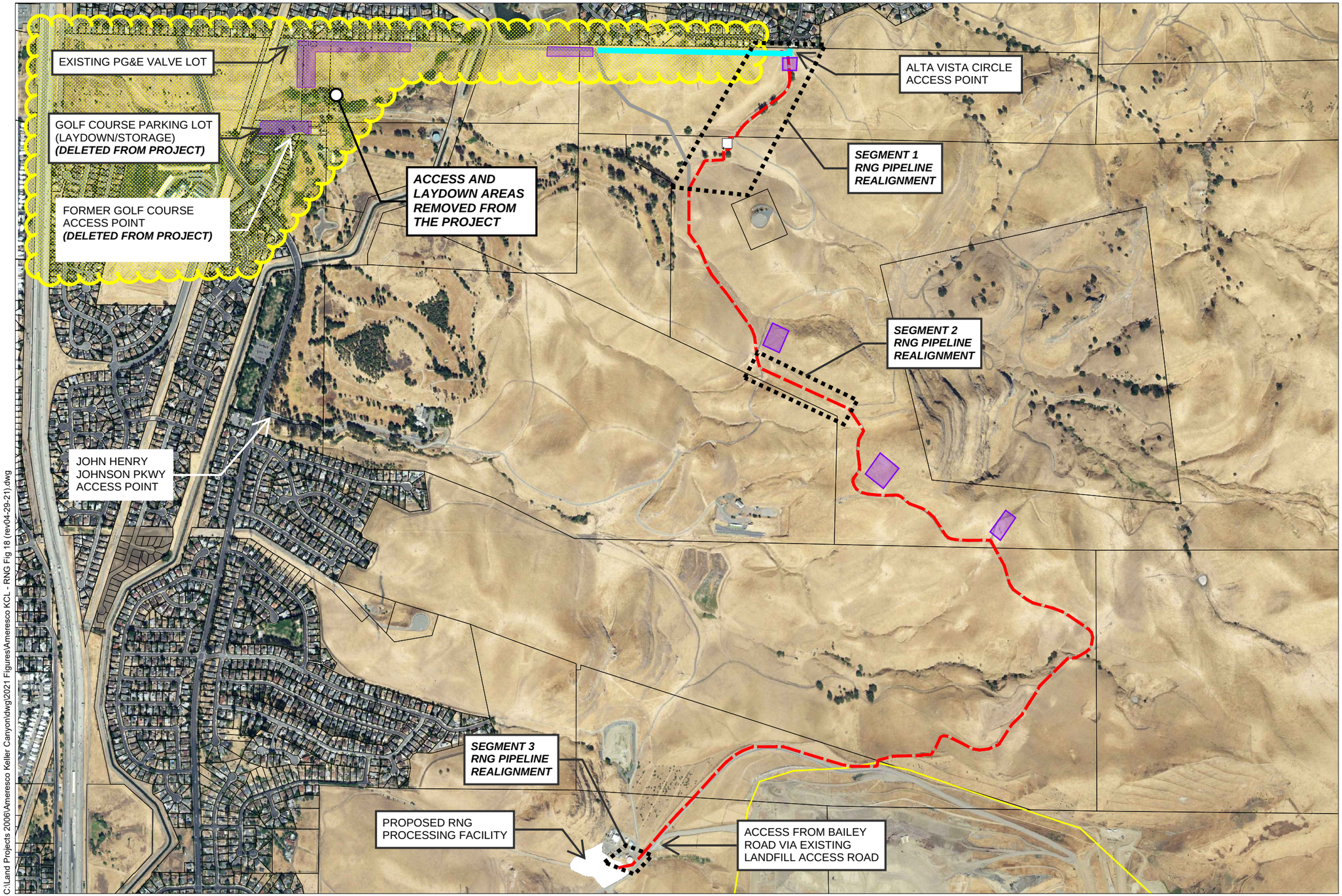

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PLAT 4 (REVISED FROM MND FIGURE 18)
ACCESS AND LAYDOWN AREAS DURING PIPELINE CONSTRUCTION

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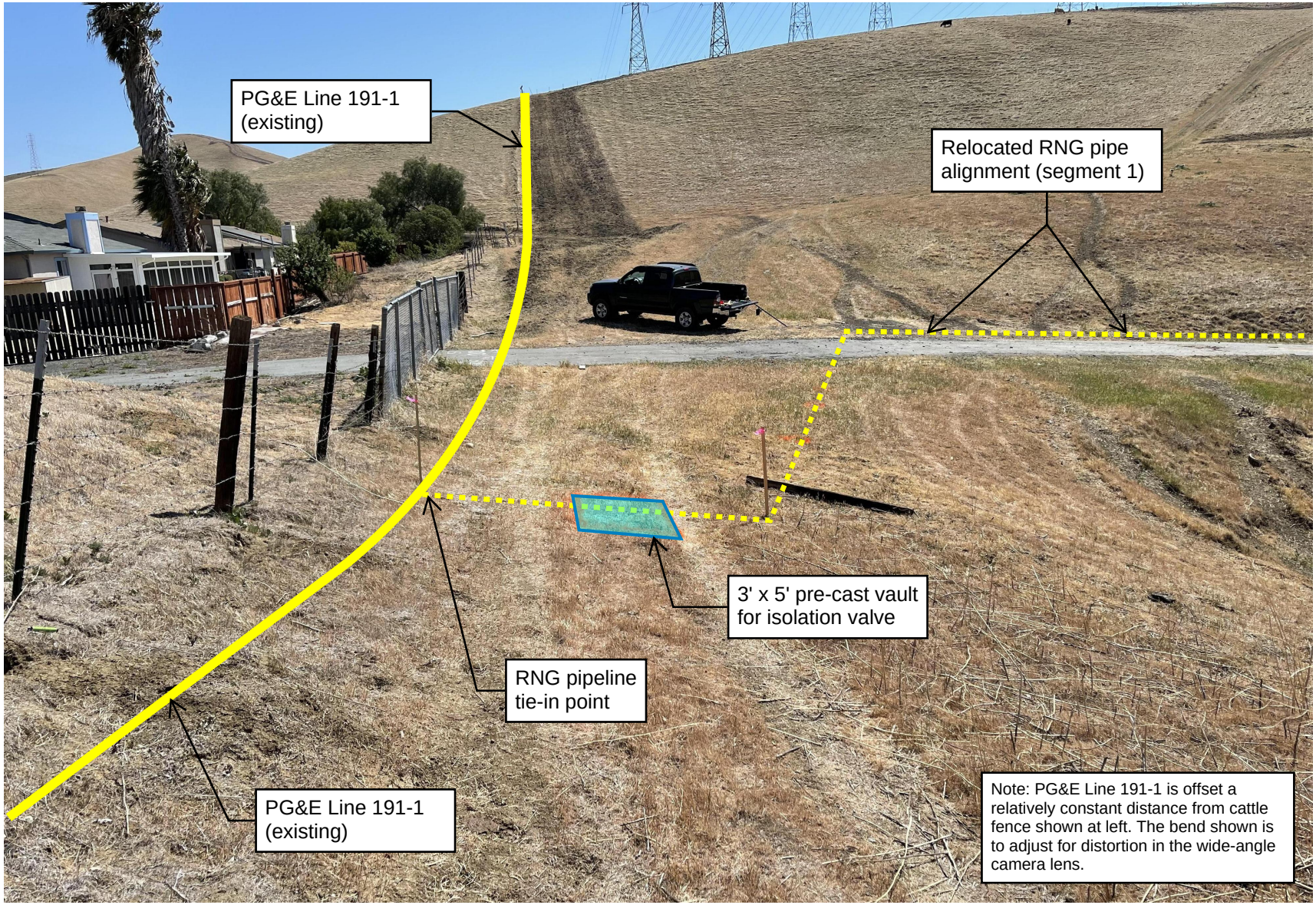

PLAT 5
PROPOSED RNG/PG&E LINE 191-1 TIE IN (LOOKING SOUTH)

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RNG Pipeline proposed in MND

PROPOSED Revised RNG Pipeline Route

KELLER CANYON LANDFILL COMPANY PROPERTY

~75 ft

RNG Pipeline proposed in MND (DELETED PORTION)

~50 ft

RNG Pipeline proposed in MND

CITY OF PITTSBURG PROPERTY

Property line location to be confirmed by survey (see mapping notes)

N 24°41'22" E

S 8

MAPPING NOTES:

SHEET 1 OF THE "STONEMAN PARK VESTING TENTATIVE MAP, PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN" (ISAKSON & ASSOC. INC.,10-09-2020) ("VTM") AND THE PARCEL LINE LAYER FROM THE CONTRA COSTA COUNTY GIS ARE SHOWN OVERLAID ON THE AMERESCO RNG PIPELINE PLAN.

FOR THE PURPOSES OF THIS MAP, THE PARCEL BOUNDARY AS SHOWN ON THE STONEMAN VTM IS TAKEN AS LIKELY TO BE REPRESENTATIVE BECAUSE IT CORRELATES WITH THE EXISTING FENCELINE AND WITH THE STONEMAN RESERVOIR PARCEL BOUNDARY. DIMENSIONS SHOWN ARE ESTIMATES ONLY UNTIL A LAND SURVEY IS CONDUCTED TO RECTIFY THE VARIOUS PARCEL LINE DESCRIPTIONS.

NEITHER THE EXISTING FENCELINE NOR THE STONEMAN VTM AGREE WITH THE CONTRA COSTA GIS LINEWORK FOR STONEMAN VTM PARCELS A, B, E, AND F. THE ASSESSOR'S MAP (BOOK 94, PAGE 36) AND 1992 RECORD OF SURVEY (BOOK 100 OF LSM, PAGE 20) ALSO APPEAR TO DIFFER FROM THE GIS IN THEIR DESCRIPTIONS OF THIS BOUNDARY.

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PLAT 6 - REVISED PIPELINE ROUTE SEGMENT 2
ADJACENT TO PROPOSED STONEMAN PARK DEVELOPMENT

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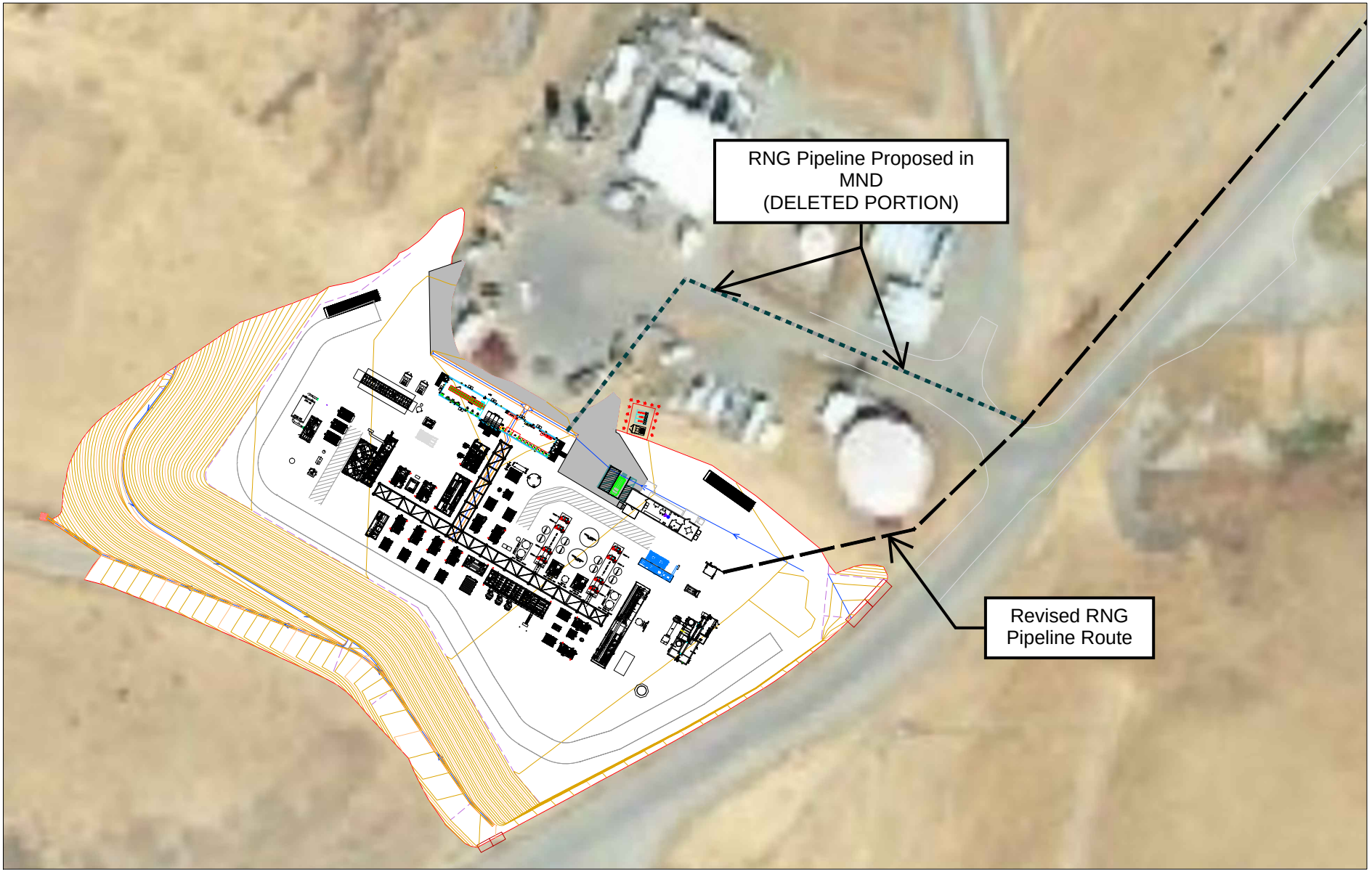

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PLAT 7 - REVISED PIPELINE ROUTE SEGMENT 3
RNG PIPELINE CONNECTION AT PROCESSING FACILITY

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REV:	2021-5

IV. SUMMARY RESPONSES

A wide range of comments were received on the proposed Ameresco RNGPFP evaluated in the LP18-2022 draft MND. In some cases, multiple comments from different commenters addressed the same subject matter. These include, but are not limited to, the scope of the CEQA review; design standards, elements of the Project Description, and potential effects of the RNGPF and RNG pipeline. Summary responses have been prepared by the Lead Agency to respond to comments expressed by multiple commenters.

1. CEQA – Environmental Impact Report Required

Comment: Several commenters stated that a full Environmental Impact Report (EIR) is required.

Response to Comment: This contention is not supported by the evidence regarding the project's impacts, which can be mitigated to a less-than-significant level. The Lead Agency determined that a MND is the appropriate document consistent with CEQA Guidelines. This determination is supported by the analysis in the MND, and the substantial evidence provided in the MND and its supporting documents.

2. Project Concept - Defined in Land Use Permit 2020-89

Comment: Some comments indicated a misunderstanding of the purpose and goals of the proposed project.

Response to Comment: The proposed project is a renewable energy facility required by County Land Use Permit 2020-89 (LP89-2020) for Keller Canyon Landfill, Condition of Approval 20.13 Methane Recovery which states:

> 20.13 Methane Recovery. The Landfill operator shall install a methane recovery system simultaneously with the construction of the gas collection system, preferably utilizing the Landfill gas to produce energy when the Landfill has developed enough gas to justify recovery. When required by the County Conservation and Development Department, the Landfill operator shall conduct a study to determine how methane could be recovered from the gas and used for fuel or as a commodity.

The Ameresco RNGPFP will use a substantial portion of landfill gas (LFG) currently generated by the landfill, that otherwise would be destroyed in the landfill's enclosed flares. Without the proposed project, this energy source would be wasted by combustion in the landfill flares. Comparatively higher emissions of air pollutants from the landfill site would be released into the local community without the project. The emissions resulting from combustion of the methane portion (~ 50 percent) of the LFG will be shifted from the landfill site to users of the RNG produced. The decrease in emissions will be (1) local to the site/neighborhood; and (2) avoided emissions by RNG users away from "naturally-sourced" natural gas. The project will process LFG

to commercial quality consistent with State goals and utility company specifications. In the process, local emissions criteria pollutants and greenhouse gases will be substantially reduced compared to existing baseline (i.e., "No Project") condition.

3. Applicable Codes and Design Standards for the RNG Pipeline

Comment: Some comments were received suggesting the design of the RNG pipeline would be inadequate to ensure public safety.

Response to Comment: This response outlines the rigorous federal and State regulations that govern the design of the proposed project. The proposed RNG transmission pipeline will be designed and operated in accordance with applicable federal and State regulations. Federal and State regulations include the requirements and established practices to protect the safety of the public and employees. CPUC General Order No. 112-F "State of California Rules Governing Design, Construction, Testing, Operation, and Maintenance of Gas Gathering, Transmission, and Distribution Piping Systems" (June 2015) rules will be incorporated into the RNG pipeline design. Additionally, the federal pipeline safety regulations outlined in 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" also govern the design, construction, testing, operation, and maintenance of gas piping systems. All applicable federal and Statement requirements will be incorporated into the RNG pipeline design. The rules outlined by the CPUC General Order do not supersede 49 CFR Part 192 but are considered a supplement.

4. Project Design

Comment: Several comments were received on the project location on the Keller Canyon Landfill property, a possible misunderstanding of the KCL landfill gas collection system, its purpose and role in abatement, and operational relationship between the existing KCL flares and the proposed RNGPF.

Response to Comment: Following are relevant elements of the proposed Ameresco RNGPFP.

- *Project Site*: The proposed RNGPF is located within a 375-acre (+/-) developed area of the Keller Canyon Landfill. The developed area is designated for "facilities activities" in the Solid Waste Facility Permit 07-AA-0032 page 2, Section 12. Legal Description of Facility.

- *Source of LFG*: The KCL Landfill Gas Collection and Control System (GCCS) is designed to extract LFG in sufficient quantity to control emissions. The quantity collected is determined by surface and sub-surface monitoring in accordance with regulatory permit requirements.

- *Abatement*: Collected LFG is currently destroyed in "abatement devices" which combust (i.e., oxidize) the methane and organic vapors into heat, carbon dioxide, and water vapor in a process tightly controlled to minimize creation and release of pollutants like oxides of nitrogen (aka NOx). KCL currently abates LFG in enclosed flares and the existing Ameresco landfill-gas-to-energy (LFGTE) power plant.

- *Quantity and Processing of Gas*: The proposed RNGPF would not change the quantity of LFG to be destroyed - it only "shifts" gas from one abatement system (the existing landfill flares and LFGTE plant) to the other (the proposed RNGPF). LFG processed in the RNGPF will be separated into two streams: one for export in the pipeline (basically pure methane) and the other for destruction in either the RNGPF thermal oxidizer (TOX) or the RNGPF enclosed flare. The abatement processes used for destruction of the un-exported portion of LFG will meet or exceed the emission control standards of the existing KCL systems.

- *Operation of the Landfill Flares with the RNGPF*: Upon startup of the proposed RNGPF, the existing landfill flares would not operate full time. The landfill flares will remain available to provide LFG destruction when the LFGTE plant or proposed RNGPF are shut down for scheduled maintenance or because of process upset. It is anticipated that in the future, the quantity of LFG collected from the landfill will exceed the combined capacity of the LFGTE and RNGPF plants, at which time the landfill flare(s) will operate full time. The general operational relationship between the existing and proposed abatement systems is illustrated in the figure titled "RNG Processing Facility Role in Landfill Gas Abatement". The figure graphically shows:

    1. The quantity of LFG to be destroyed is identical with the existing LFG collection system and the existing system plus the proposed RNGPF;

    2. The proposed RNGPF will be a new third component of the system of LFG abatement devices to be operated at KCL;

    3. Operation of the proposed RNGPF would substantially reduce the quantity of LFG that is currently destroyed at the landfill site without increasing the total flow of LFG;

    4. The quantity of LFG used by the existing LFGTE plant would remain the same.

- *Pipeline Design Standards*: The proposed project has been revised and will operate at maximum operating pressure (MAOP) of 400 pounds per square inch (psi) and less than 10 percent of the pipe yield strength (SMYS). By Pipeline and Hazardous Materials Safety Administration (PHMSA) definition, gas transmission lines operate at greater than 20 percent SMYS and these higher pipe stresses require additional inspections and monitoring. In contrast, distribution lines such as the proposed RNG pipeline and those

found in most public streets feeding natural gas to individual houses, operate at less than 20 percent SMYS due to lower pressures, typically in the 20 to 80 psi range, and as such have a lower level of required inspections.

The proposed RNG pipeline would operate in the lower transmission line pressure range; however, the RNG pipeline will be classified as a distribution line per PHMSA regulations because it will operate at less than 10 percent SMYS. The pressure at which this type of pipe fails by rupture is in the 25 to 30 percent (SMYS) range. Therefore, sudden rupture of the RNG pipeline is highly unlikely. A rupture would be detected by sensors at the RNGPF and would activate the automated shut-off system thereby limiting the flow of RNG that could escape from the pipeline.

Per federal guidelines, a pipeline located near homes would be considered Class 3 and be allowed to operate up to 50 percent of the SMYS of the steel used. As noted, the proposed pipeline will operate at less than 10 percent SMYS based on the MAOP of 400 psi. This design criterion meets the stricter requirements in federal regulations for a Class 4 downtown metropolitan area, and represents a higher safety factor than Class 3. The proposed RNG pipeline design will exceed the federal regulation criteria.

- *Pipeline Route*: The pipeline route will be entirely on private landfill and PG&E property. No construction will occur in County or City public rights-of-way. The pipeline will be undergrounded to meet safety requirements and to minimize potential conflicts with land uses on the ground surface. After construction, the pipeline trench will be backfilled with the excavated soils and allowed to revert back to the pre-construction condition. The underground depth of the pipeline will be a minimum of 4 feet (48 inches) which exceeds federal guidelines (3 feet minimum). The depth of the pipeline may vary depending on topography or subsurface conditions; however, it will not be less than 4 feet.

- *Pipeline Alignment in PG&E Property*: As a result of responses received on the MND, this portion of the RNG pipeline route has been revised. Please see Section III Revised Project Description for detailed descriptions of route revisions. The proposed 4-inch diameter pipeline would tie-in to the existing substantially larger PG&E Line 191-1, and eliminate approximately 3,130’ of pipeline previously proposed in the draft MND.

- *Horizontal Directional Drilling (HDD)*: HDD was proposed in the draft MND for construction of the RNG pipeline in the PG&E utility corridor. HDD has been eliminated from the project, thereby eliminating potential impacts associated with HDD.

GAS GENERATION IN LANDFILL → GAS DESTRUCTION IN ABATEMENT DEVICES

EXISTING SYSTEM

Flow from landfill gas collection system

10 (lfg)

Any Combination of Abatement Devices to Destroy 10 (lfg) of Landfill Gas

- Power Plant 4 (lfg)
- Landfill Enclosed Flares 6 (lfg)

PROPOSED SYSTEM

Flow from landfill gas collection system

10 (lfg)

Any Combination of Abatement Devices to Destroy 10 (lfg) of Landfill Gas

- Power Plant 4 (lfg)
- Landfill Enclosed Flares 1 (lfg)
- RNG Processing Facility 5 (lfg)

Units of volume (lfg) listed above are for example only. (lfg) units do not represent actual quantities or proportions of landfill gas currently or proposed to be abated, other than to illustrate that flow to the RNG Processing Facility will reduce flow from the landfill's enclosed flares without increasing the total flow of landfill gas.

RNGPF ROLE IN ABATEMENT REV5 (06-04-21).DWG

RNG PROCESSING FACILITY
ROLE IN LANDFILL GAS ABATEMENT

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AMERESCO
Green • Clean • Sustainable

AMERESCO KELLER CANYON
RENEWABLE NATURAL GAS PROJECT
CONTRA COSTA COUNTY LP18-2022 / SCH 2020100267

DATE:	04 JUNE 2021
DRAWN BY:	EBT
REVIEW BY:	AS / JAS
REV: 5	

5. Project Lifespan

Comment: The projected life span for the project was the subject of several comments.

Response to Comment: The projected life of the proposed Ameresco RNGPFP depends on the following factors.

- *Availability of Land fill Gas*: The operational life of the proposed RNGPF and pipeline is dependent upon the decaying refuse generating methane within the landfill. The applicant's original agreement with Keller Canyon Landfill Company (KCLC), owner of the landfill, allows for a 20-year project life span with the opportunity to extend the agreement as long as sufficient LFG is available to make operating the RNGPF commercially viable. Current KCL LFG generation models predict that methane generation will continue far beyond the 20-year project life span. The proposed RNGPF will increase the amount of LFG utilized for substantial environmental benefit. Once the agreement with KCLC expires, the Ameresco existing LFGTE plant and proposed RNGPF will be de-constructed, the RNG pipeline abandoned according to prevailing regulations, and the remaining LFG will be directed to the landfill flares.

- *Stabilization of Pipeline Crossing of Unnamed Seasonal Stream*: The erosion control features described under Unnamed Seasonal Stream Crossing on pages 11 and 12 of the MND are intended to be semi-permanent, and will be regularly maintained as part of the overall project maintenance.

6. Project Construction

Comment: Several comments referred to the construction phase of the project, and the method of constructing the RNGPF site,

Response to Comment: Following are factors relevant to project construction.

- *Construction Period*: The construction phase of the proposed project will be eight (8) to twelve (12) months. The period consisting of potential emissions through the use and operation of construction equipment, is assumed to occur throughout the 8 to 12 month construction duration.

- *Imported Earth Fill*: The geotechnical report prepared in support of the MND refers to "imported earth fill" with the meaning that it will not be sourced from within the footprint of the RNGPF construction site. The soils to be used for construction of the RNGPF embankment will be excavated from sources within the KCL that are permitted for this use. Standard earthmoving equipment, most likely large "scrapers" would carry between 35 and 44 cubic yards per trip (depending on equipment model and loading parameters). Since the soil will be excavated from within KCL's permitted footprint, it represents an

offset of material the landfill would have moved (with similar equipment) in any case. Stated differently, earthmoving for the RNGPF would have zero impact because if not moved for the RNGPF, it would be moved to comply with the KCL's already permitted construction and operations

- *RNGPF Pad*: The approximate 89,000 cubic yards of earth fill required to construct a level pad for the RNGPF will be obtained from on-site sources at KCL as noted above. No off-site sources of soil will be used. Relatively small numbers of trucks would haul aggregates, paving, and concrete. No inbound/outbound soil truck traffic will be generated by construction of the proposed project. The on-site equipment traffic will be relatively minor compared to the typical volume of earth-moving normally associated with the landfill site development and operation.

7. Project Operation

Comment: Several comments suggested a misunderstanding of how the proposed RNGPF operation would be related to operation of the existing landfill flares and LFGTE power plant. Also see summary response provided above under D. Project Design, "Abatement" on this issue.

Response to Comment: The following details the relationship of the proposed RNGPFP to the existing landfill and LFGTE Power Plant.

- *Existing Landfill Gas Management*: As an example, if 4,000 cubic feet per minute (cfm) of landfill gas flows from the collection system, a combination of LFGTE plant operation and flaring is used to destroy all of the gas. If 1,500 cfm is used in the existing LFGTE plant (owned and operated by the applicant), then about 2,500 cfm is destroyed in the existing landfill enclosed flares. The actual volumes of landfill gas destroyed by the two devices vary at any given time; however, the requirement for destruction of the 4,700 cfm of landfill gas is constant.

- *Landfill Gas Management with the Project*: Extending the example above, the proposed project adds the RNGPF to the existing LFGTE plant and enclosed flares as an available gas destruction device. When the RNGPF is in operation, landfill gas will continue to be used in the operation of the existing LFGTE plant; and 0 cfm would be burned in the enclosed flares. Please see Summary Responses in D. Project Design, "Abatement" above for additional discussion and a graphic depiction of the existing and proposed landfill gas utilization systems.

- *Collected Landfill Gas*: By law, landfill gas is required to be extracted in sufficient quantity to control sub-surface migration and emissions from the landfill surface to the atmosphere. All collected landfill gas is required to be destroyed in a tightly controlled manner.

- *Landfill Gas Utilization*: Landfill gas is generally a mixture of ~ 50 percent methane, ~ 50 percent carbon dioxide, and trace amounts of other volatile non-methane organic compounds (NMOC) and sulfur compounds. The most common method of destruction is the enclosed flares, which combust the methane and NMOC to transform them into carbon dioxide, nitrogen oxides (NOx), and water vapor. Heat is a by-product of that transformation and is blown into the atmosphere. Another method of destruction used at KCL is to combust the gas as fuel in internal combustion engines at the LFGTE plant, which in turn generate electricity for the grid. Either way, the landfill gas is destroyed – but the latter captures beneficial use from the combustion. Both engines at the LFGTE plant are stack tested annually (i.e., smog checked) to ensure they are operating properly and meeting the stringent emission (i.e., exhaust) requirements imposed by the Bay Area Air Quality Management District. The proposed project will add a third method of destruction with no effect on the quantity of landfill gas generated or collected.

- *Risk to Local Residents*: There is very low risk to local residents from a gas leak in terms of displacing oxygen as a result of the distance of residences from the pipeline. In the event of a leak the gas will dissipate into the air before becoming an issue. Utility repair crews work safely on gas leaks in local streets without specialized breathing equipment while monitoring methane concentrations.

8. Estimated Greenhouse Gas Emissions from the Project

Comment: Comments on greenhouse gas (GHG) emissions analysis were received stating that the MND analysis of GHG emissions underestimated GHG generation and thus the data presented in Table 8-2, on page 153 in the MND, overstated the beneficial impacts of the proposed project.

Response to Comment: The assumed baseline total flow of 4,700 scfm of landfill gas was cited by commenters as the basis for an overstated percent reduction of GHG. The baseline that was utilized in the MND for the proposed operation is the approximate "permitted flow" of the existing equipment – the landfill flares.

A summary of the GHG emissions estimates originally presented in the MND is presented in Table 8-2 below. In response to comments, an alternative analysis has been prepared assuming a baseline flow of 2,950 scfm based on the average LFG flow to the KCL flares in 2019. Together these scenarios (the permitted flow and the baseline flow) provide greater detail to the analysis. Updated estimates of GHG emissions were compared to the original analysis presented in the MND.

Assumed Flow of 4,700 scfm - Summary of Table 8-2, Page 153 in the MND

- The Keller Canyon Landfill is a growing landfill and LFG generation continues to grow as more refuse is disposed at the site. The LFG flow using EPA LandGem model is expected to exceed 4,700 scfm in the next 10 years.

As Presented in Page 153 of the MND

Table 8-2. Estimated Emissions of Greenhouse Gases

Equipment	Estimated Emissions			
	GHG			
	CO_2e (lb./hr.) (TPY)	CH_4 (lb./hr.) (TPY)	N_2O (lb./hr.) (TPY)	CO_2 (lb./hr.) (TPY)
A-1 Flare	15.862 69,832	0.49 2.13	0.10 0.42	15,820 69,649
A-2 Flare	16,809 73,447	0.52 2.26	0.10 0.44	16,764 73,329
Baseline Total [1]	**32,671** **143,279**	**1.01** **4.39**	**0.20** **0.86**	**32,584** **142,978**
Thermal Oxidizer	16,464 72,111	0.13 0.56	0.03 0.11	16,453 72,065
Enclosed Flare [2,3]	17,355 15,785	0.26 0.24	0.05 0.05	17,334 15,765
Proposed Totals [4]	**33,819** **87,896**	**0.39** **0.80**	**0.08** **0.16**	**33,787** **87,830**
Net Change (TPY) **Net Change (MTPY)**	**-55,383** **-50,257**	**-3.59** **-3.26**	**-0.70** **-0.64**	**-55,148** **-50,044**
Percent Reduction (TPY)	**39%**	**82%**	**81%**	**39%**

Source: Tetra Tech, May 2020

CO_2 – Carbon Dioxide; CH_4 – Methane; N_2O – Nitrous Oxide; CO_2e = Carbon Dioxide equivalent

Lb./hr. – pounds per hour; TPY – tons per year; MTPY – metric tons per year

Global Warming Potential (GWP)/CO_2e are as follows: CH_4 = 25, CO_2 = 1, N_2O = 310

[1] Baseline total flow based on 4,700 standard cubic feet per minute (scfm) of landfill gas (LFG) per size of proposed project of 4,700 scfm. Operations over 8,760 hours in a calendar year.

[2] The enclosed flare would operate on continuous pilot gas (8,760 hours a calendar year) and operate approximately 20 percent of the year on waste gas (1,752 hours a calendar year).

[3] Estimated emissions for enclosed flare based on estimates of high oxygen waste gas (1,752 hours a calendar year) and pilot gas (8,760 hours a calendar year).

[4] Proposed total flow based on 4,700 scfm of LFG for 8,760 hours in a calendar year for the thermal oxidizer.

- Ameresco is building a similar RNG facility in Texas and due to the growing LFG generation rate at Keller, it was decided to build a similar plant based on the same rating of 4,700 scfm at Keller.

Assumed Flow of 2,950 scfm

As part of the project design, Ameresco observed KCL Landfill Gas Flare Flows, and the project baseline was chosen based on these observations in 2019. The assumed baseline flow was used as a design parameter for the process engineering of the RNGPF. When comments were received about overstating the baseline GHG emission reduction and based on flow presented in comments by the BAAQMD, a new assumed baseline flow was chosen based on actual LFG flows at the landfill of 2,950 scfm. The methodology used to generate these two tables on GHG emissions is identical with the only change is the assumed baseline total flow. All other assumptions (i.e., percent of flare operation, annual hours of operation etc.) are unchanged.

Table 8-2A

Table 8-2A provides a comparison of GHGs generated by the baseline and proposed project conditions. Table 8-2A shows that in the first year of operation, the Ameresco RNGPFP is estimated to reduce annual GHG emissions of CO2e by approximately 31,545 metric tons (39 percent compared to baseline), and CO2 by approximately 31,239 metric tons per year, or approximately 38 percent compared to the baseline condition. Emissions of methane (CH4) and nitrous oxides (N2O) would be reduced by approximately 74 percent.

The lower assumed baseline total flow of 2,950 scfm (compared to the higher flow of 4,700 scfm) would reduce the proposed project's overall contribution to achieving GHG reduction targets in the County Clean Air Plan (CAP); however, the reductions achieved by the single proposed project remain high. The project's estimated GHG emissions annual reduction of 31,545 MTCO2e achieves approximately 57 percent of the CAP's Solid Waste GHG reduction target of 55,280 MTCO2e for 2020, and approximately 40 percent of the GHG reduction target of 79,430 MTCO2e for 2035 target.

Similarly, for CH4 and N2O, the net change in metric tons per year decreased slightly compared to the assumed baseline total flow of 4,700 scfm, but the overall percent reduction remained high (74 percent) and nearly equal to the 82 percent and 81 percent, respectively, shown for CH4 and N2O in Table 8-2 in the MND.

For all of the forms of GHG evaluated, none would experience a net increase as a result of assuming a lower flow of 2,950 scfm compared to the 4,700 scfm originally presented in the MND. The updated analysis is consistent with the evidence originally presented in the MND, and confirms the conclusion that the proposed project's impacts on GHG emissions would be less than significant.

Table 8-2A. Estimated Emissions of Greenhouse Gases Based on Flow of 2,950 scfm

Equipment	Estimated Emissions			
	GHG			
	CO_2e (lb./hr.) (TPY)	CH_4 (lb./hr.) (TPY)	N_2O (lb./hr.) (TPY)	CO_2 (lb./hr.) (TPY)
A-1 Flare	9,173 40,382	0.28 1.23	0.06 0.24	9,148 40,276
A-2 Flare	11,356 49,739	0.35 1.52	0.07 0.30	11,326 49,541
Baseline Total [1]	**20,529** **90,121**	**0.63** **2.76**	**0.12** **0.54**	**20,474** **89,817**
Thermal Oxidizer	10,346 45,315	0.13 0.56	0.03 0.11	10,356 45,361
Enclosed Flare [2,3]	10,783 10,028	0.16 0.16	0.03 0.03	10,769 10,014
Proposed Totals [4]	**21,129** **55,342**	**0.29** **0.72**	**0.06** **0.14**	**21,126** **55,376**
Net Change (TPY) **Net Change (MTPY)**	**-34,778** **-31,545**	**-2.03** **-1.84**	**-0.40** **-0.36**	**-34,441** **-31,239**
Percent Reduction (TPY)	**39%**	**74%**	**74%**	**38%**

Source: Tetra Tech, June 10, 2021

CO_2 – Carbon Dioxide; CH_4 – Methane; N_2O – Nitrous Oxide; CO_2e = Carbon Dioxide equivalent

lb./hr. – pounds per hour; TPY – tons per year; MTPY – metric tons per year

Global Warming Potential (GWP)/CO_2e are as follows: CH_4 = 25, CO_2 = 1, N_2O = 310

[1] Baseline total flow based on 2,950 standard cubic feet per minute (scfm) of landfill gas (LFG). Operations over 8,760 hours in a calendar year.

[2] The enclosed flare would operate on continuous pilot gas (8,760 hours a calendar year) and operate approximately 20 percent of the year on waste gas (1,752 hours a calendar year).

[3] Estimated emissions for enclosed flare based on estimates of high oxygen waste gas (1,752 hours a calendar year) and pilot gas (8,760 hours a calendar year).

[4] Proposed total flow based on 2,950 scfm of LFG for 8,760 hours in a calendar year for the thermal oxidizer.

The proposed RNGPFP would result in a net decrease in GHG emissions, and the BAAQMD emission threshold of 10,000 metric tons per year (MT/yr.) of CO2e is would not be exceeded. The proposed project by design, implements local and regional policies for the reduction of GHGs, and therefore, represents a major improvement over current baseline conditions. As a result, there would be a beneficial project impact.

9. Construction Emissions of GHG

Comment: Several comments were received requesting additional information as to how construction emissions were estimated for greenhouse gases (GHG). Specifically requested was the range of construction equipment to be used and clarification of the BAAQMD threshold of significance used for estimating construction-related GHG emissions. The following summary response has been prepared to address these issues.

Response to Comment: The revised Project reduced the overall length of RNG pipeline to be constructed from 18,030 linear feet to 15,050 linear feet. The reduction of pipeline construction has a direct bearing on the estimated total project construction-related emissions of GHG. The Summary Response below adds greater detail to the original analysis presented in the MND, and the emissions estimates reflect the changes in the revised Project.

The California Emissions Estimator Model (CalEEMod) was used to prepare the construction emission estimates for the proposed RNGPF and pipeline. CalEEMod emissions calculations are based on data provided by the applicant for construction equipment, approximate equipment operating hours, and days of operations. It is assumed that all equipment engines will be rated at Tier IV engines per United States Environmental Protection Agency (USEPA) standards. Revised estimates of construction emissions were prepared to reflect the changes to the project construction duration and shorter overall pipeline length, as described in Section III. Revised Project Description of this MND.

For the purposes of the analysis, construction operations are assumed to occur in three phases over an eight (8) to 12 month period (with potentially all phases under construction concurrently) as described below:

- Phase 1 for site grading and fill placement of the RNGPF site
- Phase 2 for construction of the RNG pipeline
- Phase 3 for construction of the RNGPF.

Phase 1 - RNG Processing Facility (RNGPF) Site Grading and Fill Placement (45 days)

- Mass Earthmoving
  - Approximately 89,000 cubic yards (cy).

- Support Equipment
  - Assuming four scrapers Approximately 383 machine hours.
  - Cat D9T (Ripper) operating 70 machine hours.
  - Cat 815 Compactor operating 70 machine hours.
  - Water truck, capacity of 4,000 gallons, operating approximately 70 hours.
  - Cat D6K2 approximately 40 hours.

- Pad Finishing
  - Approximate size of 83,330 square feet, at approximately 1,250 tons base rock.
  - CAT Motor Grader, assumed two days of operation at 16 hours a day.
  - Drum Roller, assumed two days of operation at 16 hours a day.
  - 4,000-gallon water truck, assumed two days of operation at eight hours a day

Phase 2 RNG Pipeline Construction (110 days)

- Dozer, three hours a day.
- Side boom D8 (2), three hours a day
- CAT 315 Excavator, four hours a day.
- CAT 312 Excavator, six hours a day.
- Welding Truck (2), two hours a day.
- Pickup truck (4), three hours a day.
- Six 18-wheeler loads of pipe materials.
- Off-road forklift (2), four hours a day.

RNGPF Construction (76 days)

- Underground work (25 days).
  - Backhoe (2), six hours a day.
  - Welder, four hours.
  - Ride on compactor, two hours a day.
  - Forklift (2), two hours a day.

- Equipment Setting (one day)
  - Concrete delivery trucks (40).
  - Equipment delivery trucks (15).
  - 150-ton crane, four hours a day.
  - 100-ton crane, four hours a day

- Above ground work (50 days).
  - 10-ton boom truck/crane, one hour a day.
  - Pipe welder (2), three hours a day.
  - Forklift, two hours a day.
  - Pick-up trucks (10).

CalEEMod outputs (daily average emissions) were compared with the Bay Area Air Quality Management District (BAAQMD) thresholds as detailed in the California Environmental Quality Act (CEQA) Air Quality Guidelines Document, dated May 2017.

Construction thresholds and CalEEMod results were shown originally in Section 3. Air Quality, 3b., Table 3-4 on page 69 of the MND. As a result of the revised project, Table 3-4 has been updated. The estimated maximum pounds per day for Project Construction have decreased as shown below in Table 3-4 (Revised).

Criteria Pollutants

The estimated average daily construction emissions of the proposed RNGPF are below the construction emission thresholds as required by the BAAQMD CEQA Guidelines. According to the CEQA Guidelines, if emissions are over the threshold, then mitigation measures need to be proposed and if emissions after mitigation measures are still above threshold, emissions are significant and unavoidable. If emissions after mitigation are less than thresholds, then impacts are less than significant with mitigation incorporated. Please see section below regarding mitigation recommendations.

Construction-Related GHG Emissions

As noted under "Construction-Related GHG Emissions" in page 152 of the MND, the BAAQMD CEQA Guidelines currently do not include any significance threshold for construction-related GHG emissions; however, the Guidelines require a quantification of GHG emissions and a determination of whether the Project is consistent with meeting AB 32 GHG reduction goals, including reducing total projected 2020 GHG emissions to 1990 levels. The BAAQMD CEQA Air Quality Guidelines contain Thresholds of Significance for project level operational-related GHG emissions as follows:

- For land use development projects, the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/yr.) of CO2e; or 4.6 MT CO2e/SP/yr. (residents + employees). Land use development projects include residential, commercial, industrial, and public land uses and facilities; and

Table 3-4 (Revised). Construction Thresholds and CalEEMod Results

Pollutant	BAAQMD CEQA Construction Threshold (Average lbs/day)	CalEEMod Results for Project Construction (Maximum lbs./day)
ROG	54	~~1.39~~ **0.87**
NO_X	54	~~26.52~~ **25.75**
$PM_{2.5}$	54 (exhaust)	~~2.29~~ **0.06**
PM_{10}	82 (exhaust)	~~1.17~~ **0.06**
$PM_{10}/PM_{2.5}$	Best Management Practices	N/A
Local CO	None	N/A
GHGs -	None	N/A
Risk and Hazards for new sources and receptors (Cumulative Threshold)*	Compliance with Qualified Community Risk Reduction Plan OR Cancer: > 100 in a million (from all local sources) Non-cancer: > 10.0 Hazard Index (from all local sources) (Chronic) $PM_{2.5}$: > 0.8 µg/m3 annual average (from all local sources) Zone of Influence: 1,000-foot radius from property line of source or receptor	See Section on Risks and Hazards.
Accidental Release of Acutely Hazardous Air Pollutants*	None	N/A
Odors*	None	N/A

CO = carbon monoxide; CO_2e = carbon dioxide equivalent; GHGs = greenhouse gases; lb/day = pounds per day; NO_X = oxides of nitrogen; $PM_{2.5}$= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; ppm = parts per million;

ROG = reactive organic gases; SO_2 = sulfur dioxide; N/A – Not Applicable

*The receptor thresholds were the subject of litigation in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369.

** The BAAQMD recommends that for construction projects that are less than one year duration, Lead Agencies should annualize impacts over the scope of actual days that peak impacts are to occur, rather than the full year.

Source: Tetra Tech, May 2020, Revised May 5, 2021

- For stationary-source projects, the threshold is 10,000 (MT/yr.) of CO2e. Stationary-source projects include land uses that would accommodate processes and equipment that emit GHG emissions and would require an Air District permit to operate.

For purposes of the updated estimates, the project level operational-related GHG emissions threshold of 1,100 metric tons per year was used to compare to updated estimates of GHG emissions for the project.

Updated Estimates of Construction-Related GHG Emissions

Updated estimates of CO2e emissions for the proposed project were calculated in pounds per day using the CalEEMod model in accordance with BAAQMD CEQA Guidelines. The updated estimates reflect the changes in pipeline length described in Section III. Revised Project Description in this Final MND. The pounds per day estimates were then converted to total pounds emitted during the entire construction period, and the equivalent tons and metric tons.

A summary of construction-related GHG emissions by construction phase was originally presented in Section 8. Greenhouse Gases, 8b. page 155, Table 8-3 in the MND. Original Table 8-3 is presented in this Summary Response for continuity.

Table 8-3 (Revised) shows that a total of up to 370 MT of CO2e would be emitted over the entire eight to 12 month construction period. With the revised project, total estimated total emissions of CO2e would decrease from 629 MT to 370 MT, a difference of 259 MT or 41 percent. Total emitted CO2e for Phase 1 Grading would remain about the same; Total emitted CO2e for Phase 2 – Pipeline Construction would be substantially reduced from 228 MT to 113 MT, a difference of 115 MT or 50 percent; Total CO2e during Phase 3 Plant Construction would decrease from 281 MT to 139 MT, a difference of 142 MT or 50 percent.

When updated estimates of construction-related GHG emissions for the project are compared to the BAAQMD threshold of 1,100 metric tons per year of CO2e, the total CO2e emissions from the project is less than 34 percent of this threshold. The proposed project is consistent with meeting AB32 goals and County CAP goals and strategies for GHG reduction as described in Section 8. Greenhouse Gas Emissions, 8a, page 150 in the MND. Based on these considerations, the potential impact of updated construction-related GHG emissions from the proposed project would be less than significant.

As Presented in Page 155 of the MND

Table 8-3. Summary of Construction-Related GHG Emissions (CO2e)

	POUNDS/ DAY CO_2e	POUNDS CO_2e EMITTED ENTIRE CONSTRUCTION	TONS CO_2e	METRIC TONS CO_2e
ALL PHASES	**18,226.292**	**1,386,713.383**	**693.357**	**629.180**

Phase 1 – Grading	Pounds/Day CO_2e	Pounds CO_2e Emitted 45 days Construction	Tons CO_2e	Metric Tons CO_2e
On-Site	2,460.427	110,719.215	55.360	50.236
Off-Site	3,429.777	154,339.952	77.170	70.027
Total	**5,890.204**	**265,059.167**	**132.530**	**120.263**

Phase 2 - Pipeline Construction	Pounds/Day CO_2e	Pounds CO_2e Emitted 120 days Construction	Tons CO_2e	Metric Tons CO_2e
On-Site	3,933.550	472,026.000	236.013	214.168
Off-Site	250.802	30,096.288	15.048	13.655
Total	**4,184.352**	**502,122.288**	**251.061**	**227.823**

Phase 3 - Plant Construction	Pounds/Day CO_2e	Pounds CO_2e Emitted 76 Days Construction	Tons CO_2e	Metric Tons CO_2e
2021 (On-Site & Off-Site)	4,098.665	311,498.517	155.749	141.333
2022 (On-Site & Off-Site)	4,053.071	308,033.411	154.017	139.761
Total	**8,151.736**	**619,531.928**	**309.766**	**281.094**

Source: Tetra Tech, CalEEMOD Results, May 25, 2020

Table 8-3 (Revised). Summary of Construction-Related GHG Emissions (CO2e)

		CO2e EMITTED FOR TOTAL PROJECT - CONSTRUCTION DURATIONS SPECIFIED BELOW		
	POUNDS/ DAY CO_2e	POUNDS CO_2e EMITTED ENTIRE CONSTRUCTION	TONS CO_2e	METRIC TONS CO_2e
ALL PHASES	**16,364.88**	**906,777.59**	**453.39**	**369.58**
Phase 1 – Grading	Pounds/Day CO_2e	Pounds CO_2e Emitted 45 days Construction	Tons CO_2e	Metric Tons CO_2e
On-Site	2,502.49	112,629.20	56.3146	51.079
Off-Site	3,429.78	147,263.57	73.63179	66.7862
Total	**5,932.26**	**259,892.77**	**129.95**	**117.87**
Phase 2 - Pipeline Construction	Pounds/Day CO_2e	Pounds CO_2e Emitted 110 days Construction	Tons CO_2e	Metric Tons CO_2e
On-Site	2030.05	223,343.79	111.6719	101.2897
Off-Site	250.802	25,844.81	12.9224	11.721
Total	**2,280.85**	**249,188.59**	**124.59**	**113.01**
Phase 3 - Plant Construction	Pounds/Day CO_2e	Pounds CO_2e Emitted 76 Days Construction	Tons CO_2e	Metric Tons CO_2e
2021 (On-Site & Off-Site)	4,098.66	91,847.07	45.92354	97.0531
2022 (On-Site & Off-Site)	4,053.10	305,849.16	152.9246	41.654
Total	**8,151.76**	**397,696.23**	**198.85**	**138.71**

Source: Tetra Tech, CalEEMOD Results, May 25, 2020; revised May 6, 2021

10. Cumulative Analysis

Comment: Several comments were received that the MND should have included a more detailed cumulative analysis of the project when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Response to Comment: The discussion of potential cumulative impacts of the proposed project is presented in Section 21, Mandatory Findings of Significance, Item 21b, on page 227 of the MND. The discussion presents the conclusion that the proposed project would have no impacts that are individually limited, but cumulatively considerable. This conclusion is supported by the evidence that the proposed project would have less than significant impact resulting from the construction and operation of the proposed project. The RNG processing facility would be located in an area that is currently in use as the KCL active landfill; the proposed RNG transmission pipeline would be buried underground and constructed in private property of the KCL, or public utility property owned by PG&E. The conclusion is further supported by the fact that there will be no significant on-site or off-site impacts related to land use, biological resources, geology and soils, hydrology and water quality, noise, traffic, and public services.

As discussed in Section 8 (Description of Project), on pages 1 through 3 of the MND, the project has been proposed in accordance with LP89-2020 COA 31.7 (Methane Recovery). Moreover, as discussed in Environmental Checklist Section 8.a, KCL would have a beneficial impact on potential GHG emissions. Thus, the project would have a less than significant impact on cumulative conditions in the County and the local area surrounding KCL, and would have a beneficial effect by reducing air contaminants and potential GHG emissions.

In response to comments on the MND, other factors were considered to provide greater detail to the evaluation of potential cumulative impacts described in the MND. These factors include the following:

- Construction timeframe: the proposed RNGPF project will be constructed and become operational within an eight (8) to 12 month timeframe, commencing in 2021; and;

- Projects in the vicinity of KCL: The County has established a project vicinity radius of 1/4-mile (0.25 mile) for purposes of cumulative analysis of development projects.

Based on the above criteria, no past projects, current projects, or probable future projects are, or would be, located within the 0.25-mile radius criterion established by the County. Additionally, the possible timeframes associated with implementation of probable future projects are unknown. Given the scale and complexity of some probable future projects, their implementation would likely be far into the future when compared to the shorter term construction and operation of the proposed RNGPF project. The proposed RNGPF project will likely precede construction of probable future projects by several years.

The evaluation of probable future projects in the vicinity of KCL (but outside the 0.25-mile radius criterion) does not change the conclusions contained in the MND: there would be no impacts from the proposed project that are individually limited, but cumulatively considerable.

For purposes of this response, one (1) project has been identified for the KCL property and three (3) projects have been identified as being located near the KCL but outside of the 0.25-mile radius. They include:

Keller Canyon Landfill, Amendment of LP89-2020, Subsequent EIR
Jurisdiction: Contra Costa County

This project involves the Keller Canyon Landfill property on which the RNGPFP would be constructed and operated. A Notice of Preparation (NOP) for a Subsequent EIR (SEIR) was issued by Contra Costa County on October 14, 2015. The land use permit amendment would involve increasing the maximum daily tonnage of waste for disposal from 3,500 to 4,900; establishing separate tonnage limits for beneficial reuse materials; increasing daily truck trips from 320 to 395; and redefining the Extent of Disturbance. Since issuance of the NOP in 2015, the preparation of the SEIR has gone into hiatus while the owners of KCL and Contra Costa County resolved other issues related to the long-term operation of KCL. The timeframe for re-starting the CEQA review is unknown. The extent of revisions (if any) to the Project Description contained in the 2015 NOP is unknown. The timeframe for CEQA approval, land use permit amendment, and implementation of new operating parameters at KCL is unknown. Approval of amendment to LP89-2020 is not likely to occur before or during the 8 to 12-month construction duration of the RNGPF, or commencement of RNGPFP operation.

2018 Alves Ranch Project
Jurisdiction: City of Pittsburg

The 2018 Alves Ranch project is proposed for a project site located approximately 1.30 miles (as the crow flies) from the proposed RNGPF site. The project involves development of 356 single-family dwelling units on a 57.81-acre project site located north of West Leland Road and west of the Pittsburg/Bay Point BART Station. The Draft and Final Supplemental EIRs were made available in March 2019 and May 2019, respectively. The timeframe for final project approvals, final design, issuance of permits, and construction of the 2018 Alves Ranch Project is unknown. Implementation of the Alves Ranch Project is not likely to occur before or during the 8 to 12-month construction duration of the RNGPF, or commencement of RNGPFP operation.

Faria/Southwest Hills Annexation Project
Jurisdiction: City of Pittsburg

The Faria/Southwest Hills Annexation Project is proposed for a project site located approximately 1.10 miles from the proposed RNGPF site. The proposed Faria/Southwest Hills Annexation Project involves development of 1,500 single-family dwelling units at buildout on a site of 607 acres. The project site is located southwest of the municipal boundary of the City of Pittsburg, within the Southwest Hills planning subarea of the Pittsburg General Plan. The project will require annexation of the site into the City of Pittsburg City Limits, and the service areas of the Contra Costa Water District and the Delta Diablo Sanitary District. Reclassification and rezoning of the project site will be required along with an approved Master Plan and final Development Agreement. The City prepared a Draft EIR on October 10, 2018; a Partially Recirculated Draft EIR on October 18, 2019; and a Final EIR on July 17, 2020. Full implementation of the Faria/Southwest Hills Annexation Project is not likely to occur until after the 8 to 12-month construction duration of the RNGPF, or commencement of RNGPFP operation.

Stoneman Park Residential Subdivision
Jurisdiction: City of Pittsburg

The Stoneman Park Residential Subdivision is proposed for a project site located approximately 0.62 mile from the proposed RNGPF site. The project site is located at the terminus of John Henry Parkway on a vacant portion of land south of the existing Delta View Golf Course. The proposed Stoneman Park Residential Subdivision involves development of 342 single-family dwelling units and open space on a 203-acre site. The Stoneman Park Residential Subdivision (City Project No. 20-1540) will require a General Plan Amendment, Rezone, and subdivision. The proposed subdivision is contiguous with the north portion of the KCL Special Buffer Area (SBA). The SBA was established by the County Board of Supervisors during the original approval and permitting of the KCL in 1991 and 1992. The SBA was designed to serve as a buffer between landfill operations and surrounding land uses. The proposed Stoneman Park Residential Subdivision may include residential lots that share a common property boundary with KCL property, as shown in the Stoneman Park Vesting Tentative Map, Subdivision 9463, dated October 9, 2020. The planning process for the Stoneman Park Residential Subdivision is in its early phases. Full implementation of the Stoneman Park Residential Subdivision is not likely to occur until after the 8 to 12-month construction duration of the RNGPF, or commencement of RNGPFP operation.

PROJECT TITLE	PROPOSAL	STATUS AS OF JUNE 2021	LOCATION	DISTANCE FROM RNGPF [1]	TIMEFRAME FOR IMPLEMENTATION [2]
Keller Canyon Landfill Amendment of LP89-2020 CEQA State Clearinghouse No. 1989040415	1. Increase maximum daily tonnage to 4,900 2. Establish separate tonnage limits for beneficial reuse materials 3. Increase maximum daily truck trips to 395 4. Redefine Extent of Disturbance	Subsequent EIR in Hiatus. Notice of Preparation issued 10-14-2015. Proposed amendments are under internal review by KCL operator.	901 Bailey Road Pittsburg, CA	0.00 mile	Unknown. New Project Description to be defined; CEQA review to be prepared; project approvals and permits to be obtained.
2018 Alves Ranch Project [3] CEQA State Clearinghouse No. 2004012097	1. Amendment of General Plan and re-zoning 2. Development of 356 single-family dwelling units on a 57.81-acre project site	Under consideration by the City of Pittsburg	North of West Leland Road between Bailey Road and	1.30 miles	Unknown – the 2018 Alves Ranch Project will likely be implemented several years after the RNGPFP becomes operational
Faria/Southwest Hills Annexation Project [4] CEQA State Clearinghouse No.2017032027	1. Annexation into the City of Pittsburg and rezoning 2. General Plan Amendment 3. Buildout of 1,500 single-family dwelling units	Under consideration by the City of Pittsburg	607-acre area southwest of Pittsburg city limit in the Southwest Hills planning subarea	1.10 miles	Unknown – the 2018 Faria/Southwest Hills Project will likely be implemented several years after the RNGPFP becomes operational
Stoneman Park Residential Subdivision [5] CEQA State Clearinghouse No. Not Applicable	1. General Plan Amendment; Rezone; and Subdivision 2. 342 single-family dwelling units and open space on 203-acre site	Project Referral and Request for Comments/Conditions issued by City of Pittsburg Planning Staff to city departments on 12-10-2020	Terminus of John Henry Johnson Parkway, south of existing Delta View Golf Course. North of, and adjacent to, KCL Special Buffer Area	0.62 mile	Unknown – the Stoneman Park Subdivision Project will likely be implemented several years after the RNGPFP becomes operational

Notes:

1. Distance "as the crow flies" estimated using Google Earth, from the site of the proposed RNG Processing Facility to the closest point of subject property
2. Timeframe for implementation estimated based on available information
3. 2018 Alves Ranch Project information obtained from City of Pittsburg website: http://www.ci.pittsburg.ca.us/index.aspx?page=1022
4. Faria/Southwest Hills Annexation Project information obtained from City of Pittsburg website: http://www.ci.pittsburg.ca.us/index.aspx?page=945
5. Stoneman Park Development project information obtained from City of Pittsburg Email Project Referral & Request for Comments/Conditions (1st Round), December 10, 2020

11. Environmental Checklist Section 1 - Aesthetics

Comment: Comments were received on the lack of clarity of some of the visual simulations and the effects on views and visibility and the number of redwood trees that would be planted as part of the applicant–proposed control measure.

Response to Comment: Following are responses to comments on (A) the clarity of visual simulations, and (B) the applicant control measure for tree planting.

A. *Clarity of Visual Simulations*: Some comments were received indicating the lack of clarity of the visual simulations presented in Section 1. Aesthetics of the Environmental Checklist in the MND. To address this comment, high resolution close-up views (cropped) images are presented in this Summary Response section to enhance the depiction of the visual environment before and after the project is built. The enhanced images and the pages in which they were originally presented in the MND, include the following:

- Figure 1-3, on page 53 of the MND, Cropped – Existing view from Vantage Point 3 Santa Maria Drive at Keller Canyon Landfill property gate.
- Figure 1-4, on page 54 of the MND, Cropped – Simulation of view from Vantage Point 3 of the RNG Processing Facility located on project site;
- Figure 1-5, on page 55 of the MND, Cropped – Simulation of view from Vantage Point 3 of planted trees to visually screen project site from gate at Santa Maria Drive;
- Figure 1-6, on page 56 of the MND, Cropped – Existing bird's-eye aerial view of project site from Vantage Point #4; and
- Figure 1-7, on page 57 of the MND, Cropped – Simulation of bird's-eye aerial view of RNG processing equipment from Vantage Point #4.

Review of the cropped images supports the conclusions in the MND that impacts to aesthetics from the proposed project would be less than significant from Vantage Point 3 (Santa Maria Drive) and Vantage Point 4 (Bird's-eye aerial view from the west). Summary response regarding the control measure requiring tree planting near Santa Maria Drive is presented below.

B. *Applicant Control Measure #2 for Tree Planting*, on page 46 of the MND has been clarified, with deleted text shown with strikethrough text and new text is indicated by double underlined text.

2. Although the project would not be visible from the Santa Maria Drive roadway or sidewalk, this tree planting control measure will further reduce the potential for significant impacts. The applicant shall plant coast redwoods (Sequoia sempervirens) on the KCL property to screen the view from residences located to the north, subject to review and approval by the DCD. The applicant shall coordinate with a landscape designer specializing in visual screening. Minimum height of the planted redwoods shall be 10 feet to 12 feet, at a tree spacing of 15 feet to 25 feet on-center, with 13 to 21 trees, with final number ~~in numbers~~ and locations to be determined.

The existing area proposed for tree planting is shown on the cropped Figure 1-3 above. Cropped Figure 1-4 above shows that the RNGPF may be visible from Vantage Point 3 near Santa Maria Drive. The simulation of the tree planting control measure shown on cropped Figure 1-5 is designed to shield the view of the project from the landfill side of the property fence. The planting area covers about 7,100 square feet, and borders the existing landfill dirt road for about 320 linear feet.

As described in clarified control measure #2 above and in page 46 of the MND, the exact placement of trees, and final mix of tree species will be coordinated with the on-going tree planting effort in the Visual Impacts Mitigation Plan in effect for the Keller Canyon Landfill. This plan involves the planting of Coast redwood trees (Sequoia sempervirens) and Coast Live Oak (Quercus agrifolia). The visual simulation in cropped Figure 1-4 in this Summary Responses section depicts the tree planting control measure that includes a minimum of 13 redwood trees.

Figure 1-3, Cropped – Existing view from Vantage Point 3 Santa Maria Drive at Keller Canyon Landfill property near property gate

Source: Ameresco Keller Canyon, June 2021

Figure 1-4, Cropped – Simulation of view from Vantage Point 3 of the RNG Processing Facility located on project site

Source: Ameresco Keller Canyon, June 2021

Figure 1-5, Cropped – Simulation of view from Vantage Point 3 of planted trees to visually screen project site from gate at Santa Maria Drive

Source: Ameresco Keller Canyon, June 2021

Figure 1-6, Cropped – Existing bird's-eye aerial view of project site from Vantage Point #4

Source: Ameresco Keller Canyon, June 2021

Figure 1-7, Cropped – Simulation of bird's-eye aerial view of RNG processing equipment from Vantage Point #4

Source: Ameresco Keller Canyon, June 2021

12. Environmental Checklist Section 4 – Biological Resources

Comment: Comments were received on the lack of clarity of some of the proposed mitigation measures for potential impacts to biological resources.

Response to Comment: In response to comments received on the MND, the following clarifications have been added to project mitigation measures for potential impacts to biological resources. Clarifying text is indicated by double underlined text.

Mitigation Measure Biology 3, on page 90 of the MND, has been clarified that the qualified biologist has stop work authority to ensure that no direct effects to golden eagles occur.

> Biology 3: Construction Monitoring: Construction monitoring shall focus on ensuring that no covered activities occur within the buffer zone established around an active nest. These measures will include consultation with USFWS and CDFW if an active nest is identified, monitoring conducted by a qualified biologist with stop work authority Although no known golden eagle nest sites occur within or near the Urban Limit Line (ULL), covered activities inside and outside of the HCP Preserve System designated in the HCP/NCCP have the potential to disturb golden eagle nest sites. The majority of the project activities fall outside of the ULL. Construction monitoring shall ensure that direct effects to golden eagles are minimized through direct consultation with USFWS and CDFW on appropriate buffer zones and construction monitoring requirements, a qualified biologist will monitor all activities to ensure the buffer zone is maintained and the qualified biologist shall have stop work authority. All buffers shall be shown on all sets of construction drawings.

Mitigation Measure Biology 6, on pages 92 through 94 of the MND, has been clarified that the qualified biologist has stop work authority.

> Biology 6: Construction Monitoring: If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones shall be circular, with a radius measured outward from the den entrance(s). No covered activities shall occur within the exclusion zones. A qualified biologist shall monitor all activities to ensure exclusion zones are maintained and the qualified biologist shall have stop work authority. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox. All exclusion zones shall be shown on all sets of construction drawings

Mitigation Measure Biology 7 on page 94 of the MND, states preconstruction surveys shall be submitted to the CDD, ECCCHC and CDFW. If occupied habitat is present, consultation with CDFW will result as part of the submittal of the surveys to CDFW and compensatory mitigation, if necessary, will be determined as part of that consultation. Mitigation Measure Biology 7 has been clarified to include these additions.

> Biology 7: Preconstruction Surveys: If the project does not avoid impacts to suitable habitat for special status bats, a preconstruction survey shall be required to determine whether the sites are occupied immediately prior to construction or whether they show signs of recent previous occupation. Preconstruction surveys are used to determine what avoidance and minimization requirements are triggered before construction and whether construction monitoring is necessary. Copies of the preconstruction surveys shall be submitted to the CDD, the ECCCHC, and CDFW. If occupied habitat is determined present and cannot be avoided, consultation with CDFW shall occur in order to determine the appropriate plan for eviction and compensatory mitigation.

Mitigation Measure Biology 9 on page 95 of the MND, requires avoidance of rock outcrops and associated California match weed patches will be monitored and reported as part of the biological monitoring associated with the project. Mitigation Measure Biology 9 has been clarified to ensure these protections for California match weed patches.

> Biology 9: Develop Temporary Restoration Plan. Prior to the issuance of grading or building permits, whichever occurs first, the applicant shall develop a Temporary Restoration Plan to ensure the site is restored to pre-project conditions. This may include measures such as topsoil preservation per station segments and reseeding with native seed mixes. The Temporary Restoration Plan will include updated mapping of current Sensitive Natural Communities, monitoring of topsoil preservation in areas that are directly impacted (California buckeye groves and Gum Plant patches) and monitoring and reporting of SNCs that are to be avoided (rock outcrops and associated California match weed patches). The Temporary Restoration Plan shall be submitted to the CDD and the ECCCHC for review and approval.

V. COMMENTS AND RESPONSES TO COMMENTS

The comments and responses to comments in this Section are organized by letter. The comments within each letter and email have been numbered. Following each comment letter, responses to each comment are provided.

As discussed in Section III, Revised Project Description, the proposed Ameresco RNGPFP has been revised in response to written comments received on the draft MND regarding potential project effects. The revisions include changes to three segments of the RNG pipeline system. As a result of the project revisions, several comments related to potential significant impacts no longer apply and are so noted in the responses.

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October 19, 2020

VIA EMAIL & U.S. MAIL

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VIA EMAIL ONLY

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Re: Requests for Immediate Access to Documents Referenced in the Mitigated Negative Declaration and Public Records - Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project, LP18-2022 (SCH 2020100267)

Dear Mr. Kopchik, Ms. Napier and Mr. Muraoka:

We are writing on behalf of California Unions for Reliable Energy ("CURE") to request ***immediate access*** to any and all documents referenced or incorporated by reference in the Mitigated Negative Declaration ("MND") for the Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project ("Project") proposed by Ameresco Keller Canyon RNG LLC ("Applicant"). Our request for all documents referenced or incorporated by reference in the MND is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced in an environmental review document be made available to the public for the entire comment period.[1]

[1] *See* Pub. Resources Code, § 21092, subd. (b)(1); 14 Cal. Code Regs. § 15072(g)(4).

The proposed Project is a renewable natural gas (RND) processing facility and pipeline that includes construction and operation of a new RNG processing facility and an underground transmission pipeline. The project is located at Keller Canyon Landfill, 901 Bailey Road, Pittsburg, CA 94565.

1-1

We are also writing to request ***separately***, pursuant to the California Public Records Act[2], immediate access to all public records referring or related to the Project. This request includes, but is not limited to, any and all correspondence, including electronic mail messages, staff reports, resolutions, memoranda, notes and analyses and public and agency comments. We would appreciate it if the County could prioritize and segregate our request for the documents referenced in the MND and get those to us first, since the period for providing comments has already begun.

We request ***immediate access*** to review the above documents pursuant to section 6253(a) of the Public Records Act, which requires public records to be "open to inspection at all times during the office hours of the state or local agency" and provides that "every person has a right to inspect any public record." Gov. Code § 6253(a). Therefore, the ten-day response period applicable to a "request for a copy of records" under Section 6253(c) does not apply to this request.

We will pay for any direct costs of duplication associated with filling this request up to $200. However, please contact me at (650) 589-1660 with a cost estimate before copying/scanning the materials.

Pursuant to Government Code Section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into sections of 10 MB or less), please email them to me as attachments.

Please send the above requested items to our South San Francisco Office as follows:

U.S. Mail
Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

[2] Gov. Code § 6253(a) and §§ 6250 et seq.

Email
pencinas@adamsbroadwell.com

Please call me at (650) 589-1660 if you have any questions. Thank you for your assistance with this matter.

Sincerely,

Paul Encinas
Legal Assistant

PAE:pae

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August 5, 2020

Via Email and U.S. Mail

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Re: Public Records Act Request - All Documents Related to the Ameresco Keller Canyon Project in Pittsburg

Dear Mr. Kopchik and Ms. Napier:

We are writing on behalf of California Unions for Reliable Energy ("CURE") to request to any and all public records referring or related to Ameresco Keller Canyon ("Project"), proposed by Applicant Tetra Tech. This request includes, but is not limited to, any and all materials, applications, correspondence, electronic mail messages, resolutions, memos, notes, analysis, files, maps, charts, and/or any other documents related to the Project. The Project is a high British Thermal Unit Renewable Natural Gas ("RNG") plant facility. The Project and associated support equipment will be constructed at and utilize the landfill gas ("LFG") from the Keller Canyon Landfill ("Landfill"). The Project will refine LFG, routed from the Landfill to produce a pipeline-quality gas known as RNG which will contain greater than 94 percent methane. The Project will be a separate entity from the Landfill and the existing Ameresco Landfill Gas to Energy Facility located at 901 Bailey Road, Pittsburg, CA 94565.

This request is made pursuant to the California Public Records Act. (Government Code §§ 6250, et seq.) This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b)

provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

We will pay for any direct costs of duplication associated with filling this request up to $200. However, please contact me at (650) 589-1660 with a cost estimate before copying/scanning the materials.

Pursuant to Government Code Section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into sections of 10 MB or less), please email them to me as attachments.

My contact information is:

U.S. Mail
Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email
pencinas@adamsbroadwell.com

Please call me if you have any questions. Thank you for your assistance with this matter.

Sincerely,

Paul Encinas
Legal Assistant

PAE:pae

4906-003pae

ADAMS BROADWELL JOSEPH & CARDOZO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037
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SACRAMENTO OFFICE
520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721
TEL: (916) 444-6201
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DANIEL L. CARDOZO
CHRISTINA M. CARO
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ANDREW J. GRAF
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KENDRA D. HARTMANN*
KYLE C. JONES
RACHAEL E. KOSS
NIRIT LOTAN
WILLIAM C. MUMBY

MARC D. JOSEPH
Of Counsel

**Admitted in Colorado*

October 26, 2020

Via Email and U.S. Mail

Lawrence Huang
Public Records Coordinator
East Contra Costa County Habitat Conservancy
c/o Contra Costa County Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Email: Lawrence.Huang@dcd.cccounty.us

Re: Public Records Act Request - All Documents Related to the Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project

Dear Mr. Huang:

We are writing on behalf of California Unions for Reliable Energy ("CURE") to request access to any and all public records referring or related to Ameresco Keller Canyon RNG Processing Facility and Pipeline Project ("Project"), proposed by Ameresco Keller Canyon RNG LLC, ***since the date of our last request on August 5, 2020.*** This request includes, but is not limited to, any and all materials, applications, correspondence, electronic mail messages, resolutions, memos, notes, analysis, files, maps, charts, and/or any other documents related to the Project. The proposed Project is a renewable natural gas (RNG) processing facility and pipeline that includes construction and operation of a new RNG processing facility and an underground transmission pipeline. The project is located at Keller Canyon Landfill, 901 Bailey Road, Pittsburg, CA 94565.

This request is made pursuant to the California Public Records Act. (Government Code §§ 6250, et seq.) This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to

provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

We will pay for any direct costs of duplication associated with filling this request up to $200. However, please contact me at (650) 589-1660 with a cost estimate before copying/scanning the materials.

Pursuant to Government Code Section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into sections of 10 MB or less), please email them to me as attachments.

My contact information is:

U.S. Mail
Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email
pencinas@adamsbroadwell.com

Please call me if you have any questions. Thank you for your assistance with this matter.

Sincerely,

Paul Encinas
Legal Assistant

PAE:pae

4906-015pae

1. Letters 1, 1a, 1b: Adams Broadwell Joseph & Cardozo

Response to Comment 1-1: There were three (3) separate letters received from the commenter, one of which preceded the public review period of the draft MND. The first letter included a request for immediate access to review all public records referring or related to the project pursuant to section 6253(a) of the Public Records Act (PRA). The subsequent letters designated 1a and 1b reiterated the request. DCD subsequently provided relevant documents as required under the PRA.

Pacific Gas and Electric Company

Plan Review Team
Land Management

PGEPlanReview@pge.com

6111 Bollinger Canyon Road 3370A
San Ramon, CA 94583

2

October 21, 2020

Stan Muraoka
Contra Costa County
Dept of Conservation & Development
30 Muir Road
Martinez, CA 94553

Ref: Gas and Electric Transmission and Distribution

Dear Stan Muraoka,

Thank you for submitting the 901 Bailey Rd plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

2-1 Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

2-2 1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.

2-3 2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

2-4 3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

2-5 Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [24/2 + 24 + 36/2 = 54] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING."**

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

2. Letter 2: Pacific Gas and Electric Company (PG&E)

Response to Comment 2-1: Comment noted. The project applicant acknowledges receipt and review of Attachment 1 (Gas Facilities) and Attachment 2 (Electric Facilities).

Response to Comment 2-2: Comment noted. The project applicant will fully participate in the application process with PG&E.

Response to Comment 2-3: The project as proposed and evaluated in the MND includes the entire scope of the project. Since publication of the draft MND, the portion of the project to be located in PG&E property has been revised. Please see Section III. Revised Project Description of this Final MND. Future design work in PG&E property or for connection to new or rearranged PG&E facilities will be coordinated with PG&E as required.

Response to Comment 2-4: Comment noted.

Response to Comment 2-5: Comment noted. The project proponent will submit filing(s) with the California Public Utility Commission (CPUC) as required.

RE: LP18-2022 Notice of Opportunity to Request Consultation

3

Tuesday, October 27, 2020 11:27 AM

Subject	**RE: LP18-2022 Notice of Opportunity to Request Consultation**
From	Cultural Resource Department Inbox
To	Stanley Muraoka
Cc	Cultural Resource Department Inbox
Sent	Tuesday, October 27, 2020 10:20 AM
Attachments	1_Mitigation_Measur... 2_Mitigation_Measur... 3_Mitigation_Measur... 4_Mitigation_Measur...

Good morning,

This letter is notice that Wilton Rancheria would like to initiate consultation under AB 52.

3-1

We would like to discuss the topics listed in Cal. Public Resources Code section 21080.3.2(a), including the type of environmental review to be conducted for the project; project alternatives; the project's significant effects; and mitigation measures for any direct, indirect, or cumulative impacts the project may cause to tribal cultural resources. As consultation progresses, we may also wish to discuss design options that would avoid impacts to tribal cultural resources; the scope of any environmental document that is prepared for the project; pre-project surveys; and tribal cultural resource identification, significance evaluations and culturally-appropriate treatment.

3-2

This letter is also a formal request to allow Wilton Rancheria tribal representatives to observe and participate in all cultural resource surveys, including initial pedestrian surveys for the project. Please send us all existing cultural resource assessments, as well as requests for, and the results of, any records searches that may have been conducted prior to our first consultation meeting. If tribal cultural resources are identified within the project area, it is Wilton Rancheria's policy that tribal monitors must be present for all ground disturbing activities. Finally, please be advised that our preference is to

3-2

preserve tribal cultural resources in place and avoid them whenever possible. Subsurface testing and data recovery must not occur without first consulting with Wilton Rancheria and receiving Wilton Rancheria 's written consent.

In the letter Stanley Muraoka is identified as the lead contact person for consultation on the proposed project. Mariah Mayberry will be Wilton Rancheria's point of contact for this consultation. Please contact Mariah by phone (916) 683-6000 ext. 2023 or email at mmayberry@wiltonrancheria-nsn.gov to begin the consultation process.

Thank you for involving Wilton Rancheria in the planning process at an early stage. We ask that you make this letter a part of the project record and we look forward to working with you to ensure that tribal cultural resources are protected.

Sincerely,

Mariah Mayberry
Wilton Rancheria
Tel: 916.683.6000 ext 2023 | Fax: 916.683.6015
9728 Kent Street | Elk Grove | CA | 95624
mmayberry@wiltonrancheria-nsn.gov
wiltonrancheria-nsn.gov

From: Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>
Sent: Wednesday, October 7, 2020 10:48 AM
To: Ralph T. Hatch <rhatch@wiltonrancheria-nsn.gov>; Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>; Antonio Ruiz <aruiz@wiltonrancheria-nsn.gov>
Subject: LP18-2022 Notice of Opportunity to Request Consultation

Attached is a Notice of Opportunity to Request Consultation for Land Use Permit application LP18-2022, for a proposed a Renewable Natural Gas Processing Facility and Pipeline project (RNGPFP). The subject property is a portion of the Keller Canyon Landfill, 901 Bailey Road, Pittsburg, CA 94565 in the Pittsburg area in unincorporated Contra Costa County and a portion of the PG&E property east of, and contiguous to, Keller Canyon Landfill. (Assessor's Parcel Numbers 094-360-008, -019, -020, -022; 094-080-012; 094-090-002; 094-160-004, -005, -006). The applicant, Ameresco Keller Canyon RNG LLC is proposing a renewable natural gas (RNG) processing facility and an underground RNG transmission pipeline. The original letter is being sent to Mr. Hatch via USPS.

Due to the shelter in place order and subsequent orders issued by the County Health Officer (Order), all offices of the Department of Conservation and Development are closed to the

public until further notice. We continue to work to operate County programs and provide public services to the best of our ability within the constraints of the Order and while deploying staff to support the County's emergency operations. Please click here for a current summary of our Department's modified operations.

Stan Muraoka, AICP
Principal Planner
Contra Costa County Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone: 925-674-7781
Email: stanley,muraoka@dcd.cccounty,us

Tribal Cultural Resource Avoidance Mitigation Measure

Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.

- If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area”. Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating* and *Documenting Rural Historic Landscapes*), Bulletin 36 (*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and

permanent forms of protective fencing will be determined in consultation with Native American rrepresentatives from interested Native American Tribes.

Native American Monitoring Mitigation Measure

To minimize the potential for destruction of or damage to existing or previously undiscovered burials, archaeological and tribal cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, THE PROJECT PROPONENT and its construction contractor(s) will implement the following measures:

- Paid Native American monitors from culturally affiliated Native American Tribes will be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American representatives from cultural affiliated Native American Tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.

- Native American representatives and Native American monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted or slowed if such sites or objects are identified within the direct impact area. Only a Native American representative can recommend appropriate treatment of such sites or objects.

- If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone, are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a archaeologist who meets the Secretary of the Interior's qualification standards can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the Caltrans, the SHPO, and other appropriate agencies. Appropriate treatment measures may include development of avoidance or protection methods, archaeological excavations to recover important information about the resource, research, or other actions determined during consultation.

- In accordance with the California Health and Safety Code, if human remains are uncovered during ground disturbing activities, the construction contractor or the County, or both, shall immediately halt potentially damaging excavation in the area of the burial and notify the County coroner and a qualified professional archaeologist to determine the nature of the remains. The coroner shall examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, in accordance with Section 7050(b) of the Health and Safety Code. If the coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). After the coroner's findings are presented, the County, the archaeologist, and the NAHC-designated Most Likely Descendant (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

Inadvertent Discoveries Mitigation Measures

Develop a standard operating procedure, points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed.

If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with Wilton Rancheria regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

Tribal Cultural Resource – Awareness Training - Mitigation Measure

A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program 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 archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

LP18-2022

3 a

Tuesday, November 24, 2020 1:51 PM

Subject	**LP18-2022**
From	Cultural Resource Department Inbox
To	Stanley Muraoka
Cc	Cultural Resource Department Inbox
Sent	Friday, November 20, 2020 1:12 PM

Good afternoon Stanley,

Thank you for sending over the request to consult. It does show in my records we sent a request for consultation back in October of 2020. We would like to initiate consultation and request Tribal Monitoring during any ground disturbance.

Thank you

Mariah Mayberry
Wilton Rancheria
Tel: 916.683.6000 ext 2023 | Fax: 916.683.6015
9728 Kent Street | Elk Grove | CA | 95624
mmayberry@wiltonrancheria-nsn.gov
wiltonrancheria-nsn.gov

RE: LP18-2022 Notice of Opportunity to Request Consultation

3 b

Wednesday, December 2, 2020 4:08 PM

Subject	**RE: LP18-2022 Notice of Opportunity to Request Consultation**
From	Cultural Resource Department Inbox
To	Stanley Muraoka; Cultural Resource Department Inbox
Sent	Tuesday, December 1, 2020 11:15 AM

Hi Stanley,

I do not believe we have a drop box for the attachments. Let me reach out to my IT and see if we can get something set up.

Mariah Mayberry
Wilton Rancheria
Tel: 916.683.6000 ext 2023 | Fax: 916.683.6015
9728 Kent Street | Elk Grove | CA | 95624
mmayberry@wiltonrancheria-nsn.gov
wiltonrancheria-nsn.gov

From: Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>
Sent: Tuesday, November 24, 2020 1:48 PM
To: Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>
Subject: RE: LP18-2022 Notice of Opportunity to Request Consultation

RE: LP18-2022 Notice of Opportunity to Request Consultation

Tuesday, October 27, 2020
12:46 PM

Subject	**RE: LP18-2022 Notice of Opportunity to Request Consultation**
From	Stanley Muraoka
To	mmayberry@wiltonrancheria-nsn.gov
Cc	Cultural Resource Department Inbox; David Brockbank
Sent	Tuesday, October 27, 2020 12:43 PM

Hi Mariah:

I am acknowledging receipt of your email below regarding initiating consultation. The Mitigated Negative Declaration (MND) for the proposed Ameresco Renewable Natural Gas Processing Facility and Pipeline Project can be downloaded from the Department website at https://www.contracosta.ca.gov/4841/Public-Input. Another document that would be useful for you to review is the Phase I Cultural Resources Assessment prepared by FirstCarbon Solutions for the proposed project. Unfortunately, each document is too large to send as an attachment. I tried twice earlier today and your email server (postmaster@wiltonrancheria-nsn.gov) could not handle either the MND or the Phase I Assessment. If Wilton Rancheria has a dropbox, I could upload the documents in it for you. I can also mail you printed copies.

It would be appropriate to have either a conference call or a virtual meeting on the proposed project after you have had the opportunity to review the documents. Also, It would be useful to have the project applicant included in the call/meeting, as they will be able to provide additional information on the proposed project and the site. I will be available for a meeting on November 2 -4, November 9-10, and November 16 – 19. Let me know if there is a time that works for you on any of those dates.

Stan Muraoka, AICP
Principal Planner
Contra Costa County Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone: 925-674-7781
Email: stanley,muraoka@dcd.cccounty,us

From: Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>
Sent: Tuesday, October 27, 2020 10:21 AM
To: Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>
Cc: Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>
Subject: RE: LP18-2022 Notice of Opportunity to Request Consultation

Good morning,

This letter is notice that Wilton Rancheria would like to initiate consultation under AB 52.

We would like to discuss the topics listed in Cal. Public Resources Code section 21080.3.2(a), including the type of environmental review to be conducted for the project; project alternatives; the project's significant effects; and mitigation measures for any direct, indirect, or cumulative impacts the project may cause to tribal cultural resources. As consultation progresses, we may also wish to discuss design

options that would avoid impacts to tribal cultural resources; the scope of any environmental document that is prepared for the project; pre-project surveys; and tribal cultural resource identification, significance evaluations and culturally-appropriate treatment.

This letter is also a formal request to allow Wilton Rancheria tribal representatives to observe and participate in all cultural resource surveys, including initial pedestrian surveys for the project. Please send us all existing cultural resource assessments, as well as requests for, and the results of, any records searches that may have been conducted prior to our first consultation meeting. If tribal cultural resources are identified within the project area, it is Wilton Rancheria's policy that tribal monitors must be present for all ground disturbing activities. Finally, please be advised that our preference is to preserve tribal cultural resources in place and avoid them whenever possible. Subsurface testing and data recovery must not occur without first consulting with Wilton Rancheria and receiving Wilton Rancheria 's written consent.

In the letter Stanley Muraoka is identified as the lead contact person for consultation on the proposed project. Mariah Mayberry will be Wilton Rancheria's point of contact for this consultation. Please contact Mariah by phone (916) 683-6000 ext. 2023 or email at mmayberry@wiltonrancheria-nsn.gov to begin the consultation process.

Thank you for involving Wilton Rancheria in the planning process at an early stage. We ask that you make this letter a part of the project record and we look forward to working with you to ensure that tribal cultural resources are protected.

Sincerely,

Mariah Mayberry
Wilton Rancheria
Tel: 916.683.6000 ext 2023 | Fax: 916.683.6015
9728 Kent Street | Elk Grove | CA | 95624
mmayberry@wiltonrancheria-nsn.gov
wiltonrancheria-nsn.gov

From: Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>
Sent: Wednesday, October 7, 2020 10:48 AM
To: Ralph T. Hatch <rhatch@wiltonrancheria-nsn.gov>; Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>; Antonio Ruiz <aruiz@wiltonrancheria-nsn.gov>
Subject: LP18-2022 Notice of Opportunity to Request Consultation

Attached is a Notice of Opportunity to Request Consultation for Land Use Permit application

LP18-2022, for a proposed a Renewable Natural Gas Processing Facility and Pipeline project (RNGPFP). The subject property is a portion of the Keller Canyon Landfill, 901 Bailey Road, Pittsburg, CA 94565 in the Pittsburg area in unincorporated Contra Costa County and a portion of the PG&E property east of, and contiguous to, Keller Canyon Landfill. (Assessor's Parcel Numbers 094-360-008, -019, -020, -022; 094-080-012; 094-090-002; 094-160-004, -005, -006). The applicant, Ameresco Keller Canyon RNG LLC is proposing a renewable natural gas (RNG) processing facility and an underground RNG transmission pipeline. The original letter is being sent to Mr. Hatch via USPS.

Due to the shelter in place order and subsequent orders issued by the County Health Officer (Order), all offices of the Department of Conservation and Development are closed to the public until further notice. We continue to work to operate County programs and provide public services to the best of our ability within the constraints of the Order and while deploying staff to support the County's emergency operations. Please click here for a current summary of our Department's modified operations.

Stan Muraoka, AICP
Principal Planner
Contra Costa County Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone: 925-674-7781
Email: stanley,muraoka@dcd.cccounty,us

3. Emails 3, 3a, 3b: Wilton Rancheria

Response to Comment 3-1: 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 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.

Response to Comment 3-2: As the commenter requested in the Comment, DCD staff has made the draft MND and the April 2020 Phase I Cultural Resources Assessment available to the Wilton Rancheria. The October 27, 2020 email from the Wilton Rancheria included a request for observation and participation in any cultural resource surveys. As discussed in the Phase I Cultural Resources Assessment, information on cultural resources in the project area was obtained from the Native American Heritage Commission in November 2018, and letters were sent to Native American tribes, including the Wilton Rancheria, requesting information in December 2018 and on March 18, 2020. No responses to these letters have been received to date.

The Wilton Rancheria has not submitted any comments on the draft MND, and has not raised any issues with the adequacy of the MND in evaluating tribal cultural resources. As stated in the draft MND:

> *Previously, the Wilton Rancheria had requested consultation in response to a consultation notice for a different project that led to a meeting between staff and a representative of the Wilton Rancheria. At that meeting, a tentative agreement was reached between staff and the Wilton Rancheria that the Native American tribe will be notified of any discovery of cultural resources or human remains on the site. Subsequently, the Native American Heritage Commission (NAHC) requested that pursuant to State law, the NAHC shall be notified of any*

discovery of human remains rather than the Native American tribe. Mitigation Measures Cultural Resources 1 and Cultural Resources 2 in Section 5 (Cultural Resources) of this Environmental Checklist provide for notice to the Wilton Rancheria of any discovery of cultural resources and notice to the NAHC of any discovery of human remains on the site. Any future construction activity on the project site would be subject to Mitigation Measures Cultural Resources 1 and Cultural Resources 2.

Mitigation measures Cultural Resources 1 and Cultural Resources 2 will become Conditions of Approval of the Ameresco RNGPFP if the project is approved.

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

JARED BLUMENFELD SECRETARY FOR ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hard copy to follow

November 2, 2020

Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Stanley Muraoka, Stanley.muraoka@dcd.cccounty.us

Subject: Comments on Proposed Mitigated Negative Declaration/Initial Study for **Land Use Permit LP18-2022, Ameresco Keller Canyon RNG LLC Proposed Renewable Natural Gas Processing Facility and Pipeline Project**, Contra Costa County

Dear Mr. Muraoka:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff have reviewed the proposed adoption of the Mitigated Negative Declaration/Initial Study (IS/MND) for the *Land Use Permit LP18-2022, Ameresco Keller Canyon RNG LLC Proposed Renewable Natural Gas Processing Facility and Pipeline Project* (Project).

The proposed Project would construct and operate a renewable natural gas processing facility and underground transmission pipeline. The footprint of the new facility processing equipment would cover an area of approximately 48,000 square feet (SF) on a new level pad of approximately 84,000 SF (1.9 acres). The new pipeline would carry the gas from the new facility to a connection with the PG&E natural gas transmission pipeline network northeast of the site. The proposed four-inch steel-wrapped pipeline would be buried underground along approximately 18,030 feet in plan, or about 3.4 miles. The pipeline route passes through the hills and open space area north, and northeast of the Keller Canyon Landfill.

4-1 As a responsible agency under CEQA, we offer the following comments on the IS/MND. These comments are intended to support evaluation of the Project's potential significant environmental impacts and the Water Board's future review of applications to authorize project construction. The Project will require Clean Water Act (CWA) section 401 water quality certification (WQC) and waste discharge requirements (WDRs) from the Water Board because according to the IS/MND, it will require placement of permanent fill or work within jurisdictional wetlands and other waters of the U.S. and the State.

The IS/MND does not include the detailed information necessary for the Water Board to determine that the Project's proposed impacts to water quality and beneficial uses will be adequately mitigated. The document discusses proposed impacts but does not include specific mitigation measures that will be implemented to compensate for the impacts to State waters in accordance with the Water Board's requirements. In brief, the document appears to assume that all stream and wetland mitigation obligations may be met through payment of fees to the *East Contra Costa County Habitat Conservancy* (ECCCHC). The document should be revised to clearly state that the San Francisco Bay Water Board is not a signatory to the *Contra Costa County, Department of Conservation and Development, Habitat Conservation Plan* (HCP/NCCP), and that created compensatory aquatic habitat onsite, or at an offsite nearby location is required. Further, the document should provide an assessment of onsite stream and wetland mitigation opportunities to allow for a determination as to whether impacts will be mitigated to a less-than-significant level.

4-2

Section 4. Biological Resources: This *Biological Resources* section references a *Preliminary Aquatic Resources Delineation* (ARD) completed by Swaim Biological Inc. for a study area that extended the length of the proposed pipeline and "an area around for [*sic*] the proposed new RNG facility" (we assume that the ARD includes the entire footprint of the proposed 1.9-acre processing facility). Various aquatic resources are identified, including a *Concrete Canal*, *Wetland Tributary*, and *Drainage* within the location of the proposed RNG expansion area. This section states that there would be permanent impacts to the concrete canal and natural drainage at Location 1. This section also states that the proposed pipeline route will cross a headwater tributary and that instream stabilization measures are proposed. These measures include fencing exclusion of cattle, and a series of bio-engineered improvements (e.g., log drop-structures) to trap sediment and protect grade downstream of the road.

The *Biological Resources* section states that the applicant will need to submit the ARD to the ECCCHC under the HCP/NCCP. The document further states that in order to meet applicable State and federal wetlands requirements, the applicant will need to obtain necessary permits from the Army Corps, California Department of Fish & Wildlife (CDFW), and the Water Board. Further, implementation of mitigation measure *Biology 10* would reduce a potentially significant impact to a less-than-significant level.

Mitigation measure Biology 10 states that in conjunction with mitigation measure Biology 1, the applicant shall submit the ARD to the ECCCHC for review and approval, and as required, to the Army Corps, CDFW, and Water Board. Mitigation measure Biology 1 states that the applicant shall participate in and receive take coverage under the HCP/NCCP. This section further states that the temporary and permanent impacts to jurisdictional waters and wetlands resources shall require both temporary and permanent impact fees as defined by the current HCP/NCCP fee schedule at the time of application.

Payment into the HCP/NCCP will not satisfy mitigation requirements for fill of streams and wetlands within the San Francisco Bay Water Board's jurisdiction. For

4-3

compensatory mitigation, the Water Board requires the creation of aquatic features similar to those impacted. Unfortunately, the HCP/NCCP does not include a mechanism for direct stream impact compensation through daylighting, restoration, and/or enhancement or creation, and/or an accounting system for these types of impacts. The HCP/NCCP also does not require onsite mitigation to the extent feasible, to support a no-net-loss approach for the preservation of stream habitat within the local project watershed. Therefore, the IS/MND does not accurately represent the Water Board's mitigation requirements for stream and wetland impacts.

4-3

The IS/MND should include a more detailed description of potential Project impacts to aquatic features, and a description of possible onsite mitigation options. Such evaluation could be used in support of an application for WQC/WDRs when permitting is considered. Without specific locations and descriptions of mitigation features, the Water Board is not able to determine whether the possible wetland and stream impacts will be mitigated to a level that is less than significant.

4-4

To adequately compensate for permanent fill of onsite aquatic features the Water Board will require a roughly 2:1 ratio of created aquatic habitat (created:impacted), to comply with the no net loss policy for wetlands. We generally look for a 2:1 wetland mitigation ratio due to the challenges associated with creating water features in uplands and uncertainties with the eventual outcome of created features, and to compensate for temporal losses. Ideally, stream impacts would be offset at an onsite location by daylighting existing buried streams at a 1:1 ratio. If that is not possible, and ephemeral channels can't be created, then significant restoration is the next preferred option, with enhancement and preservation following at higher mitigation ratios. Wetland and stream impact projects are required to comply with the State's no-net loss policy for wetlands, so adequate mitigation is a key element during permitting. Without more details on possible mitigation designs, we are not able to determine whether the project's impacts to wetlands and streams will be adequately mitigated.

4-5

In addition, although this is not strictly a CEQA review requirement, a project must meet the California Wetlands Conservation Policy, also called the no-net loss policy, for the Water Board to authorize WQC/WDRs for a project. The Water Board adopted U.S. Environmental Protection Agency's (EPA's) CWA section 404(b)(1) Guidelines (Guidelines) to evaluate whether a project, as proposed, constitutes the least damaging practicable alternative (LEDPA) that will achieve the basic project purpose. A project complies with the Guidelines if the following can be demonstrated:

4-6

1. First, there is no practicable alternative to the proposed project that would avoid or result in less adverse impacts to aquatic resources. Potential practicable alternatives include, but are not limited to, alternative available locations, modified designs, and/or reductions in size, configuration, or density;
2. Second, all practicable steps have been taken to minimize unavoidable adverse impacts to aquatic resources; and

3. Finally, after impacts have been avoided and minimized to the maximum extent practicable, compensatory mitigation for unavoidable loss of acreage, beneficial uses and aquatic resource functions is provided.

4-6

Once a project proponent has satisfactorily demonstrated that the proposed project design is the LEDPA (e.g., that fill has been avoided and minimized to the maximum extent practicable), we will require appropriate compensatory mitigation for both temporary and permanent impacts to State waters. We will evaluate both the project, and the proposed mitigation together to ensure that there will be no net loss of acreage and no net loss of functions.

Thank you for your consideration of these comments for further review of the proposed Project.

If you have any questions, please contact Katie Hart via email to Kathryn.hart@waterboards.ca.gov.

Sincerely,

Kathryn Hart
Digitally signed by Kathryn Hart
Date: 2020.11.02 14:14:43 -08'00'
Water Boards

Kathryn R. Hart, P.E.
Water Resource Control Engineer
Watershed Protection Division

cc via email:

4. Letter 4: San Francisco Bay Regional Water Quality Control Board

Response to Comment 4-1: Comment Noted. The MND includes Mitigation Measures Biology 1, 10, and 11 which require that the applicant obtain and implement permits as an enforceable measure from State and federal regulatory agencies that have jurisdictional authority over aquatic resources, including the San Francisco Bay Regional Water Quality Control Board (Water Board).

Response to Comment 4-2: Mitigation Measure Biology 11 requires the applicant to obtain required permits from the Army Corps, CDFW and the Water Board. This measure states "*Avoidance, minimization and compensation will be determined by these agencies*" and that the "*applicant shall be responsible to implement the permit conditions*". Per this Mitigation Measure and Measures Biology 1 and 10, the proposed project is not allowed to proceed until the applicant demonstrates that compensatory mitigation acceptable to the East Contra Costa County Habitat Conservancy and the regulatory agencies is addressed to ensure impacts are mitigated to a less-than-significant level. While the Water Board is not a signatory to the East Contra Costa County HCP/NCCP, the Conservancy ensures impacts to wetlands and waters that are associated with projects they approve are properly mitigated to meet the requirements of the HCP/NCCP and the regulatory agencies. Mitigation Measure Biology 1, 10, and 11 do not assume that HCP/NCCP wetland mitigation fees are the only mechanism to address wetlands and waters impacts. Rather, it assumes that wetland and waters mitigation will be addressed with the Conservancy and the regulatory agencies to meet the requirements of the HCP/NCCP, and applicable State and federal requirements.

Response to Comment 4-3: The HCP/NCCP provides the option for the applicant to pay the wetland mitigation fees or the option to "*construct, manage, and monitor their own wetland, stream, ponds, or riparian mitigation in lieu of paying the wetland fee as long as wetland restoration or creation is initiated prior to project construction, wetland construction begins within 1 year of construction of the covered project, the mitigation is consistent with the requirements of Conservation Measure 2.1, and management and monitoring are funded in perpetuity*" (HCP/NCCP Chapter 9, Section 9.3.1). Mitigation Measures Biology 1, 10, and 11 will ensure that wetland and waters mitigation will be addressed with the Conservancy and the regulatory agencies to meet the HCP/NCCP, and applicable State and federal requirements and ensure mitigation to a less-than-significant level.

Response to Comment 4-4: Compensatory mitigation for the project to address impacts to waters of the US and waters of the state will be developed as part of the permit application process per Mitigation Measures Biology 1, 10, and 11 which will ensure mitigation to a less-than -significant level.

Response to Comment 4-5: The potential mitigation ratios presented by the Water Board are noted. See responses to comments 4-2, 4-3, and 4-4 above.

Response to Comment 4-6: Comment noted.

Ameresco Keller Canyon RNG LLC's Proposed RNG Processing Facility & Pipeline (Land Use Permit LP18-2022, amending LP89-2020)

5

Wednesday, November 4, 2020 2:25 PM

RECEIVED on 11/04/2020
By Contra Costa County
Department of Conservation and Development

Subject	**Ameresco Keller Canyon RNG LLC's Proposed RNG Processing Facility & Pipeline (Land Use Permit LP18-2022, amending LP89-2020)**
From	Barry Young
To	Stanley Muraoka
Cc	Pamela Leong; Gregory Solomon; Nimrat Sandhu; Josephine Fong
Sent	Wednesday, November 4, 2020 2:22 PM

November 4, 2020

Stan Muraoka, AICP
Senior Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

RE: Proposed Ameresco Keller Canyon RNG Processing Facility & Pipeline (Land Use Permit LP18-2022, amending LP89-2020)

Dear Mr. Muraoka,

Bay Area Air Quality Management District (Air District) staff has reviewed the Mitigated Negative Declaration (MND) for the proposed Ameresco RNG Facility and Pipeline Project (Project).

The Air District staff has the following comments on the proposed Project:

5-1

1. Page 2, Item No. 7: The second paragraph states that "*LFG or "natural gas" consists of nearly 100 percent methane, and therefore is a valuable source of fuel*". Please correct this statement, since landfill gas (LFG) contains at most up to 60% methane and is mostly assumed to contain 50% methane for calculation purposes.

5-2

2. Page 65, Project Operation Emissions: This section states that there will be a substantial reduction in emissions of criteria pollutants because the LFG that is flared in the landfill's two flares will be converted to renewable natural gas (RNG). This statement may be inaccurate because the landfill flares are still permitted at their maximum capacities (4,900 cfm). The landfill will need to submit an application for permit condition changes to reduce the throughput to these flares. No real, quantifiable, and enforceable reductions will occur until the Keller Canyon Landfill Company (KCLC) has applied for a reduction in throughputs or emissions of the two flares, A-1 and A-2. Pursuant to Regulation 8-34-301, an active landfill shall operate with an active landfill gas collection and control system. In order to comply with this regulation, the two flares need to function as the landfill's control system. Currently, the two flares have been permitted for throughput and emissions levels at their maximum capacity. In order to claim any emissions reductions, the flares' throughputs and emissions will need to be revised.
In addition, A-1 and A-2 have a combined throughput of approximately 4,900 cfm. Ameresco RNG facility is designed for 4,700 cfm. The Ameresco Landfill Gas to Energy (LFGTE) facility (Plant#

B7667) has a design capacity of approximately 1,300 cfm of LFG. The peak landfill gas production is estimated to be approximately 7,400 cfm in 2051 as per the USEPA LandGEM model. So, the Ameresco LFGTE facility and Ameresco RNG facility may be potential support facilities for the KCLC landfill. Even with Ameresco LFGTE and Ameresco RNG operating at their maximum design capacities, the landfill flares will need to remain operational for abating approximately 1,400 cfm of the remaining landfill gas. This is another reason why the applicant's claim of emission reductions (which is based on complete shutdown of A-1 and A-2) appears to be inaccurate. Finally, the amount of landfill gas collected by the landfill in 2019 was 4,130 cfm, out of which 1,186 cfm were sent to the Ameresco LFGTE for use in its LFG-fired internal combustion engines. The 4,700 cfm gas collection rate has not been reached yet and as such claiming emission reductions on this basis is not only inaccurate but also overstating the reductions.

5-2

3. Page 66, Table 3-1: The emission factors for PM_{10} for the enclosed process flare appears to be incorrect. In addition, the VOC emission factor for both the enclosed process flare and the thermal oxidizer (TOX) assume that VOCs are equal to 39% of the NMOC fraction. This is inaccurate because the 39% fraction is assumed for sites with no site-specific source test data. Keller Canyon landfill has more than two decades of source test data which verifies that VOCs make up for more than 95% of the NMOC fraction. This is true for most landfills. As such, District wide practice is to assume VOCs to be 100% equal to the NMOC fraction.

5-3

4. Page 67, Table 3-2: This table is inaccurate because the flares A-1 and A-2 would need to be shutdown in order to achieve these reductions and it is not being proposed as a result of this project. The actual emissions reductions should be calculated as per the baseline procedure in Regulation 2-2-603 and also account for the continued use of these flares for the foreseeable future.

5-4

5. Page 67: For the enclosed process flare and the TOX, Best Available Control Technology (BACT) and/or Reasonably Achieved in Practice (RACT) standards may apply to the pollutants that exceed the BACT trigger level. If triggered, the Air District's permit application will require that the applicant install BACT controls on the project's equipment subject.

5-5

6. Page 68, Table 3-3: The PM_{10} and VOC emission calculations in this table are incorrect. The PM_{10} emissions should be based on the US EPA AP-42 Chapter 2, Table 2.4-5 emission factor, 17 lb/MMscf CH_4. As the methane concentration in the high O_2 gas will be 22% (for the enclosed process flare) and in the waste gas will be 10% (for the TOX), this emission factor will change for these two abatement devices. For the enclosed process flare, this factor is 0.0777 lb/MM BTU and for the TOX, this factor is 0.171 lb/MM BTU based on the methane concentrations of 22% and 10%, respectively. As previously stated, the facility assumed VOCs to be 39% of the NMOC fraction, which is wrong. Thus, the PM_{10} and VOC emissions are incorrect and need to be updated.

5-6

7. Page 152-153, Table 8-2: Similar to the criteria pollutants, this table appears to be inaccurate because the emission reductions for greenhouse gases (GHGs) will not occur unless KCLC shuts down the two existing flares, which has not been proposed as part of the project or otherwise. For the GHG emissions from the process enclosed flare, the Air District assumed the worst case scenario for all upset scenarios to occur as high O_2 gas. This will result in a total flow rate of 4,620 cfm as opposed to 2,650 used by the applicant, which was the flow rate for only the high O_2 upset condition. As such, the Air District's GHG emissions estimates are slightly higher than the applicant provided numbers.

5-7

8. The Air District has also included fugitive emissions from leaking of parts and components from the RNG facility. Though these precursor organic compound (POC) emissions are not that high (approximately 0.077 tons per year), these will be added to the total emissions from the facility.

5-8

If you have any questions, please contact me, or Nimrat Sandhu, Air Quality Engineer, at (415) 749-8604 or nsandhu@baaqmd.gov.

Regards,
Barry

Barry G. Young
Senior Advanced Projects Advisor | Engineering Division
Bay Area Air Quality Management District
375 Beale Street, Suite 600 | San Francisco, CA 94105
☎ Office: 415.749.4721
byoung@baaqmd.gov | www.baaqmd.gov
Please consider the environment before printing this e-mail.

5. Email 5: Bay Area Air Quality Management District

Response to Comment 5-1: The BAAQMD comment is correct. The first sentence of the second paragraph in the IS/MND should read: "LFG consists of approximately 50 percent methane (e.g., natural gas), and therefore is a valuable source of fuel."

Response to Comment 5-2: See Adams-Broadwell response 15-9, and 15-10. It is true that the landfill must still have a collection and control system and a means to destroy the LFG generated to be in compliance with Regulation 8-34-301. The two KCLC landfill flares currently operate as the landfill gas system's control devices and will continue to fulfill this function when the RNG plant is in operation. The district is correct in stating "the two flares have been permitted for throughput and emissions levels at their maximum capacity" which is for permitting, but in operation they seldom operate near maximum capacity as the Ameresco LFGTE plant combusts 1300 cfm of LFG. KCLC BAAQMD Air Permit Rule 20 requires "All landfill gas collected by the gas collection system for S-1 shall be abated at all times by the on-site enclosed flares, A-1 or A-2 or shall be vented off-site to the Ameresco Keller Canyon LLC facility (Site # B7667) for gas processing and control." KCLC currently has sufficient capacity to combust all LFG collected from the gas collection system in the flares but is allowed by their BAAQMD Air Permit to vent 1300 scfm to the Ameresco LFGTE for combustion in beneficial use to generate electricity. Once the Ameresco RNG Facility Land Use Permit Amendment is approved, KCLC will apply to the District similar to what was done for the LFGTE facility to amend their Air Permit to allow gas to be vented to the Ameresco RNG Facility as well.

It is incorrect to state that the proposed RNG Project will not achieve emissions reductions compared to current or future Keller operations. The current KCL flares, A-1 and A-2, are fueled with the same LFG stream that will be diverted to the proposed RNG Plant where it will be conditioned and injected into the natural gas pipeline system. By diverting the LFG away from the flares and toward the proposed RNG Plant, the LFG is no longer combusted at KCL and therefore is no longer contributing to the emissions produced by the flares. The LFG is instead taken off site as RNG and utilized elsewhere. Thus, in actual operation, every cubic foot of LFG that goes to the RNG Plant means is one less cubic foot that would be combusted by the KCLC flares.

Response to Comment 5-3: With regard to the NMOC's, the BAAQMD Permitting Division has already addressed the issues raised regarding the VOCs outside of the CEQA process by assuming VOC to be 100% of the NMOC fraction rather than using AP-42 values. This change in NMOC fraction for both existing landfill flare emissions and the RNGPF emissions does not change the conclusions of the MND that the project reduces current emissions levels substantially over the existing conditions.

Response to Comment 5-4: See response 5-2 above. The statement of emissions reduction would be at a maximum during peak operation of the facility and when the landfill is generating greater than 4,700 scfm in LFG. It would be a displacement of the LFG from the Flares combusting the gas to the RNG, and the RNG facility has the lower emissions from the few sources proposed for

the RNG facility. Again, the change would be seen in the actual emissions, but the potentials from the landfill will need to remain, in case the RNG facility is offline/shutdown.

As BAAQMD notes, currently, the A-1 and A-2 Flares are combusting approximately 2,950 SCFM at 50 percent methane. Using existing flare throughput as the baseline, the project would still reduce emissions because it would divert gas now being combusted in the flares to the RNG facility.

Response to Comment 5-5: The applicant understands that the BAAQMD may require additional measures that would further reduce emissions from those disclosed in the MND.

Response to Comment 5-6: See response for 5-5 above.

With regards to PM10 emissions, Ameresco continues to work with the BAAQMD outside of the CEQA process to address their concern. Using AP-42 values for PM10 for the RNGPF waste gas gives a high value as the gas is chilled, refrigerated and filtered in multiple processes before being sent to the RNGPF flare and TOX. The District has agreed to use the emissions factors for particulate presented by Ameresco in the BAAQMD permit application which were also used for emissions data presented in the IS-MND. See response 5-3 above for information on the VOC emissions.

Response to Comment 5-7: See response 5-2 above about shutting down the two existing landfill flares. With regard to the flow of gas, 2,650 scfm is the maximum flow rate provided by the manufacturer of the RNGPF process enclosed flare for a high O2 scenario. The high O2 scenario represents the highest potential operating emissions for the RNGPF as proposed. Emission factors from the high O2 scenario were used to compare to the emissions from the existing landfill flares. The comparison produced a realistic, yet conservative emissions profile. The use of the high O2 scenario for estimating emissions is a conservative assumption because the RNGPF is expected to operate in this mode less than 15 percent of the time. For the majority of the time (i.e., during normal operation) the RNGPF process enclosed flare will combust other waste gas that have much lower emission factors than the high O2 scenario. Therefore, assuming a flow rate for the RNGPF process enclosed flare of 4,620 scfm, as suggested by the commenter, is not applicable to a realistic operating scenario as it substantially exceeds the maximum flow rate allowed of 2,650 scfm provided by the manufacturer.

Response to Comment 5-8: See response for 5-5 above. This comment from the BAAQMD acknowledges that even if fugitive emissions are included in the analysis of emissions, the precursor organic compounds (POC) emissions are not high (0.077 tons per year).

CONTRA COSTA WATER DISTRICT

November 06, 2020

Stan Muraoka, AICP
Principal Planner
Contra Costa County Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Sent Via US Mail & Email: Stanley.Muraoka @dcd.cccounty.us

Subject: Comment Letter Regarding the Ameresco Keller Canyon RNG LLC Renewable Natural Gas Processing Facility and Pipeline Project Initial Study/Mitigated Negative Declaration (File No. LP 18-2022, amending LP89-2020)

Dear Mr. Muraoka:

The Contra Costa Water District (CCWD) is in receipt of the County's Request for Comments related to the Initial Study/Mitigated Negative Declaration (IS/MND) for this project, which is in the unincorporated hills above Pittsburg in Contra Costa County, CA. As stated in the Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration (NOI), the pipeline would extend for 18,000 feet from the landfill to the PG&E tie in north of the Contra Costa Canal. The first paragraph on page 3 (last sentence) of the NOI states that "for the pipeline segment in PG&E property, the pipeline would be constructed at a minimum depth of four feet, to a depth of up to 50 feet to meet minimum clearance specifications for the Contra Costa Canal". CCWD has the following comments on the IS/MND:

6-1 1. The crossing of the Contra Costa Canal (Canal) property will require authorization from the United States Bureau of Reclamation (Reclamation) and CCWD.

2. The Applicant, Ameresco, met with CCWD in 2018. We are providing the drawings in this IS/MND comment letter that were sent to the applicant as a result of that meeting. In addition, CCWD provided the following comments at this meeting:
   a) HDD pipeline installation details and plans need to be submitted to CCWD;
   b) Construction plans need to be provided to CCWD. These plans need to show the Canal, the pipeline crossing, and the isolation valves on each side of the Canal for the proposed pipeline;
   c) Detailed protection plans need to be included that ensure that no impacts to the Canal occur in the event of a pipeline failure or other pipeline problem; and
   d) The Canal turn out at MP 17.335 needs to be shown on the construction plans.

6-2

6-3 3. The Applicant will be required to pay for all costs including land use fees, review costs, inspections fees, etc.

6-4 4. A CCWD Construction Permit will be required for this project. This will require a $5,000 security deposit in addition to other administrative costs associated with this Permit.

5. As the Canal is owned by Reclamation, the crossing of the Contra Costa Canal will require a license subject to review by Reclamation. An application will need to be submitted to CCWD with an initial administrative deposit of $1,500. A separate application and deposits will be required for USBR administrative costs, etc. More information about the USBR application will be provided after the CCWD application package is submitted and reviewed. 6-5
6. NEPA review will be required, most likely in the form of a Categorical Exclusion Checklist (CEC). It is expected that the CEC can use most of the pertinent environmental info and findings from the IS/MND. 6-6
7. NEPA processing will likely take a minimum of 6 months. No construction within the Reclamation Right of Way may occur before this processing and all approvals by Reclamation are complete. In addition, no construction may occur within the Right of Way until all CCWD's requirements are met. 6-7

Please contact me if you have any questions on these comments. I can be reached at cschneider@ccwater.com or at (925) 688-8118.

Sincerely,

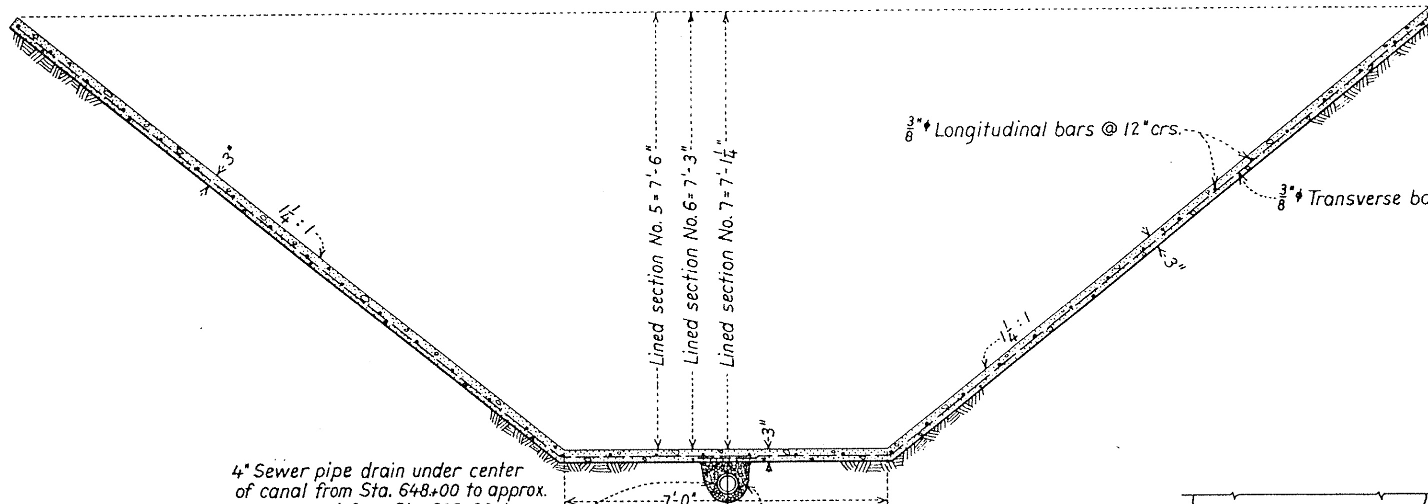
Christine Schneider

Christine Schneider
Senior Planner

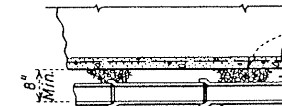
CS:ck

Attachments:

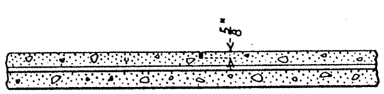
1. Drawings provided as a result of the 2018 meeting with Ameresco
2. CCWD Construction Permit Application



LINED SECTION



DETAIL OF LONGITUDINAL DRAIN



GROOVE DETAIL

Provide groove as shown across bottom and sides of lining at not less than 8' or more than 20' intervals.

NOTES

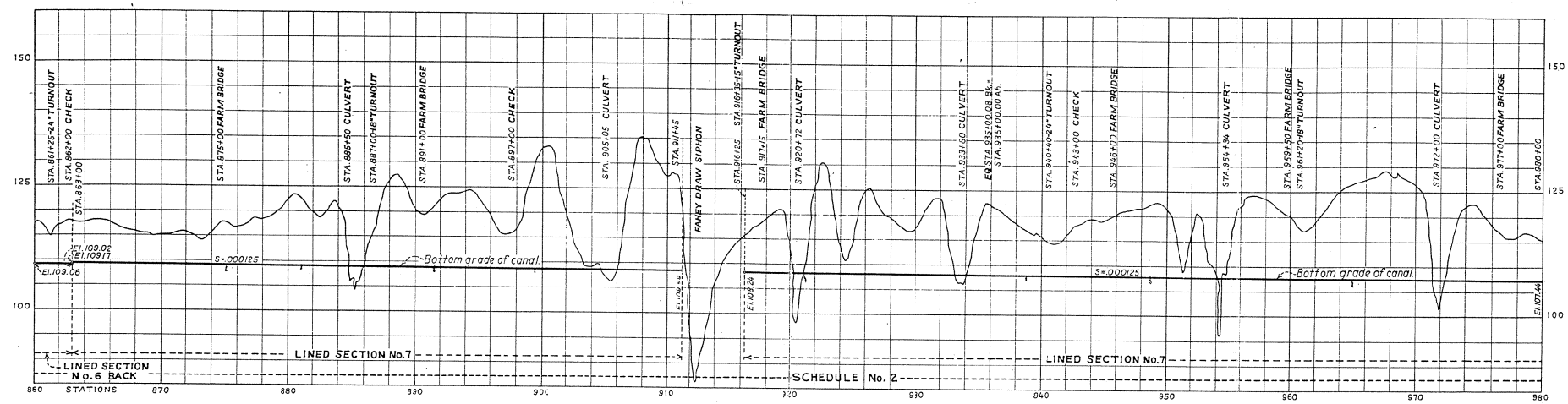
All reinforcements shall be placed so that the centers of bars in the outer layer will be $1\frac{1}{2}$" from face of concrete.
Lap all bars 40 diameters at splices.
Base of entire structure to be placed on undisturbed natural foundation or thoroughly compacted fill as directed.
Longitudinal reinforcement to be continuous through joints.

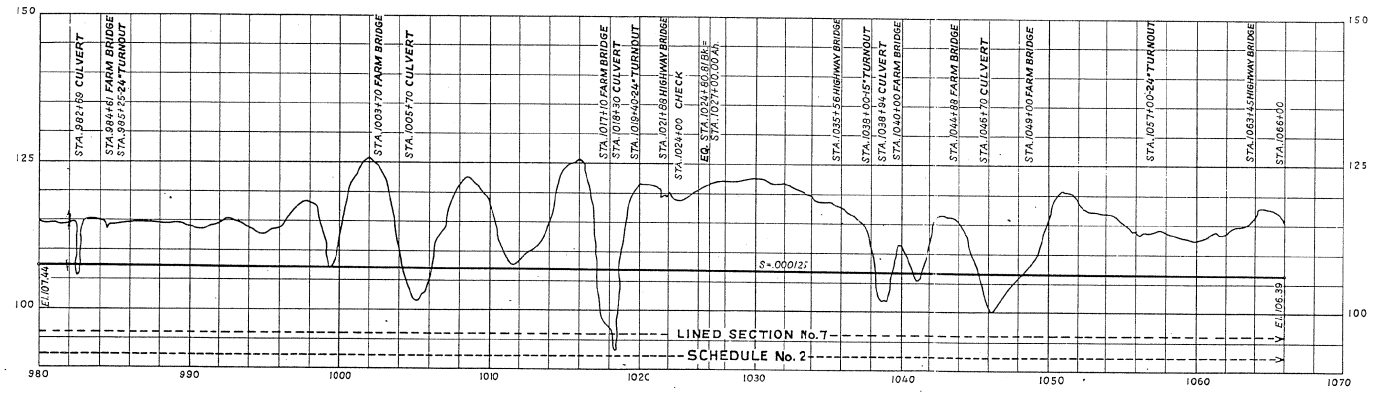
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CENTRAL VALLEY PROJECT-CALIFORNIA
DELTA DIVISION

CONTRA COSTA CANAL-STA. 638+00 TO 1066+00

CANAL LINING

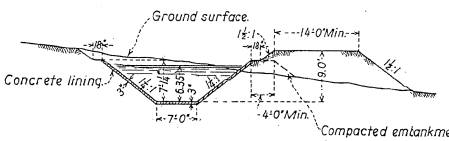
DRAWN: K.S.E.	SUBMITTED: W.R. McBirney
TRACED: C.E.M.	RECOMMENDED: J.L. Savage
CHECKED: ABK	APPROVED: A.F. Walter
DENVER, COLORADO, DEC. 30, 1937.	214-D-894





HYDRAULIC PROPERTIES

SECTION	A	V	Q	r	n	s
Lined Section No. 7	94.85	2.70	256	3.47	.014	.000125



LINED SECTION No.7

General Design- Profile and Sections- Contra Costa Canal
Sta. 860+00 to 1066+00
Approved Aug. 9, 1938
WATER PROJECT AUTHORITY
OF THE STATE OF CALIFORNIA
By [signature] Executive Officer
Attest A. D. Edmunston Acting Secretary

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CENTRAL VALLEY PROJECT - CALIFORNIA
DELTA DIVISION
CONTRA COSTA CANAL
STA. 860+00 TO STA. 1066+00
PROFILE AND SECTIONS

REV. 8-17-38

DRAWN: K.S.B. SUBMITTED: [signature]
TRACED: J.A.R. RECOMMENDED: [signature]
CHECKED: ABR APPROVED: [signature]

DENVER, COLORADO, JUNE 27, 1938
SHEET 2 OF 2
214-D-892

CONTRA COSTA WATER DISTRICT

Project No._____

APPLICATION FOR ENTRY OR USE OF PORTIONS OF THE CONTRA COSTA CANAL SYSTEM AND CONTRA COST WATER DISTRICT RIGHTS-OF-WAY/PROPERTY

NAME OF PROJECT:_____

DECRIPTION:_____

_____

_____

CANAL MP:____ LOS VAQUEROS MP:____OLD RIVER MP:____LV RESERVOIR:____CCWD:____

ENGINEERING FIRM (if applicable):_____

PHONE:_____ **FAX:**_____

NAME OF APPLICANT:_____

ADDRESS OF APPLICANT:_____

_____

PHONE:_____ **FAX:**_____

INFORMATION IS REQUIRED FOR REVIEW AND COMMENTS – SEE PROCEDURAL REQUIREMENTS

Amount of Deposit: $ _____

By signing this Application, the Applicant hereby agrees to pay all District costs related to the project in compliance with Section 6.24.070 of the District's Code of Regulations, and to abide by all District rules and regulations as approved by the District Board of Directions.

If the District's actual costs exceed the deposit at any time, the applicant shall promptly pay the difference between the current estimated costs and the current deposit upon receipt of an invoice from the District for such costs. Documents will not be released to Applicant until Applicant has paid District all applicable fees and the total actual costs incurred by the District.

_____ _____

Official Date of Application
FOR DISTRICT USE ONLY

Signature of Applicant

CONTRA COSTA WATER DISTRICT

Procedural Requirements for Entry or Use of the Contra Costa Canal System and Contra Costa Water District Rights of Way/Property

The Contra Costa Water District (District) has the responsibility to operate and maintain the Los Vaqueros Watershed, Pumping Plant Facilities and Pipeline right-of-way and the Contra Costa Canal System (Canal) right-of-way. Encroachment Permits, Easements and Licenses for use of any portion of the pipeline and/or the Canal right-of-way are required and will be subject to approval by the District and may require the approval of the United States Bureau of Reclamation (USBR), along the Canal.

The District may grant the following property rights for entry and use of portions of Canal System and District rights-of-way (however where the District does not own access rights in fee title, Applicant shall be solely responsible for obtaining any and all rights required for Applicant to obtain access to the Property):

1. TEMPORARY USE (PERMIT): A temporary use permit is an instrument granting authority to an act or acts on lands without conveying an interest therein. It may be used to allow temporary uses such as surveying, temporary crossings, garden, ingress and egress, installation of temporary pumps or access to facilities. And may require the payment of fees.

2. ENCROACHMENT (PERMIT): An encroachment permit is an instrument granting authority to do an act or acts on lands without conveying an interest therein. It is required for all construction activity on District property and must be accompanied with a required security deposit, improvement plans and specifications approved by the District. An Encroachment Permit must be secured from the District prior to entering or performing any work within the District rights-of-way/property. The permittee shall be liable for, and shall indemnify and hold the District, directors, officers, employees, agents, associates, students and event attendees or other persons acting under or in connection with this permit, harmless from any and all liability or claims therefor, for injury or death of any person or damage to or loss of property, or any other loss, damage or expense, arising from the activities for which this permit is obtained, including, to the extent permitted by law, such liability or claims that arise from the sole negligence of Reclamation or the District.

3. LICENSE: A license is an instrument granting authority to do an act or acts on lands without conveying an interest therein. It may be used to allow such long-term uses as roads, pipelines and transmission lines. It is an instrument giving a personal privilege that is temporary and revocable, and may be subject to a fee.

   EASEMENT: An easement is an instrument granting authority to do an act or acts on lands and is not revocable except as may be provided in the instrument. Rights-of-way for roads, transmission lines, pipelines, and like uses may be granted through the use of an easement and may be subject to a fee. Whenever possible, the District will grant licenses for a specific period of time in lieu of perpetual easements. (District Code of Regulations, section 6.12.00, adopted by Resolution 01-032.)

The following guidelines have been established to help expedite the processing of requests for use of the rights-of-way/property and to insure that the integrity of the rights-of-way/property remains unimpaired.

CONTRA COSTA WATER DISTRICT

I. WHOM TO CONTACT

Any request for consultation, preliminary design review, or use of District owned property or Canal right-of-way/property shall be submitted by the Applicant, in writing to:

Contra Costa Water District
P.O. Box H2o
Concord, CA 94524
Attention: Real Property Division

II. APPLICATION REVIEW AND APPROVAL PROCESS

Construction within District owned property, or the Canal right-of-way/property shall not begin until the project has been approved by the District and/or USBR. The District may issue an Encroachment Permit or License after District review and approval of all pertinent documents is completed.

The District will review Applicant's documents and work with the Applicant to resolve any potential problems. The review and approval procedure may take one (1) to three (3) months or longer, depending on the completeness of the documents submitted by the Applicant and the complexity of the project.

III. APPLICATION REQUIREMENTS

Submittals/Documentation

Any request for use of District owned property or the Canal right-of-way/property for construction or construction related activities must be accompanied by three (3) copies of the following documents:

1. Location and site map of the project on 8 ½" x 11" sheets. At a minimum the site map should include a north arrow, location of proposed project, location of USBR ownership and Canal, and any street crossings or easements.

2. Improvement plans, specifications, descriptions, exhibits, and engineering calculations.

3. Final, approved environmental documents.

4. Legal description and plat maps of the proposed encroachment, easement or license area.

5. Engineering calculations for any structure crossing over or under the pipeline or within pipeline and Canal right-of-way, including, but not limited to:
   (a) structural design calculations
   (b) hydrology/hydraulic calculations for paving, drainage and storm drains
   (c) slope stability studies/calculations
   (d) geotechnical investigation results and recommendations
   (e) bore pit and shoring calculations

6. Project schedule.

7. A letter from the city, county, or special district, etc., indicating that bridges, and/or any utility crossings will be dedicated to the appropriate agency, and that the agency is willing to accept and maintain these facilities.

8. A letter from the Applicant or owner stating that they will be responsible for all engineering, inspection, and administrative costs, incurred by the District and the USBR, in relation to the processing of a Permit, Easement or License. These costs may include but are not limited to:

   (a) Engineering and design review, including design of fences or other structures.

   (b) District structure protective measures/structural modifications.

   (c) District corrosion control protective measures.

   (d) District inspection of construction work.

   (e) Environmental documentation.

   (f) Permit/Easement/License processing fees.

   (g) Related administrative costs.

9. An initial cash deposit in the amount of $1, 500.00 shall accompany the application, which shall be credited against the administrative fees due. See Section VIII for required fees for these services.

10. All final plans, legal descriptions, exhibits, calculations, specifications and other related documents shall be signed and sealed by a design professional or California licensed civil engineer. If preliminary, they should be marked "PRELIMINARY-NOT FOR CONSTRUCTION" in large letters on all pages. Only "FINAL" signed and sealed documents will be approved.

11. Any additional material requested by the District and the USBR, if it is deemed necessary.

12. Insurance documentation is required in accordance with the District's permit/license/easement terms and conditions and/or at the District's sole determination and requirement.

13. If the applicant is self-insured, a self –insurance certificate or letter on the entity's letterhead shall be provided verifying acceptance of all liability, as outlined in the agreement and agreeing to all terms and conditions in this document.

14. Applicants and others are required to sign District's Safe Practices Handbook acknowledgement (available at www.ccwater.com) and may also be required to complete an Occupational Safety Councils of America (OSCA) safety training course. District will provide OSCA information to Applicant.

CONTRA COSTA WATER DISTRICT

IV. DESIGN GUIDELINES

1. The improvement plans and work schedule must be approved by the District and may require USBR approval prior to entry onto District owned property or the Canal right-of-way/property.

2. The type and weight of equipment and the locations and travel paths of equipment working adjacent to structures must be submitted to and pre-approved by the District.

3. Above ground markers shall be provided by the Applicant, for underground utilities and structures, at locations satisfactory to the District. These markers will indicate the type, size, depth, and location of the utility.

4. Upon completion of the work the Applicant shall furnish one (1) set of reproducible record drawings (22" x 34") or sketches (8½”x11") to the District. These plans should accurately reflect all approved changes, and are to be signed and sealed by a licensed California civil engineer.

5. Horizontal control shall be based on the Los Vaqueros Project pipeline and Canal centerline stationing or milepost.

6. Overhead wires crossing the property shall be a minimum of 40 feet above the finished grade. Supporting poles and towers shall be located outside the pipeline and the Canal right-of-way.

7. Applicant's encroachment on the right-of-way shall not interfere with District's safe operation, maintenance, or repair of its facilities.

8. Fill or structures placed on or under or over District/USBR pipelines and the Canal must be properly designed and approved by the District prior to construction. All calculations, drawings and specifications required by the District and the USBR for approval shall be submitted by the Applicant at Applicant's sole expense.

9. Railroad and freeway crossings of the property shall be on permanent bridges with a minimum vertical clearance of 14 feet 6 inches between the finished ground surface and the underside of the bridge. No pile driving will be allowed within 50 feet of the pipeline and Canal edges or above ground structures.

10. All crossings should be as near perpendicular as possible to District pipelines and Canal. Pipeline crossings shall be on a constant grade across District and USBR property, with a minimum vertical clearance of one foot between the pipeline and District pipeline if pipeline crosses over and minimum 3 foot vertical clearance between pipeline and Canal bottom if pipeline crosses under. All pipelines should have shut-off valves on either side of the District's rights-of-way/property.

11. At the point of crossing, pipeline crossings shall incorporate electrolysis test leads and current drain leads between the crossing pipeline and District pipeline. Corrosion control devices, when required, will be designed by the District.

12. Water lines, petroleum product lines, and storm or sanitary sewers crossing below the pipelines and the Canal must be encased in a steel conduit. Water lines or petroleum product lines crossing above the pipelines or siphons must be encased in a steel conduit or reinforced concrete. Sanitary sewers will not be allowed above the Canal.

13. Gravity drainage of the District or the Canal property shall be maintained. Open channels constructed across the right-of-way/property shall be paved with reinforced concrete. Headwalls, inlets and other appurtenances shall be located outside the property.

14. Paved drainage ditches shall be provided outside the District's and the Canal property at the top and or toe of fill slopes or cuts adjacent to District and Canal property.

15. Buried electrical cables shall be installed in steel conduit and encased in red dyed concrete across the entire width of the right-of-way/property. A11 other buried cables shall be installed in conduit encased in concrete across the entire width of the property.

16. No excavation, grading or construction on the right-of-way shall commence unless and until all applicable requirements of NEPA and CEQA have been complied with, and a11 necessary District, USBR, County or City permits have been issued and are in effect per District Regulation 6.24.050.

17. Street and road crossings constructed on grade shall incorporate protection of the pipelines and shall be constructed only after prior approval by the District. Traffic control fences or approved barriers shall be installed along each side of the street or road before opening to the public. Earth fills or cuts on adjacent property shall not encroach onto District property, except where authorized for vehicular crossings on grade, and except where District determines that there will be no detrimental effect on the pipelines or their maintenance.

18. Submit existing pipeline/canal soil monitoring plan for District review and approval to identify monitoring of Canal/pipeline movement or loss of surrounding soils.

19. Structure, jacking/boring, and excavation/trench shoring plans, calculations and specifications shall be submitted for District and USBR review and approval prior to construction. All such plans shall be present at the construction site at all times. Such plans shall be signed and sealed by a licensed California civil engineer. Provide a minimum of 48-Hours notice to the District before ay construction work commences.

CONTRA COSTA WATER DISTRICT

V. CONSTRUCTION GUIDELINES

Restrictions and Requirements

1. Provide a minimum of 48 hours advanced notice to the District **before** any construction work commences.

2. All work is to be confined to the area of the District approved encroachment permit and must conform with all applicable state and federal laws, regulations and codes.

3. The District will conduct a final inspection of all improvements constructed in the right-of-way.

4. No temporary building or portion of buildings shall be constructed on the pipeline and Canal right-of-way. No other types of structures shall be constructed unless specific prior approval is given by the District.

5. If applicable, damaged or missing fencing shall be repaired or replaced by the Applicant. All security is strictly the responsibility of the Applicant.

6. Adequate safety fencing, per District Code of Regulation 6.24.100 shall be provided by the Applicant to prevent trespassing and unauthorized use of the pipeline or Canal right-of-way. Land and facilities within the right-of-way area and adjacent to it shall be restored to pre-project conditions.

7. Vehicular parking or storage of equipment or material on District or USBR property is specifically prohibited.

8. All final approved plans and specifications must be present at the construction site during any and all construction work, as well as any approved monitoring procedures as identified during design review. All such procedures shall remain enforced as specified in District approved procedures for duration of permit.

9. Call USA North "811" at 1-800-227-2600 before any excavation. Applicant is required to remove all locate markings from the property to the District's satisfaction.

VI. VEHICLE CROSSING REQUIREMENTS

The District requires the following information in order to properly evaluate any loads crossing its pipelines (including but not limited to the Los Vaqueros & Old River Pipelines): gross vehicle weight; number of axles; tire size and pressure, well as the proposed crossing location. The District will supply the pipeline section and properties, depth and known soil type (if available). The applicant shall provide CA engineer stamped calculations to verify adequacy or mitigation as necessary. Calculations shall be based on District supplied existing pipeline information, and subject to District approval.

The District will review the crossing locations to insure there is adequate cover to protect the pipeline according to the information provided. After reviewing the crossing locations, the District will notify the applicant, if there are any additional safety measures which need to be met to prevent any damage to the pipeline. A temporary use permit will be required to allow any vehicles to cross the pipeline and may be subject to certain conditions. The crossing location will need to be marked in the field and will be the only approved location to cross the pipeline.

VII. GUIDELINES FOR LANDS ADJACENT TO THE CONTRA COSTA CANAL

The following guidelines have been established according to District Code of Regulations 6.24.140 and their primary function is to assure that the integrity of the Contra Costa Canal right-of-way remains unimpaired by virtue of construction, development, or other activities adjacent to the Canal.

1. Prohibit development and construction activity adjacent to the Canal that could undercut the existing embankment, both above or below the Canal.

2. Implement mitigations or proposed slope grading which may activate potential landslides, and other earthquake related failures and damage the Canal and its facilities.

3. Require that plans, specifications, calculations, and environmental documents show the proposed construction or development adjacent to the Contra Costa Canal.

4. Implement methods to prevent erosion on both slopes above and below the Canal as recommended by Association for Bay Area Governments.

5. Implement dust control mitigations to prevent dust from entering the Canal.

6. Implementation mitigation measures for proposed storage areas of solid, liquid, hazardous and toxic wastes near the Canal. Mitigation measures must be approved by the Contra Costa County Environmental Health Department and Contra Costa Water District.

7. Coordinate with the Contra Costa County Environmental Health Department on projects involving the underground storage tanks, oil refineries, outdoor storage yards, auto repair garages, and similar users to mitigate the potential effects of leaks between the Canal property and the above facilities.

8. Require that drainage ditches or other facilities must divert flow away from the Contra Costa Canal per Contra Costa County Ordinance 914-2.006.

9. All requests for District review and comment must be submitted through the corresponding City or County having jurisdiction in the area.

CONTRA COSTA WATER DISTRICT

VIII. FEES

1. Administration Fees

A $1,500.00 minimum, initial deposit from all Applicants shall accompany all applications submitted to the District.

The Applicant agrees to reimburse the District and/or USBR for all costs associated with plan reviews, document preparation, consultations, construction inspections, testing, and all administrative costs.

The Applicant agrees to increase the initial deposit to cover the actual costs incurred by the District, as required by the District within 10 days of receiving the District's demand for an increase in the deposit.

All fees must be paid current prior to District issuing any Permits, Easements or Licenses, etc.

2. Construction Security Deposits

A minimum $5,000 security deposit is required prior to commencing any construction activities and shall be deposited with the District to insure that all work and restoration is completed to the District's satisfaction. The amount of security deposit may be increased in accordance with the project type and complexity of the project.

3. License Fees

Licenses are subject to a minimum annual payment of $100 or more, as determined by the District and/or Reclamation.

6. Letter 6: Contra Costa Water District

Response to Comment 6-1: Comment noted. The proposed underground crossing of the Contra Costa Canal has been deleted from the project as part of the Revised Project. Therefore, authorizations from the U.S. Bureau of Reclamation (Reclamation) and Contra Costa Water District (CCWD) are no longer required.

Response to Comment 6-2: Comment noted. The items listed as having been provided to the applicant by CCWD is accurate. Deletion of the underground crossing of the Contra Costa Canal makes this requirement no longer applicable.

Response to Comment 6-3: Comment is noted that the project applicant would be required to pay applicable fees. Deletion of the underground crossing of the Contra Costa Canal makes this requirement no longer applicable.

Response to Comment 6-4: Comment noted for the application for a construction permit from, and payment of a security deposit to, the CCWD. Deletion of the underground crossing of the Contra Costa Canal makes this requirement no longer applicable.

Response to Comment 6-5: Comment noted for the requirement of a license from Reclamation, and application and payment of an initial administrative deposit to the CCWD. Deletion of the underground crossing of the Contra Costa Canal makes this requirement no longer applicable.

Response to Comment 6-6: Comment noted regarding the applicability of a NEPA review. Deletion of the underground crossing of the Contra Costa Canal makes this requirement no longer applicable.

Response to Comment 6-7: Comment noted that no construction may occur within the Reclamation right-of-way until all of CCWD's requirements are met. Deletion of the underground crossing of the Contra Costa Canal makes this requirement no longer applicable.

ADAMS BROADWELL JOSEPH & CARDOZO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037
TEL: (650) 589-1660
FAX: (650) 589-5062
khartmann@adamsbroadwell.com

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DANIEL L. CARDOZO
CHRISTINA M. CARO
THOMAS A. ENSLOW
ANDREW J. GRAF
TANYA A. GULESSERIAN
KENDRA D. HARTMANN*
KYLE C. JONES
RACHAEL E. KOSS
NIRIT LOTAN
WILLIAM C. MUMBY

MARC D. JOSEPH
Of Counsel

*Not admitted in California.
Licensed in Colorado.

November 9, 2020

Via Email and U.S. Mail

John Kopchik, Director
Department of Conservation & Development
Contra Costa County
30 Muir Road
Martinez, CA 94553
Email: John.kopchik@dcd.cccounty.us

Jami Napier
Chief Assistant Clerk of the Board
Contra Costa County
651 Pine Street,
1st Floor, Room 106,
Martinez, CA 94553
Email: Jami.Napier@cob.cccounty.us

VIA EMAIL ONLY

Stan Muraoka, Principal Planner, Department of Conservation & Development
Email: Stanley.muraoka@dcd.cccounty.us

Re: FOLLOW-UP Request for Immediate Access to Documents Referenced in the Mitigated Negative Declaration and Request for Extension of Public Comment Period - Ameresco Keller Canyon RNG Processing Facility and Pipeline Project, LP18-2022 (SCH 2020100267)

Dear Mr. Kopchik, Ms. Napier and Mr. Muraoka:

On behalf of California Unions for Reliable Energy ("CURE"), we respectfully request that Contra Costa County ("County") extend the public review and comment period for the Mitigated Negative Declaration ("MND") for the Ameresco Keller Canyon RNG Processing Facility and Pipeline Project, LP18-2022; SCH 20201002671 ("Project") due to the County's failure to provide the legally required 30-day comment period on the MND and due to the County's failure to provide timely access to supporting documents for the MND. We also reiterate our previous requests for immediate access to any and all documents referenced or incorporated by reference in the MND.

Our request is made pursuant to Public Resources Code section 21091(b), which requires public comment periods of "at least 30 days" for MNDs that are submitted to the State Clearinghouse.[1] The MND was posted on the State Clearinghouse on October 15, 2020, with a public review period commencing on October 15, 2020 and ending on November 13, 2020.[2] That is just 29 days, shorter than the minimum 30-day comment period required by Public Resources Code section 21091(b). The County must extend the MND comment period to provide a minimum of 30 days for public review.[3]

Our request is also made pursuant to Public Resources Code section 21092(b)(1) and CEQA Guidelines section 15072(g)(4) which requires that "all documents referenced" and "all documents incorporated by reference" in a negative declaration shall be "readily accessible to the public during the lead agency's normal working hours" during the entire public comment period.[4] To date, the County has failed to provide CURE with timely access to the majority of the documents referenced in the MND, in violation of CEQA. We therefore request an extension of at least 30 days following the County's release of all outstanding MND reference documents for public review, which is the minimum public review period set forth in the CEQA Guidelines for MND's submitted to the State Clearinghouse.

7-1

On August 5, 2020, we submitted a Public Records Act request to the County for all documents related to the Project, including but not limited to "any and all materials, applications, correspondence, electronic mail messages, resolutions, memos, notes, analysis, files, maps, charts, and/or any other documents related to the Project."[5] On October 19, 2020, we filed a letter with the County requesting immediate access to "any and all documents referenced or incorporated by reference" in the MND, made pursuant to CEQA and asking that access to those

[1] Pub. Resources Code § 21091(b).
[2] **Attachment A:** CEQANet, Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project (SCH Number 2020100267), https://ceqanet.opr.ca.gov/2020100267/2 (last visited 11/9/20).
[3] Pub. Resources Code § 21091(b); see *Latinos Unidos de Napa v. City of Napa* (2011) 196 Cal.App.4th 1154, 1160 (CEQA notice posted for less than full 30 days required by CEQA is invalid)
[4] Pub. Resources Code § 21092(b)(1); 14 C.C.R. § 15072(g)(4); see *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.
[5] **Attachment B:** Letter from Adams, Broadwell, Joseph, & Cardozo ("ABJC") to the County re Public Records Act Request – All Documents Related to the Ameresco Keller Canyon Project in Pittsburg (August 5, 2020).

documents be prioritized.[6] On October 21, 2020, we received a response from the County stating that documents in response to our PRA request had been placed in an online folder for our review.[7] The online folder did not include all of the MND reference documents.

On October 28, 2020, we sent an email to the County following up on our request for access to documents referenced or incorporated by reference in the MND. In response, the County stated that it had already provided the sources requested.[8] This response was mistaken, as the County's October 21 document production did not include all of the MND reference documents,

The public review and comment period for the MND ends on November 13, 2020 and to date, though we have received numerous files from the County (most of which appear to be in response to our PRA requests), we do not have access to many of the documents referenced or relied upon in the MND. During our review, we have identified several of these documents and files that are not available by weblink in the References section of the MND, were not provided in response to our requests, and are not otherwise available through any of the County's weblinks. These documents include, but are not limited to, the following:

7-2

(1) CalEEMod results and analysis, as referenced in the MND's Air Quality section.
(2) Tetra Tech Report of CalEEMod analysis, 2020.
(3) Manufacturer specifications of emission factors for enclosed process flare and thermal oxidizer, as referenced on MND Page 65.
(4) Support for baseline emissions listed in Table 3-2 on Page 67.
(5) Swaim Biological, Inc., survey reports, 2020.
(6) Tetra Tech BAS, Geotechnical Engineering Report, #BAS 18-136E, 2020.
(7) Ameresco 4" Biomethane Pipeline Project Safety Considerations and Plans, Guidance Document. Campos EPC, 2020.

[6] **Attachment C:** Letter from ABJC to the County re Requests for Immediate Access to Documents Referenced in the Mitigated Negative Declaration and Public Records - Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project, LP18-2022 (SCH 2020100267) (October 19, 2020).
[7] **Attachment D:** Email from Lawrence Huang to Paul Encinas re Ameresco Keller Canyon – Request for Immediate Access Ref in MND & PRA (October 21, 2020).
[8] **Attachment E:** Email from Kendra Hartmann to Lawrence Huang re Documents referenced in Ameresco Keller Canyon RNG MND (October 28, 2020).

7-2

(8) Health and Safety Program, Draft Joint Technical Document, Keller Canyon Landfill 2016.
(9) Final Environmental Impact Report, Keller Canyon Landfill, 1990.
(10) Keller Canyon Landfill Waste Discharge Requirements Order No. 01-040.
(11) Keller Canyon Landfill National Pollution Discharge Elimination System Permit #2-7S006887.
(12) Sedimentation Basin Flood Hydrology Memorandum, CH2M Hill, 1991.
(13) Keller Canyon Landfill HEC-HMS Model 2011.
(14) Contra Costa County HEC-HMS Guidance Rainfall Data.

These documents are necessary to conduct a meaningful review of the MND's analyses, conclusions, and mitigation measures and to assess the Project's potential environmental impacts. By failing to provide access to the documents relied upon by the County in its preparation of the IS/MND during the entire public comment period, the County is preventing the public from participating in meaningful review of the IS/MND, in violation of CEQA.[9] The courts have held that the failure to provide even a few pages of a CEQA document for a portion of the review and comment period invalidates the entire CEQA process, and that such a failure must be remedied by permitting additional public comment.[10] It is also well-settled that a CEQA document may not rely on hidden studies or documents that are not provided to the public.[11] By failing to make all documents referenced and incorporated by reference in the IS/MND "readily available" during the current comment period, the County is in violation of the clear procedural mandates of CEQA.

7-3

Accordingly, we request that:

(1) The County immediately provide us with access to the missing documents, including but not limited to the documents specified in this letter;

(2) The County <u>extend the public review and comment period for the IS/MND by at least 30 days from the date on which the County releases these</u>

[9] *See Ultramar*, 17 Cal.App.4th 689, 699.
[10] *Id*.
[11] *Santiago County Water Dist. V. County of Orange* (1981) 118 Cal.App.3d 818, 831 ("Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.").
4906-016acp

7-3

documents for public review. If the missing documents are provided today, we request an extension to December 6, 2020.

Given the shortness of time before the current comment deadline, please contact me as soon as possible with your response to this request, but no later than Tuesday, November 10, 2020.

If you have any questions, please feel free to email me at kendra.hartmann@adamsbroadwell.com. Thank you for your assistance with this matter.

Sincerely,

Kendra Hartmann
Christina Caro

KDH:acp

Attachments

ATTACHMENT A

Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project (Ameresco RNGPFP)

Summary

SCH Number	2020100267
Lead Agency	Contra Costa County
Document Title	Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project (Ameresco RNGPFP)
Document Type	MND - Mitigated Negative Declaration
Received	10/15/2020
Project Applicant	Ameresco Keller Canyon RNG LLC
Present Land Use	Landfill, Open Space

Document Description	Mitigated Negative Declaration for Land Use Permit LP18-2022 for a proposed renewable natural gas (RNG) processing facility and pipeline (RNGPFP) that includes construction and operation of a new RNG processing facility and an underground transmission pipeline.

Contact Information	Stan Muraoka, AICP (Stanley Muraoka) Contra Costa County, Department of Conservation and Development 30 Muir Road Martinez, CA 94553 Phone : (925) 674-7781 stanley.muraoka@dcd.cccounty.us

Location

Coordinates	38°0'28"N 121°56'21"W
Cities	Pittsburg
Counties	Contra Costa
Regions	San Francisco Bay Area
Cross Streets	Bailey Road, West Leland Road
Zip	94565
Total Acres	2,345
Jobs	2
Parcel #	094-360-008, -019, -020, -022; 094-080-012; 094-090-002; 094-160-004, -005, -006
State Highways	Highway 4
Railways	BART
Schools	Bel Air Elementary, Willow Cove Elementary, et al.
Waterways	Contra Costa Canal

Notice of Completion

Review Period Start	10/15/2020
Review Period End	11/13/2020
Development Type	Industrial (Renewable natural gas (RNG) processing facility and pipeline)(1.9 Acres, 2 Employees)
Local Action	Use Permit
Project Issues	Aesthetic/Visual, Agricultural Land, Air Quality, Archaeologic-Historic, Biological Resources, Drainage/Absorption, Forest Land/Fire Hazard, Geologic/Seismic, Greenhouse Gas Emissions, Minerals, Noise, Population/Housing Balance, Public Services, Recreation/Parks, Schools/Universities, Septic System, Soil Erosion/Compaction/Grading, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Tribal Cultural Resources, Vegetation, Water Quality, Water Supply, Wetland/Riparian, Wildlife, Land Use
Reviewing Agencies	California Air Resources Board, California Department of Conservation, California Department of Fish and Wildlife, Bay Delta Region 3, California Department of Forestry and Fire Protection, California Department of Parks and Recreation, California Department of Resources Recycling and Recovery, California Department of Transportation, District 4, California Department of Water Resources, California Energy Commission, California Governor's Office of Emergency Services, California Highway Patrol, California Native American Heritage Commission, California Natural Resources Agency, California Public Utilities Commission, California Regional Water Quality Control Board, San Francisco Bay Region 2, California State Lands Commission, Delta Stewardship Council, Department of Toxic Substances Control, Office of Historic Preservation, State Water Resources Control Board, Division of Water Quality

Attachments

Environmental Document	LP18-2022 Ameresco MND 101420 PDF 42341 K LP18-2022 Ameresco MND Summary Form for Document Submittal PDF 580 K LP18-2022 MND Notice 100720 PDF 678 K
NOC	LP18-2022 Ameresco MND NOC PDF 218 K LP18-2022 Project Information 100720 PDF 155 K

Disclaimer: The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at (916) 445-0613. For more information, please visit OPR's Accessibility Site.

ATTACHMENT B

ADAMS BROADWELL JOSEPH & CARDOZO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037
TEL: (650) 589-1660
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pencinas@adamsbroadwell.com

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RACHAEL E. KOSS
NIRIT LOTAN
AARON M. MESSING
WILLIAM C. MUMBY

MARC D. JOSEPH
Of Counsel

**Admitted in Colorado*

August 5, 2020

Via Email and U.S. Mail

John Kopchik, Director
Department of Conservation & Development
Contra Costa County
30 Muir Road
Martinez, CA 94553
John.kopchik@dcd.cccounty.us

Jami Napier
Chief Assistant Clerk of the Board
Contra Costa County
651 Pine Street,
1st Floor, Room 106,
Martinez, CA 94553
Jami.Napier@cob.cccounty.us

Re: Public Records Act Request - All Documents Related to the Ameresco Keller Canyon Project in Pittsburg

Dear Mr. Kopchik and Ms. Napier:

We are writing on behalf of California Unions for Reliable Energy ("CURE") to request to any and all public records referring or related to Ameresco Keller Canyon ("Project"), proposed by Applicant Tetra Tech. This request includes, but is not limited to, any and all materials, applications, correspondence, electronic mail messages, resolutions, memos, notes, analysis, files, maps, charts, and/or any other documents related to the Project. The Project is a high British Thermal Unit Renewable Natural Gas ("RNG") plant facility. The Project and associated support equipment will be constructed at and utilize the landfill gas ("LFG") from the Keller Canyon Landfill ("Landfill"). The Project will refine LFG, routed from the Landfill to produce a pipeline-quality gas known as RNG which will contain greater than 94 percent methane. The Project will be a separate entity from the Landfill and the existing Ameresco Landfill Gas to Energy Facility located at 901 Bailey Road, Pittsburg, CA 94565.

This request is made pursuant to the California Public Records Act. (Government Code §§ 6250, et seq.) This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b)

provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

We will pay for any direct costs of duplication associated with filling this request up to $200. However, please contact me at (650) 589-1660 with a cost estimate before copying/scanning the materials.

Pursuant to Government Code Section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into sections of 10 MB or less), please email them to me as attachments.

My contact information is:

U.S. Mail
Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email
pencinas@adamsbroadwell.com

Please call me if you have any questions. Thank you for your assistance with this matter.

Sincerely,

Paul Encinas
Legal Assistant

PAE:pae

4906-003pae

ATTACHMENT C

ADAMS BROADWELL JOSEPH & CARDOZO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
601 GATEWAY BOULEVARD, SUITE 1000
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TEL: (650) 589-1660
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pencinas@adamsbroadwell.com

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MARC D. JOSEPH
Of Counsel

**Admitted in Colorado*

SACRAMENTO OFFICE
520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721
TEL: (916) 444-6201
FAX: (916) 444-6209

October 19, 2020

VIA EMAIL & U.S. MAIL

John Kopchik, Director
Department of Conservation & Development
Contra Costa County
30 Muir Road
Martinez, CA 94553
Email: John.kopchik@dcd.cccounty.us

Jami Napier
Chief Assistant Clerk of the Board
Contra Costa County
651 Pine Street,
1st Floor, Room 106,
Martinez, CA 94553
Email: Jami.Napier@cob.cccounty.us

VIA EMAIL ONLY

Stan Muraoka
Email: Stanley.muraoka@dcd.cccounty.us

Re: Requests for Immediate Access to Documents Referenced in the Mitigated Negative Declaration and Public Records - Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project, LP18-2022 (SCH 2020100267)

Dear Mr. Kopchik, Ms. Napier and Mr. Muraoka:

We are writing on behalf of California Unions for Reliable Energy ("CURE") to request ***immediate access*** to any and all documents referenced or incorporated by reference in the Mitigated Negative Declaration ("MND") for the Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project ("Project") proposed by Ameresco Keller Canyon RNG LLC ("Applicant"). Our request for all documents referenced or incorporated by reference in the MND is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced in an environmental review document be made available to the public for the entire comment period.[1]

[1] *See* Pub. Resources Code, § 21092, subd. (b)(1); 14 Cal. Code Regs. § 15072(g)(4).

The proposed Project is a renewable natural gas (RND) processing facility and pipeline that includes construction and operation of a new RNG processing facility and an underground transmission pipeline. The project is located at Keller Canyon Landfill, 901 Bailey Road, Pittsburg, CA 94565.

We are also writing to request ***separately***, pursuant to the California Public Records Act[2], immediate access to all public records referring or related to the Project. This request includes, but is not limited to, any and all correspondence, including electronic mail messages, staff reports, resolutions, memoranda, notes and analyses and public and agency comments. We would appreciate it if the County could prioritize and segregate our request for the documents referenced in the MND and get those to us first, since the period for providing comments has already begun.

We request ***immediate access*** to review the above documents pursuant to section 6253(a) of the Public Records Act, which requires public records to be "open to inspection at all times during the office hours of the state or local agency" and provides that "every person has a right to inspect any public record." Gov. Code § 6253(a). Therefore, the ten-day response period applicable to a "request for a copy of records" under Section 6253(c) does not apply to this request.

We will pay for any direct costs of duplication associated with filling this request up to $200. However, please contact me at (650) 589-1660 with a cost estimate before copying/scanning the materials.

Pursuant to Government Code Section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into sections of 10 MB or less), please email them to me as attachments.

Please send the above requested items to our South San Francisco Office as follows:

U.S. Mail
Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

[2] Gov. Code § 6253(a) and §§ 6250 et seq.

Email
pencinas@adamsbroadwell.com

Please call me at (650) 589-1660 if you have any questions. Thank you for your assistance with this matter.

Sincerely,

Paul Encinas
Legal Assistant

PAE:pae

4906-009pae

ATTACHMENT D

From: Lawrence Huang
To: Kendra Hartmann
Cc: Christina Caro; Paul A. Encinas
Subject: FW: Ameresco Keller Canyon - Request for Immediate Access Ref in MND & PRA
Date: Wednesday, October 28, 2020 5:28:33 PM

Ms. Hartmann

Please below the responsive link I had sent on 10-21-20.

Best Regards

Lawrence Huang
Administrative Analyst
Contra Costa County
Dept. of Conservation and Development
Administration Division
925-674-7859
30 Muir Road Martinez, CA 94553
EMail: Lawrence.Huang@dcd.cccounty.us

From: Paul A. Encinas <pencinas@adamsbroadwell.com>
Sent: Wednesday, October 21, 2020 2:21 PM
To: Lawrence Huang <Lawrence.Huang@dcd.cccounty.us>
Subject: Re: Ameresco Keller Canyon - Request for Immediate Access Ref in MND & PRA

Thank you.

From: Lawrence Huang <Lawrence.Huang@dcd.cccounty.us>
Sent: Wednesday, October 21, 2020 2:20 PM
To: Paul A. Encinas <pencinas@adamsbroadwell.com>
Subject: RE: Ameresco Keller Canyon - Request for Immediate Access Ref in MND & PRA

Mr. Encinas,

The Department has completed its research for documents responsive to your request regarding Amereso Keller Canyon Pittsburg PRA in Pittsburg. The most recent responsive is in the folder 10-21-20. I've included the previous response from 8-25-20 for your reference as well. Please see the link below responsive to your request. This link will expire in 45 days. Thank you for patience and hope all is well with you.

https://cocodcd.egnyte.com/fl/In1H8OM11y

Due to the shelter in place order issued by the County Health Officer (Order) on March 16, 2020, all

offices of the Department of Conservation and Development are closed to the public until further notice. We continue to work to operate County programs and provide public services to the best of our ability within the constraints of the Order and while deploying staff to support the County's emergency operations. Please click here for a current summary of our Department's modified operations.

Best Regards

Lawrence Huang
Public Records Coordinator
Contra Costa County
Dept. of Conservation and Development
Administration Division
925-674-7859
30 Muir Road Martinez, CA 94553
EMail: Lawrence.Huang@dcd.cccounty.us

From: Lawrence Huang
Sent: Monday, October 19, 2020 4:05 PM
To: Paul A. Encinas <pencinas@adamsbroadwell.com>
Subject: RE: Ameresco Keller Canyon - Request for Immediate Access Ref in MND & PRA

Mr. Encinas
Today October 19, 2020, Department of Conservation and Development has received Public Records Act request regarding Ameresco Keller Canyon Project in Pittsburg. We anticipate that a response to your request will be provided on or before October 29, 2020. If you have any questions, please feel to contact me at 925-674-7859 or email Lawrence.huang@dcd.cccounty.us for all communications regarding this Public Records Act request.

Due to the shelter in place order issued by the County Health Officer (Order) on March 16, 2020, all offices of the Department of Conservation and Development are closed to the public until further notice. We continue to work to operate County programs and provide public services to the best of our ability within the constraints of the Order and while deploying staff to support the County's emergency operations. Please click here for a current summary of our Department's modified operations.

Best Regards

Lawrence Huang
Public Records Coordinator
Contra Costa County
Dept. of Conservation and Development
Administration Division
925-674-7859

30 Muir Road Martinez, CA 94553
EMail: Lawrence.Huang@dcd.cccounty.us

From: Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>
Sent: Monday, October 19, 2020 9:51 AM
To: Lawrence Huang <Lawrence.Huang@dcd.cccounty.us>
Cc: John Kopchik <John.Kopchik@dcd.cccounty.us>
Subject: FW: Ameresco Keller Canyon - Request for Immediate Access Ref in MND & PRA

Due to the shelter in place order and subsequent orders issued by the County Health Officer (Order), all offices of the Department of Conservation and Development are closed to the public until further notice. We continue to work to operate County programs and provide public services to the best of our ability within the constraints of the Order and while deploying staff to support the County's emergency operations. Please click here for a current summary of our Department's modified operations.

Stan Muraoka, AICP
Phone: 925-674-7781
Email: stanley,muraoka@dcd.cccounty,us

From: Paul A. Encinas <pencinas@adamsbroadwell.com>
Sent: Monday, October 19, 2020 9:46 AM
To: John Kopchik <John.Kopchik@dcd.cccounty.us>; Jami Napier <Jami.Napier@cob.cccounty.us>; Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>
Subject: Ameresco Keller Canyon - Request for Immediate Access Ref in MND & PRA

Dear Mr. Kopchik, Ms. Napier and Mr. Muraoka:

Attached please find our immediate access request for the above referenced project. Thank you.

Paul Encinas

ATTACHMENT E

From: Kendra Hartmann
To: Lawrence.Huang@dcd.cccounty.us
Cc: Christina Caro; Paul A. Encinas
Subject: Documents referenced in Ameresco Keller Canyon RNG MND
Date: Wednesday, October 28, 2020 4:41:00 PM

Mr. Huang,

I tried to call, but the line would not go through.

I am following up on our request for access to documents referenced or incorporated by reference in the mitigated negative declaration prepared for the Ameresco Keller Canyon RNG Processing Facility and Pipeline Project. Your office had indicated in an email to us on October 19 that it would respond with the requested documents on or before October 29, 2020. We have not received any further response to our request, and have not been provided with access to any of the requested documents.

We wanted to reach out and confirm that all responsive documents will be provided by tomorrow, as promised, as well as identify some specific requested documents we need access to. Those include, but are not limited to, references listed in the MND on PDF page 77 under "Sources of Information," as well as the analysis for the CalEEMod results, air quality analysis and calculations, the manufacturer's specifications for the emission factors (as referenced on PDF page 71), and support for the baseline emissions listed in Table 3-2 on PDF page 73.

Please confirm that the County will have all documents referenced in the MND available for our review on October 29.

Thank you,

Kendra Hartmann
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Tel: (650) 589-1660 ext. 21
Fax: (650) 589-5062
khartmann@adamsbroadwell.com

Re: Ameresco Keller Canyon RNG Processing Facility and Pipeline Project - Request for extension of MND comment period

7 a

Wednesday, November 11, 2020 2:41 PM

Subject	**Re: Ameresco Keller Canyon RNG Processing Facility and Pipeline Project - Request for extension of MND comment period**
From	Kendra Hartmann
To	Stanley Muraoka
Cc	John Kopchik; Jami Napier; Christina Caro
Sent	Tuesday, November 10, 2020 5:09 PM

Mr. Muraoka,

I am following up on our letter sent Monday, November 10 requesting immediate access to documents referenced the MND for the Ameresco Keller Canyon RNG Processing Facility and Pipeline Project, as well as requesting an extension of the public comment period. The County still has not provided access to the remaining MND reference documents and has not responded to our request for an extension of the public comment period.

As you are aware, CEQA requires that "all documents referenced" and "all documents incorporated by reference" in a negative declaration shall be "readily accessible to the public during the lead agency's normal working hours" during the entire public comment period. The County has failed to provide timely access to several of the documents referenced in the MND in violation of CEQA. Furthermore, 30 days is the minimum public review period set forth in the CEQA Guidelines for an MND submitted to the State Clearinghouse. Because, as stated in our letter, the County has provided only 29 days for the comment period, it is in further violation of CEQA.

I spoke with Lawrence Huang this morning, who indicated that he would relay this information to you. As the public comment period deadline is this Friday, November 13, we respectfully request an immediate response to our request for an extension, as well as immediate access to the missing reference documents. As 30 days is the minimum review period, the deadline should be extended 30 days from the date on which the documents are provided to the public.

Please feel free to reach out to me should you have any questions.

Thank you,

Kendra D. Hartmann
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Tel: (650) 589-1660 ext. 21
Fax: (650) 589-5062
khartmann@adamsbroadwell.com

7. Letter 7, Email 7a: Adams Broadwell Joseph & Cardozo

Response to Comment 7-1: This comment states that documents related to the project pursuant to section 6253(a) of the Public Records Act (PRA) were not received in a timely manner and requested an extension of the public review period for the CEQA document. DCD ultimately extended the public review period to December 23, 2020. The decision to extend the public review period was based on other factors and not necessarily the request contained in this comment. A follow up email was submitted (document 7a) requesting an extension of the public review period.

Response to Comment 7-2: This comment requested fourteen documents (14) related to the proposed project and the Keller Canyon Landfill property or permits. DCD provided the requested documents to the commenter consistent with the PRA.

Response to Comment 7-3: This comment reiterated the request for fourteen documents (14) and extension of the public review period. Both requests were fulfilled by DCD.

Ameresco Keller Canyon Pittsburg

Monday, December 14, 2020 10:32 AM

Subject	**Ameresco Keller Canyon Pittsburg**
From	Paul A. Encinas
To	Stanley Muraoka
Sent	Thursday, December 10, 2020 10:11 AM

Hello Stanley,

8-1 Hope you are doing well. I am inquiring about the Contra Costa County's comments on the project. Can you please advise when it will be available to review? If they are complete, can we obtain a copy? I appreciate your help. Thank you.

Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Email: pencinas@adamsbroadwell.com
Phone: (650) 589-1660

8. Email 8: Adams Broadwell Joseph & Cardozo

Response to Comment 8-1: This email dated December 10, 2020 was an inquiry about whether the County had comments on the proposed Ameresco RNGPFP. On December 14, 2020, DCD staff sent the commenter and email stating that while the County does not currently have any comments on the proposed project, staff will present the project to the County Planning Commission, a Planning Commission staff report will be available prior to the meeting, and staff will send out a notice of the meeting when it has been scheduled.

Ameresco Keller Canyon Pittsburg - BAAQMD comments 9

Monday, December 14, 2020 6:02 PM

Subject	**Ameresco Keller Canyon Pittsburg - BAAQMD comments**
From	Paul A. Encinas
To	Stanley Muraoka
Sent	Monday, December 14, 2020 2:07 PM

Hello Stan,

9-1 Is it possible to request a copy of BAAQMD's comments on the Project which were submitted to Contra Costa County on 11/4/20? I appreciate your help. Thank you.

Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Email: pencinas@adamsbroadwell.com
Phone: (650) 589-1660

RE: Ameresco Keller Canyon Pittsburg - BAAQMD comments

9 a

Tuesday, December 15, 2020 6:11 PM

Subject	**RE: Ameresco Keller Canyon Pittsburg - BAAQMD comments**
From	Paul A. Encinas
To	Stanley Muraoka
Sent	Tuesday, December 15, 2020 5:27 PM

Hi Stanley,

I am just following up to see if we can also get the comments from BAAQMD? I appreciate your help. Thank you.

From: Paul A. Encinas
Sent: Monday, December 14, 2020 2:08 PM
To: Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>
Subject: Ameresco Keller Canyon Pittsburg - BAAQMD comments

Hello Stan,

Is it possible to request a copy of BAAQMD's comments on the Project which were submitted to Contra Costa County on 11/4/20? I appreciate your help. Thank you.

Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Email: pencinas@adamsbroadwell.com
Phone: (650) 589-1660

9. Emails 9, 9a: Adams Broadwell Joseph & Cardozo

Response to Comment 9-1: These emails (December 14, 2020, and subsequently, December 15, 2020) requested a copy of comments on the draft MND received from the Bay Area Air Quality Management District (BAAQMD). The requested information was provided to the commenter by DCD.

CalEEMod output files - Ameresco Keller Canyon RNG Project

10

Monday, December 14, 2020 6:04 PM

Subject	**CalEEMod output files - Ameresco Keller Canyon RNG Project**
From	Kendra Hartmann
To	Stanley Muraoka
Cc	Christina Caro
Sent	Monday, December 14, 2020 3:43 PM

Hi Stan,

10-1

In looking through the files we received from the County on November 16, I see that we received the CalEEMod emissions output calculations, but we still do not have the unlocked Excel spreadsheet or modeling files with the input numbers supporting the emissions calculations. Could you email those files to us asap?

Thank you,

Kendra D. Hartmann
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Tel: (650) 589-1660 ext. 21
Fax: (650) 589-5062
khartmann@adamsbroadwell.com

10. Email 10: Adams Broadwell Joseph & Cardozo

Response to Comment 10-1: This comment requested the Excel spreadsheets comprising the CALEEMOD construction emissions output calculations. The requested data were provided to the commenter by DCD.

City of Pittsburg
65 Civic Avenue • Pittsburg, California 94565

RECEIVED on 12/16/2020
By Contra Costa County
Department of Conservation and Development

December 16, 2020

Stan Muraoka, AICP
Contra Costa County
Department of Conservation & Development
30 Muir Road
Martinez, CA 94553

RE: Comment Letter on the Proposed Mitigated Negative Declaration for the Ameresco Keller Canyon Renewable Natural Gas Processing Facility and Pipeline

Dear Mr. Muraoka,

The City of Pittsburg is submitting the following letter under the Public Comment Period for the proposed Mitigated Negative Declaration (MND) for the Ameresco Keller Canyon RNG LLC Project. The City contracted with Brezack and Associates Planning and Investigative Science and Engineering, Inc., to review the proposed project and the following observations are the collective comments on the Ameresco Keller Canyon RNG LLC – Proposed Renewable Natural Gas Processing Facility and Pipeline Project (Ameresco RNGPFP) Mitigated Negative Declaration distributed for public review on October 7, 2020 by the Contra Costa County. In short, the City believes that the level of environmental review conducted is inadequate and a full Environmental Impact Report should be prepared instead. The City also believes that the final pipeline route should be relocated to a location that is further away from existing homes and critical infrastructure within the City of Pittsburg to ensure maximum safety.

11-1

General Comments and Concerns

Lack of Supporting Technical Documentation: The MND provided by the County during the public review period lacks any technical studies to allow a better understanding of the impact determinations.

11-2

Deconstruction of Facility Not Analyzed: Page 16 of the MND states, *"Once the agreement with KCL expires, the Ameresco existing power plant and proposed RNG processing facility will be de-constructed, the RNG pipeline abandoned according to prevailing regulations, and the remaining LFG will be directed to the landfill flares."* The document fails to address impacts of the de-construction part of the project as required by CEQA.

11-3

Extensive Use of Deferred Mitigation: The impact analyses contained in the MND heavily rely on deferred mitigation in the following sections: Aesthetics, Air Quality, Biology, Geology, Hazards and Hazardous Materials, Noise, and Public Services.
CEQA Guidelines §15126.4(a)(1)(B) states,

11-4

> *"Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include*

those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards."

11-4

The specific mitigation issues are discussed in the resource section comments provided below. Mitigation measures or the Project Description must be revised to incorporate the existing informal commitments found throughout the analysis to ensure obligations of the Applicant and the Lead Agency are formalized, and reporting, and monitoring are being overseen by the County to confirm that project impacts are reduced to less than significant levels.

Project Description Inconsistencies and Omissions

Imported Fill Requirement Discrepancy: Although on Page 2 of the MND it states, "*…the level pad area adjacent to the existing RNG processing facility would be constructed using approximately 89,000 cubic yards of imported earth fill, covering a total area of 189,000 square feet (4.3 acres) of land…"* the analysis of powered-haulage of imported fill is not analyzed.

11-5

Assuming use of a standard 14 cubic yard haul truck, a total of 6,357 truck trips would be required. This project activity should be addressed in the Air Quality, Greenhouse Gas, and Traffic and Transportation impact analysis.

Maximum Pipeline Depth Inconsistencies: The project description of the MND public review cover sheet states, *"… the pipeline segment in PG&E property, the pipeline would be constructed at a minimum depth of four feet, to a depth of up to 50 feet to meet minimum clearance specifications for the Contra Costa Canal"* (Page 3); yet within the MND checklist itself, the statement is made that, *"… the pipeline segment in PG&E property, the pipeline would be constructed at a minimum depth of four feet, to a depth of up to 44 feet to meet minimum clearance specifications for the Contra Costa Canal"* (Page 2). Again on Page 165 of the MND, this maximum pipeline depth is referenced as 50 feet, and then 44 feet on Page 199. What the correct specification within the project description for the maximum depth of the pipeline?

11-6

Vertical Pipeline Profile Inconsistencies: The MND is unclear as to what the actual vertical profile depth specifications are for the proposed pipeline. The pipeline, depending on its location, on or off PG&E property, has been described as being at a *"…depth of four feet in most locations"* (Page 3), at a *"… minimum of four feet below grade"* (Page 10), exactly *"…four feet in most locations"* (Page 13), and the concerning statement listing the depth as *"…an average depth of four feet"* (Page 165), which indicates that some sections of the pipeline would be deeper than four feet, and some shallower than this depth. It is unclear what the actual vertical profile of the proposed pipeline alignment would be with the MND's phrasing of a range of depths.

11-7

Understated Risk of Natural Gas Pipelines: The project description makes a misstatement regarding the safety of high-pressure natural gas. The MND states, *"Natural gas is lighter than air, so it can dissipate into the air rapidly, making accidental combustion difficult. It is also colorless, non-toxic, and had {sic} no taste in its natural state"* (Page 5). This would imply that natural gas is a relatively harmless substance.

Natural gas (methane or CH_4), while being physiologically harmless to humans, is nonetheless a significant health hazard due to it being a simple asphyxiant, capable displacing atmospheric oxygen. Individuals in close proximity to a natural gas source would experience noticeable physiological effects at concentrations as low as two-percent (2%). Oxygen deprivation from natural gas, causing loss of consciousness can occur at concentrations of eight-percent (8%). Death typically results from oxygen displacement at concentrations above 12%.

11-8

Natural gas also presents a significant fire and/or explosion risk, as the gas will creep along a damaged pipeline, and permeate the soil over long distances seeking an ignition source, providing possibility of flashback.

The MND fails to acknowledge these hazards even though PG&E lists the above warnings on their website, through the publication of Material Safety Data Sheets (MSDS) at:

https://www.pge.com/includes/docs/pdfs/shared/environment/pge/cleanair/methane1033.pdf

Vague Permitting Requirements: On Page 3, Table 1 Project Overview identifies Permitting Actions Required. It provides general information about local and regional permitting. It would be helpful to have a full list of relevant federal, state and local permits required by the Project since the document relies heavily on compliance with regulations to justify impacts being less than significant.

11-9

Erosion Control Lifespan Concerns: On Page 12, the combination of exclusionary fencing, and bio-engineered solutions, would be designed to endure over the projected 20-year lifespan of the proposed project. However, on Page 16, the 20-year project lifespan is based on the current agreement between KCL and Ameresco. The MND states, "*Current KCL LFG generation models predict that methane generation will continue far beyond the 20-year period analyzed in the MND."* Erosion control methods can have a lifespan longer than 20 years, especially if the pipeline would be abandoned in place.

11-10

Understated Location of Closest Sensitive Receptors: On Page 17, and elsewhere in the document, it states, "*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*." However, on Page 164 it states sections of the pipeline would be on existing PG&E property within approximately 50 feet from the nearest residences. Since the pipeline is part of the project, the closest receptor to the project is 50 feet, not 0.33 miles.

11-11

Proposed Capacity of Pipeline: What is the output volume of gas intended to flow through the pipeline annually? Nowhere in the MND is this fundamental value listed.

11-12

Aesthetics Section

Scenic Vistas Not Credibly Analyzed: The conclusion of impacts to scenic vistas states, "*…the proposed RNG processing facility would not substantially alter available views of the scenic ridges in the project vicinity*." This follows a discussion of five (5) new structures in existing open space that are 25-50 feet in height. Please explain the analysis that demonstrates the facility does not substantially alter scenic views.

11-13

Visual Character Impacts Not Fully Addressed: Measures incorporated into the proposed project to mitigate visual impacts of the project are clearly mitigation for reduction of the impacts to the existing visual character or quality of public views of the site and its surroundings. In the discussion of vantage point 3 (Page 53), the document references, *"newly introduced vertical elements would contrast with, and potentially change, the existing open space character of the view."* The measures to reduce visual impacts should be included in the Mitigation, Monitoring, and Reporting (MMRP) document, so the Applicant can monitor and report on effectiveness. The number and general location of redwoods to be planted should be determined in advance to be a measurable and reportable mitigation.

11-14

Lighting Impacts Not Fully Addressed: The MND states that no offsite impacts for lighting were identified (Page 48), since the Applicant would *"…design and locate the lighting system to reduce glare and reduce impact to area residents"* per the Keller Canyon Landfill Land Use Permit LP89- 2020.

Since the project did not perform a photometric analysis to make this determination, the MND is deferring to a future time the refinement and/or full definition of the impact, and/or adopted mitigation measure. This constitutes deferred mitigation, which is defined under CEQA as the practice of putting off the precise determination of whether an impact is significant, or precise definition of required mitigation measures, until a future date. This mitigation needs to be monitored and reported to be sure the additional lighting in existing dark open space does not create a nighttime light impact for residents or wildlife.

11-15

The MND fails to address light pollution and aesthetic impacts associated with the proposed Project's onsite lighting. The MND fails to make direct analysis and/or discuss the effects of light trespass, veiling luminance, glare, clutter, and urban sky glow; nor has there been any determination that shielding would provide the requisite level of mitigation. Therefore, the MND has no basis to conclude that *"…new nighttime lighting would result in a less than significant nighttime light impact on views of the site",* since no analysis was performed to make this determination.

Visual Simulation Figures Lack Clarity: Vantage Point 3 does not show the proposed facility with trees removed that demonstrates the impact that requires the mitigation of the redwood tree planting. The vantage is shown with pepper trees that will be removed as part of the project, and then with the addition of the redwood trees without a commitment to the number or location.

11-16

Air Quality Section Issues

The MND provides a cursory air quality assessment, which is not consistent with the rigorous analysis required under CEQA; instead it provides California Emissions Estimator Model (CalEEMod) results in the place of an actual conformity assessment.

11-17

Lack of Quantitative Technical Analysis: There are numerous quantitative air quality screening protocols that were omitted from the MND, including determining whether the project would,

- Conflict with, or obstruct implementation of the applicable air quality plan,
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation,
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard,
- Expose sensitive receptors to substantial pollutant concentrations, and,
- Create objectionable odors affecting a substantial number of people.

11-18

From this CEQA perspective, the MND does not provide any data or analysis of existing air quality levels and/or wind patterns, did not perform a combustion toxics risk assessment of potential polynuclear aromatic hydrocarbons (PAH's) due to construction or operation activities, and did not perform the required cancer risk assessment per the California Office of Environmental Health Hazard Assessment (OEHHA). The MND fails to aggregate air quality impacts and fails to determine significance of potential health risks due to the project, an omission that has been found by the courts to be improper (*Sierra Club v. County of Fresno, 2018*).

Cursory Mitigation Measures Applied: The MND provides numerous air quality mitigation measures that are cursory in nature, and for the most part unenforceable. Based on these measures, categorized as Conditions of Approval (COA's), the MND erroneously concludes a reduction of air emission levels to below levels of significance, absent any computationally verifiable proof, relying on deferring mitigation based on previous plans and standards, such as the KCL LP89-2020 Conditions of Approval. The MND (Page 61) states, "*The applicant shall manage the facility in a manner that does not result in the significant deterioration of air quality in the vicinity of the site.*" The listed COA's must be written as mitigation measures that can be monitored and reported to demonstrate the impacts are less than significant.

11-19

Lack of Substantive Combustion Emissions Analysis: The MND provides in Table 3-1 (Page 66), Table 3-2 (Page 67), and Table 3-3 (Page 68), a series of tabulations of emission rates and aggregate project emissions, without any substantive site-specific technical analysis factoring in any proposed operational scenarios capable of generating said emissions. Rather, the MND relies on generic emissions data available from the EPA AP-42 emissions factor document, and calculates overall project emissions based upon the aforementioned generic source data.

11-20

These emission estimates are not representative of the proposed project, as they are sufficiently generic to apply to any combustion process.

Lack of Localized Emission Impact Analysis: The MND incorrectly states that the proposed project would not generate significant localized pollution concentrations, or hot spots (Page 70), without benefit of analysis. It has previously been identified that the project failed to perform a pollutant dispersion analysis; thus a conclusion of this type in the MND is unfounded. Further, the MND, through its failure to perform the requisite dispersion analysis, failed to conclude if the project would comply with Federal Clean Air Act designations (i.e., the National

11-21

Ambient Air Quality Standards, NAAQS, 40 CFR Part 50), or with the CARB California Ambient Air Quality Standards (CAAQS).

11-21

This is especially important considering that currently, Cal EPA lists that out of 66 inspections of KCL, a total of four (4) violations were noted, two of which were associated with VOC emissions in excess of the CAAQS.

Lack of Analysis of Emergency Measures: No air quality analyses were performed to address emergency response conditions of the plant. While the MND states that accidental releases would be, *"…redirected to the existing landfill flares as necessary"* (Page 162), none of these emergency emissions were factored into technical analysis within the Draft MND and were therefore omitted.

11-22

Even though the MND references the California Accidental Release Prevention (CalARP) as a requirement of this project action (Page 159), no discussion or analysis is present detailing the seismic risk management plan that would be required for this facility. This is especially important in the context of methane gas, as this gas has a CO_{2e} value of 84.

Biological Resources

Unanalyzed Adverse Effects on Wildlife: The MND acknowledges the presence of several state and federally protected avian species such as Cooper's Hawk (*Accipiter cooperii*), Tricolored blackbird (*Agelaius tricolor*), Grasshopper sparrow (*Ammodramus savannarum*), Golden eagle (*Aquila chrysaetos*), Short-eared owl (*Asio flammeus*), Burrowing owl (*Athene cunicularia*), Ferruginous Hawk (*Buteo regalis*), Northern Harrier (*Circus hudsonius*), White tailed kite (*Elanus leucurus*), California horned lark (*Eremophila alpestris actia*), and the Loggerhead shrike (*Lanius ludovicianus*), and acknowledges that construction activities could disrupt nesting behavior (Page 88).

11-23

While the MND lists 'equipment noise' as a source of impact, no other consideration or discussion of potential noise impacts to habitat areas during the construction period was provided in the MND.

Incomplete Mitigation Measure – Biology 3: The MND (Page 91) states, "*Construction monitoring shall ensure that direct effects to golden eagles are minimized."* The description indicates monitors will focus on ensuring activities do not occur in the buffer zones. What if disturbance occurs? Will the monitor have authority to stop work? None of the mitigations indicate the monitors can stop work. Monitoring buffers does not ensure there will be less than significant impacts to Golden Eagle.

11-24

Incomplete Mitigation Measure – Biology 5: Calling CDFW does not reduce impacts to American Badger to less than significant levels. Mitigations have to be measurable and be able to be monitored for effectiveness. The mitigation needs to include developing a plan that is CDFW approved for implementation to address occupied badger burrows.

11-25

Incomplete Mitigation Measure – Biology 6: For Bullet 3, under "*Avoidance and Minimization Requirements"* (Page 93), there needs to be an identified buffer for San Joaquin kit fox pups and adults present at a den in the work area, as well as stop work authority if needed. Again, calling CDFW and USFWS does not ensure impacts to San Joaquin kit fox are less than significant. Exclusion zones were only identified for dens outside of the disturbance footprint.

11-26

Incomplete Mitigation Measure – Biology 7: If trees must be removed or disturbed as part of Project construction activities, a qualified bat specialist should conduct surveys to identify use of habitat by any bat species. Protocol level surveys using electronic detection should be used to identify general bat use and any special status bat species using any habitat proposed for removal or disturbance. If confirmed occupied or formerly occupied bat roosting and foraging habitat is destroyed, habitat compensation would be needed to reduce the impact to less than significant. The bat habitat mitigation should be determined by the bat specialist, in consultation with local, state and federal agencies. The existing mitigation in the MND needs to be revised to reflect a bat specialist is required for tree removal, and habitat compensation should be included.

11-27

On Page 95, avoiding rock outcroppings is part of the mitigation for match weed patches, and so is surveying and flagging to prevent any inadvertent disturbances. Formal mitigations are needed to monitor and report the avoidance of impacts to California match weed patches.

Incomplete Mitigation Measure – Biology 8: This section should also include avoidance of tree root damage. Construction traffic compacts soil most severely near the surface, the area where the majority of tree roots are located. Trenching within eight (8) feet of tree can also severely damage roots. All trees that are to remain, but are in the construction footprint, should have barricades around designated trees at a minimum to the drip line; avoid vehicular traffic or parking in these restricted areas; and prohibit material storage and grading in restricted areas.

11-28

Worker training should also be a biology mitigation measure to educate workers about the potential for impacts to multiple species of wildlife and plants in the Project area.

Cultural Resources

Incomplete Mitigation Measure – Cultural Resource 1: This mitigation measure should include monitoring of excavation activities by a certified archaeologist. Onsite education with workers is not sufficient to avoid impacts to historic resources.

11-29

Geology

Understated Potential for Ground Shaking and Landslides: The MND acknowledges that the project site has a high potential for strong ground shaking, the potential for reactivation of landslide areas, and the potential for landslide areas to enter into the pipeline corridor (Page 138), yet the document only provides generic mitigation measures, some of which (Geology 2) constitute deferred mitigation under CEQA. The statement in the MND, *"…strong ground shaking could trigger reactivation of shallow slope failures within the dormant landslide, resulting in a potentially significant impact*" is evidence that this project may have significant unavoidable impacts, since the mitigation measures provided in Geology 1 could be deemed inadequate resulting in a significant unavoidable impact, requiring alternative plans to be investigated.

11-30

The MND acknowledges, under its own peer review, that the geotechnical study (Tetra Tech BAS, 2019), prepared for the project applicant for the RNG facility, *"…is not sufficiently documented to allow for peer review of the analysis"*, and that *"…some of {sic} data inputs and intervening steps leading to the conclusions of Tetra Tech are not provided"* (Page 141). The findings of the County's peer-reviewer were that additional work would be required to fully ascertain whether or not the proposed RNG facility could be susceptible to liquefaction. This subsequent analysis was not presented as part of the MND, and was deferred to the construction-permitting phase, in violation of CEQA, despite the fact that the MND lists this as a potentially significant impact.

11-30 The decision to defer this impact analysis and requisite mitigation for high liquefaction potential under the proposed RNG facility, could necessitate relocation of the proposed facility and accompanying appurtenances, including the proposed underground pipeline.

11-31 Incorrect Checklist Assertion: The MND does not answer the CEQA checklist question correctly, instead stating, *"There are no active faults on the project site…"* (Page 138), when the question asks to identify 'known' earthquake faults, active or inactive notwithstanding. Further, the statement that there are, *"…no active faults on the project site…"* is misleading, as no apparent survey was performed to make this conclusion. Further, according to data published by the California Department of Mines and Geology, the proposed pipeline alignment appears to cross contact zones (i.e., potential slide areas) in four (4) separate locations. Please verify the presence, or lack thereof, of any onsite fault potential.

11-32 Lack of Substantive Technical Analysis: The geology discussion in the MND is of a sufficiently generic nature, is not based on identifiably complete impact analysis, and defers the final determination of impacts and any mitigation to a later time. Additionally, none of the proposed safety mechanisms are delineated in sufficient detail, so as to be sufficiently capable of providing mitigation.

The MND identifies expansive soil problems associated with the project site. No substantive mitigation is proposed other than to require the project applicant to have a geologist examine the problem. This approach is incomplete under CEQA.

The MND identifies potential impacts associated with soil erosion and pipeline scour. No substantive mitigation is proposed other than to require the project applicant to have an engineering geologist examine the problem, and to provide some log drop structures, to be determined at a later date, by the project biologist. This approach is incomplete under CEQA and could lead to a condition where project impacts are not fully mitigated.

Greenhouse Gas (GHG)

11-33 Underestimated Aggregate Greenhouse Gas Generation: The MND provides a discussion of the Contra Costa County Final Climate Action Plan (CAP), and then provides in Table 8-2 (Page 153) a summary of the estimated greenhouse gas emissions for the project site, without benefit of any scientifically meaningful discussion, or for what circumstances / operational scenarios the values were calculated. Since the MND fails to analyze requisite GHG topics, such as a comprehensive breakdown of construction vehicle emissions, powered haulage emissions, emissions associated with small engines, electrical consumption, solid waste generation, and water processing CO_{2e} contributions, it is in effect a non-analysis according to CEQA.

Table 8-2 provides an impact comparison of the proposed RNG plant versus existing waste gas production, thereby claiming to demonstrate project compliance without considering if this scenario is technically feasible using the currently proposed design. Further, the MND is unclear as to whether or not the waste generation being analyzed is 10,000 metric tons per year of CO_{2e} (Page 151 and 152), or 10 metric tons per year of CO_{2e} (Page 152).

11-34 Incomplete Construction Analysis: The MND states that, *"…a total of up to 629 MT of CO_{2e} would be emitted over the entire eight to 12 month construction period"* (Page 154), when the MND repeatedly states, "*Construction of the Ameresco RNGPFP would take 12 to 14 months"* (Page 3 cover sheet, Pages 2 and 13 of MND).

11-34

The construction GHG analysis in Table 8-3 (Page 155) does not adequately analyze contractor vehicle trips and trip lengths, types of equipment employed and duty cycles, proposed construction means-and-methods, and the aforementioned omission of any powered haulage analysis associated with material import. Further, the MND appears to underestimate the construction GHG emissions by utilizing a construction schedule different from that used in the rest of the MND.

Hazards & Hazardous Materials

11-35

Hazards Associated with Transport or Routine Use Not Analyzed: The MND provides three (3) pages of regulatory discussion pertaining to hazards and hazardous materials, but does not provide concrete site-specific analysis of hazards associated with the project. For example, on Page 157 an excerpt of County Code Chapter 84-63, Article 84-63.422 is provided; however the document does not include enough detail to determine the project's Hazard Rating as outlined in the County Code. The hazard rating should be provided in the analysis. The public should be informed on the hazard rating the County would use to characterize this project. Extensive discussion is made regarding various methods that could be used to regulate hazards, as a substitute for an actual plan-to-ground analysis.

Page 161 states that, *"The applicant shall coordinate with Contra Costa Health Services Department on compliance with applicable regulations,"* and then references "...documents approved by the Contra Costa Health Services Hazardous Materials Program." Please include the documents that need to be completed by the applicant.

11-36

Significant Hazard through Upset Not Analyzed: An effort is made within the MND to downplay potential impacts associated with the pipeline, by stating that the Potential Impact Radius (PIR) of the pipeline is 72 feet, according to calculation procedures identified under 49 CFR 192. The MND then defers to various State and federal regulations as justification for a finding of no impact. What the MND fails to disclose is that the PIR is a blast radius that does not factor in any other dangerous effects associated with a catastrophic failure of a natural gas pipeline.

Natural gas (methane or CH_4), in addition to being a simple asphyxiant capable displacing atmospheric oxygen, as previously discussed, also poses a significant fire and/or explosion risk, as the gas will creep along a damaged pipeline, and permeate the soil over long distances seeking an ignition source, providing considerable flashback possibility. Notwithstanding the calculated 72 foot impact distance, the potential exists for an undetected pipeline segment leak finding said ignition source in the rear yards or garages of the adjacent residences (which, according to GIS, are located 40-feet from the proposed pipeline alignment).

The equation used in the MND for the determination of the potential blast impact radius is given as,

$$PIR = 0.69(d)(P^{1/2})$$

This equation is a semi-empirical curve fit of the potential blast radius (PIR) as a function of the pipe diameter (d) in inches, and the operating gage pressure (P) in pounds-per-square-inch (psi). This equation has been repeatedly shown to be an estimate of the blast impact only (i.e., the area for which one could reasonably expect complete devastation due to a pipeline failure).

Further, numerous studies performed by the National Transportation Safety Board (NTSB) have demonstrated that associated burn radii (i.e., the radius that the fire from the explosion consumes) is up to 75% greater than the blast radius predicted by the above equation (refer to the following National Transportation Safety Board Reports of Investigation: *1975 NTSB-PAR-75-2, and 1984 NTSB-PAR-86-1*). 11-36

It should be noted that this project is not proposing a simple neighborhood residential gas transmission line (which would have nominal operating pressures of around 10 psi); rather it is proposing a high pressure 680 psi pipeline at a shallow depth in close proximity to dozens of residential structures, many of which would lie completely within the radius of a pipeline blast.

Instead of adequately analyzing this impact, the MND provided an incorrect plan-to-plan approach by stating, *"The proposed pipeline would have a PIR that is less (i.e. shorter in length) than that of the existing PG&E underground gas infrastructure and would be situated farther away from residences than the existing gas infrastructure. Thus, the PIR for the proposed pipeline does not pose any additional risk to the nearby area"* (Page 165). 11-37

Accidental Releases Not Fully Accounted For and/or Mitigated: The MND states that accidental releases would be *"…redirected to the existing landfill flares as necessary"* (Page 162), and yet no analysis of this was presented in the MND, or requisite air emissions tabulated. The MND relies on an exhaustive list of project proposed 'special features', such as seismic sensors, gas detectors, leak detectors, fail-safe modes, emergency stops, and automated notification systems, as a substitute for actual analyses.

These measures are of limited advantage since the MND has previously acknowledged that the facility would remain without personnel most of the time, stating *"… the proposed RNG processing facility would operate 24 hours per day/7 days per week with two operators overseeing the facility for 40 hours per week"* (Pages 2, 6, and 212). 11-38

Further, the MND states that, "*Potential excess pressures are handled by pressure relief valves"* without providing any specifications regarding how this process is handled. Does this methane release occur to the atmosphere, or is it contained and processed? Is this part of the aforementioned accidental release system?

Finally, the MND again utilizes a plan-to-plan approach instead of performing the requisite analysis by stating, *"The potential hazards previously identified in the existing LFGTE plant are similar to those anticipated in the proposed RNG processing facility"* (Page 162), and again referring to hazardous management plans for the existing facility.

Contradictory Engineering Terminology: The MND focuses on the engineering concept of 'hoop stress', a measure of the circumferential stress exerted on the inside walls of the pipeline, randomly interchanging this term with Specified Minimum Yield Strength (SMYS) and Maximum Allowable Operating Pressure (MAOP), but ultimately stating that the, *"pipe itself will be designed to operate under 20 percent SMYS"* (Page 167), implying that this is both a safe allowable standard, and also that the margin-of-safety as determined by Barlow's Formula (i.e., the strength of materials design equation for steel pipes) would be five (5). 11-39

Notwithstanding the MND's focus on 'Class 4' criterion pipe, the statement, *"Ruptures or explosions are almost always possible only when a pipeline operates at a stress level higher than 20 percent SMYS"* (Page 168) implies that the metric being used is not a yield strength per

Young's theory; rather it is a failure stress. Or, alternatively, the safety factor in Barlow's equation is not quite as specified, as a 'rupture' of a pipeline would not necessarily be associated with simple plastic yield deformation of the pipe material; rather it would be indicative of long-term creep and/or brittle failure.

11-39 The MND engages in a logical 'straw man' when it states, *"A leak would be significantly less consequential than a rupture. In general, natural gas is believed to be less hazardous to the public than petroleum products because it is transported at lower pressures and, when released, rises and dissipates into the atmosphere"* (Page 168). This is not only an irrelevant comparison, it is also scientifically incorrect because of the earlier discussion on the hazards of high-pressure methane gas. Therefore, the discussion of pipeline design requirements depicts the impacts as less than they potentially are, and needs to be re-evaluated.

Noise and Vibration

Inadequate Field Survey Techniques Employed: The MND analyzes existing community noise levels by performing two (2) long-term field measurements of indeterminate length, and
11-40 six (6) short-term measurements of 10-minutes each. The selection of monitoring locations appears to be random, without consideration of source-receptor placement, and/or surrounding topography.

Since no field data for the long term measurements are provided in the MND, other than aggregate values, it is questionable that said values represent the Day-Night Levels (DNL) for the locations selected, as there is no way to disaggregate the penalties applied in this metric from the actual data; nor are any statistical metrics shown for either long term measurement, to
11-41 uniquely identify the characteristics of the community noise. Further, while DNL values are mathematically calculated through summation of 24-hour data sets with applicable penalties, the presentation of DNL community noise data in the MND as daily sets, defeats the actual purpose of the DNL metric (i.e., the representation of time-distributed aggregate noise events as a single number).

Additionally, the presentation of short-term measurement data taken in a single 10-minute interval at each location is not useful (evident by examination of the numerical scatter of the data presented in Table 13-1 of the MND). The measured average sound level (L_{50}) is not
11-42 statistically consistent with the energy average level (L_{eq}), due primarily to the fact that the short-term levels (L_1) and background levels (L_{90}) are not adequately represented – a numerical artifact due to the measurements being of too short of a duration to be of any use, and only one interval measured per location (i.e., they could be of any short term event occurring within a single 10-minute interval that is not representative of a community baseline level). The representation of a DNL (which is a minimum 24-hour weighted level) for 10-minute samples of acoustic data is technically incorrect; it places too much weight to a 10-minute snap shot in time.
11-43 The 10-minute intervals needed to be repeated over a longer duration.

Finally, existing LFTGE plant equipment measurements presented in Table 13-2 (Page 194) are inaccurate and underrepresented for all measurements below 15 feet, for the following reasons: 1) the measurement distances are too close to the source for proper planar representation of the acoustic wavefront, and 2) measurements within three to five feet are well
11-44 within the longitudinal length of the equipment being measured, meaning the placement of the sound level meter along this axis determines the measured level, rather than the overall radiated sound level of the equipment in question.

11-45 Inaccurate Equipment Noise Source Data: The MND provides, in Table 13-3 (Page 194), a list of proposed mechanical equipment for the RNG plant, without manufacturer identification or specification tear sheets. Data is shown ranging from 72 dBA to 85 dBA, all cited at a reference distance of three (3) feet. No discussion was made identifying these values as sound pressure levels, or sound power levels, so in this context it will be assumed that these values represent sound pressure levels as measured at three feet.

11-46 The values shown in Table 13-3 are inappropriate, as they imply that physically large hydraulic turbomachinery produce relatively low noise emission levels compared to published manufacturer data of similar equipment, or are somehow significantly quieter than other sites with published data shown at a reference distance of 50 feet. Since, there is no discussion in the MND regarding this equipment list containing acoustically shielded equipment, and in fact acoustical shielding is required as part of the project (Page 188), it can therefore be assumed that these are unmitigated source levels. In this case, the values presented in the MND are not credible, as they would represent equipment source levels at least an order of magnitude quieter than what is currently commercially available.

11-47 Inaccurate Acoustical Contours and Numerical Data: The MND provides as Figure 13-3 (Page 195) a set of acoustical contours depicting the anticipated community noise exposure due to the proposed RNG facility. These contours, while somewhat following the existing terrain lines, do not correctly represent the existing topography available on the Contra Costa County's GIS website. Further, numerous discrepancies in these contours are visually evident, including anomalous diffractive attenuation not observed in the terrain dataset, anomalous increases in radiated sound pressure not indicative of any terrain, spurious 'sound islands' not representative of existing terrain lines, abrupt returns or termination of contour lines for no apparent reason, and a general failure of the modeled contours to pass simple propagation consistency checks and achieve a point-spherical pattern over long distances (especially at locations within the Santa Maria Drive and Summit Ridge Court areas).

11-48 Given these concerns, the tabular data shown in Table 13-4 (Page 196) is not suitable in the analysis, including the DNL comparison in Table 13-5 (Page 196), since these values have been previously shown to be mathematically incorrect.

11-49 Incomplete Construction Noise Assessment: The MND provides in Table 13-6 (Page 198) a list of proposed construction equipment for the project site and then concludes, based on distance of separation, that no impact is possible, all without the benefit of any mathematical analysis within the MND. Additionally, said discussion of impacts (or lack thereof) completely omits any discussion and/or analysis of powered haulage and earthwork requirements associated with the import of 89,000 cubic-yards of dirt, which would have to enter the project site in close proximity to residential structures.

11-50 Further, the MND re-cites the tabular data shown in Table 13-4, indirectly implies that residential structures adjacent to the pipeline alignment could be exposed to noise levels in excess of 77 dBA L_{eq}, and then proposes mitigation based on *"… good faith…"* measures by the contractor, with no specifics. These structures within the Club Park Subdivision were constructed between 1973 and 1975, with many of the units designed and constructed prior to the implementation of *California Code of Regulations, Title 24, Part 2*. No field inspections, analysis, or discussion is presented in the MND addressing this topic.

11-50 This is not a correct acoustical impact analysis procedure for construction noise, and the proposed mitigation is ineffectual and deferred. The mitigations must be written in a way that they are enforceable and measurable.

Lack of Any Ground Vibration Analysis: The MND provides a brief discussion (Page 200) of ground vibration impacts, and then dismisses the impacts without any scientific proof or analysis.

11-51 For example, the MND states incorrectly that, *"…the proposed RNG processing facility and the underground RNG transmission pipeline would not include any components (e.g., pile-driving) that would generate excessive ground-borne vibration levels"* (Page 200) when pile driving is clearly listed in Table 13-6 (Page 198) as a construction activity under consideration. The MND claims, without scientific proof, *"…normal operation of the RNG processing facility and transmission pipeline would not generate ground-borne vibrations during project operations"* (Page 200). This statement indicates the impact was not analyzed because it lacks any discussion of how the conclusion was determined.

11-52 Further, the MND restates the incorrect assertion that, *"…pile driving and blasting, which can cause excessive vibration, would not be used as methods of construction"* (Page 200) in reference to pipeline construction, and then states, *"Project construction activities may generate substantial vibration in the immediate vicinity of work areas, but vibration levels would vary at off-site receptor locations depending on distance from the source of the vibration, soil conditions, construction methods, and equipment used"* (Page 200), again without benefit of any dynamic soil testing, inspection of existing structures, analysis of proposed means-and-methods utilized, etc. The MND concludes, *"…vibration levels would not be discernible from ambient conditions (0.002 in/sec PPV or less)"* without identifying how this ambient level was determined, nor what test protocol was used to determine it.

11-53 The MND provides representative source vibration levels in Table 13-7 (Page 201) for various pieces of construction equipment based on values published by the Federal Transit Administration (FTA). However, these values are completely irrelevant in this context, as they are only aggregate vibration levels observed by the FTA during their projects, and are provided by the FTA as ballpark estimates. The values shown in Table 13-7 are not frequency dependent values, and have very little meaning outside their test setting. Under no circumstances are they intended to replace actual engineering field-testing of representative equipment and plan-to-ground soil conditions.

11-54 Additionally, the MND makes the incorrect conclusion that only vibration associated with architectural damage is important (i.e., neglecting any ISO human impact thresholds), and that a scalar value of *"{sic} 0.2 PPV"* is the threshold. While 0.2 inches-per-second PPV might be an applicable structural threshold under some circumstances, this vibration level produces differing structural effects at different driving frequencies. Thus, in this context, the utilization of the FTA standards as both a significance threshold, and impact analysis in the MND is inappropriate under CEQA.

Public Services

11-55 Fire Protection Demands Inadequately Analyzed: On Page 206 of the MND, the addition fire protections measures such as the new fire hydrant should be included as mitigation for impacts related to wildfire. The use of water in that additional fire hydrant should be analyzed to

determine if the water supply tank would have adequate supply to support three fire hydrants in the Utilities section.

The MND states that the project would not increase demand on fire systems in the City (Page 206) and arrives at this conclusion without an analysis to demonstrate the determination, combined with the requirement (mitigation) that the project applicant install a new fire hydrant near the mid-southeastern boundary of the RNG processing facility. Nowhere in the document is there a discussion or analysis addressing whether, or not, the existing infrastructure could provide sufficient water service in the event of a catastrophic failure of the RNG plant or pipeline, or that the proposed staff would be capable of handling such an event without the assistance from fire protection services located with the City.

11-55

Given the MND's own acknowledgement that the blast radius associated with a catastrophic failure of the pipeline could result in extensive damage within the surrounding residential community, and that it is anticipated that the project applicant could have a delayed response time for any such event of up to one hour (Page 14), and that the plant, *"…could require adjustment or modification to maximize safety…"* (Page 15), it is not conclusive that the project would have a less than significant impact on fire protection services.

11-56

Transportation

Understated Construction Traffic Impacts: The MND states, *"With respect to construction traffic, the applicant anticipates that there would be less than 20 inbound construction trips per day"* (Page 212), while also stating, "*Construction of the Ameresco RNGPFP would take 12 to 14 months. During this time, the level pad area adjacent to the existing RNG processing facility would be constructed using approximately 89,000 cubic yards of imported earth fill"* (Page 3 cover sheet, Pages 2 and 13 of MND).

11-57

Assuming standard 14-cubic-yard haul trucks, 89,000 cubic-yards of material would require 6,357 trips. At less than 20 trips per day, this would require more than 318 working days, or more than a year, just to complete the movement of soil – independent of any other contractor visits to the site.

The transportation section of the MND that underestimates actual construction trips. This lack of truck trip analysis would also affect the noise and air quality/GHG sections of the MND as these offsite trips, inclusive of haul length, vehicle type, etc., were never analyzed. Please include the imported fill truck trips in the impact analysis.

Utilities

Underestimated Impacts to Existing Infrastructure: Page 219 states, *"The proposed project would be constructed in an area designated for industrial use, infrastructure, and facilities."* However, on Page 184, the MND correctly indicates the land use designations as including Open Space, landfill, and in an Agricultural District.

11-58

While the MND does discuss onsite water storage and infrastructure improvements, it fails to address whether or not there is adequate water supply available in the case of an emergency. It is unclear whether the current surrounding infrastructure is capable of supplying a peak-demand flow in the event of a catastrophic failure in the RNG plant or associated pipeline. Rather, the MND defers action by stating that all systems will be constructed according to approved standards.

Wildfire

11-59 Lack of Credible Wildfire Analysis: The MND acknowledges that the project is in an extreme wildfire area, yet makes the underlying assumption that natural gas conveyance, of the type proposed by this project, does not pose a serious risk, and defers to various codes and standards to conclude no impact (again, without any benefit of analysis).

Objections Mandatory Findings of Significance

11-60 Based on the comments above, the Mandatory Findings must be revised to include mitigations that have not been correctly identified or written to be measurable in reducing impacts to less than significant levels. There are several resource areas that need to include mitigations, and currently only include informal commitments that are not part of the project description or considered mitigations which are not considered mitigations as defined under CEQA.

11-61 The City did express concern during a meeting with representatives from Ameresco regarding the pipeline pathway and connection. The City suggested a modified route for the pipeline which would be further from homes and the City's critical infrastructure including the Water Treatment Plant and three-million gallon water tank. Ameresco representatives dismissed this suggestion as cost prohibitive and continued with a pipeline route that disregards the safety of this community.

11-62 And lastly, the complexity and impacts of this project and the need for additional and thorough analysis in the various sections noted above demonstrates that a Mitigated Negative Declaration is not adequate. The City of Pittsburg requests a full Environmental Impact Report be conducted on this project and that an alternate path for this pipeline be required for the safety of its residents and infrastructure.

Respectfully,

Garrett Evans
City Manager

cc. Pittsburg Mayor and Councilmembers
Laura Wright, Environmental Affairs Manager
Sara Bellafronte, Administrative Analyst II
Supervisor Federal D. Glover, Contra Costa County, District 5
John Kopchik, Contra Costa County Department of Conservation and Development Director
Deidra Dingman, Contra Costa County Department of Conservation and Development Manager Conservation Programs - Waste & Climate
David Brockbank, Contra Costa County Department of Conservation and Development Principal Planner
Stanley Muraoka, Contra Costa County Department of Conservation and Development, AICP, Senior Planner

11. Letter 11: City of Pittsburg

Response to Comment 11-1: The comment stating that a full Environmental Impact Report (EIR) is required is not supported by the evidence regarding the project's impacts, which can be mitigated to a less-than-significant level. The Lead Agency determined that a Mitigated Negative Declaration (MND) is the appropriate document consistent with the California Environmental Quality Act (CEQA) Guidelines. This determination is supported by the analysis in the MND, and the substantial evidence provided in the MND and its supporting documents.

Even though the Project's impacts are less than significant with mitigation, in response to the City of Pittsburg's comment, 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 impacts that are described in the draft MND. Please see Section III. Revised Project Description of this Final MND for a detailed description of the revised RNG pipeline alignment.

Response to Comment 11-2: Numerous supporting documents are referenced in the text of the MND. In addition to the project-specific studies, the Keller Canyon Landfill site conditions, geology, hydrology, and flora and fauna have been extensively studied and documented in prior CEQA and other studies related to permit compliance. Many of the mitigation measures in the MND are measures that have been applied to the Keller Canyon Landfill site, such as those in the 1990 Keller Canyon EIR, the conditions of approval in County Land Use Permit 2020-89 (LP89-2020) for Keller Canyon Landfill, the 2001 MND for the landfill gas power plant approved in 1991, and the East Contra Costa Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).

LP89-2020 "runs with the land" meaning that its conditions of approval remain binding and are not affected by change in ownership. The LP was initially issued by Contra Costa County in 1990 and most recently amended in 2015. Applicable conditions of approval from LP89-2020 have been applied to the proposed project. Compliance with these conditions of approval has been evaluated on an annual basis by the Contra Costa County Department of Conservation and Development since 2015. The efficacy of these conditions of approval, incorporated into the project where noted, has been demonstrated from past evaluations by the County.

All related Keller Canyon CEQA documents, including the 1990 Keller Canyon EIR and 2001 MND for the landfill gas power plant, the conditions of approval in LP89-2020; and annual evaluations by the County Department of Conservation (DCD) are available for review at the office of the Contra Costa County Department of Conservation and Development, 30 Muir Road, Martinez, CA 94553. The project-specific technical studies that informed the MND's analyses are available to review at the DCD office. A list of references used in preparing the MND is presented in "References" on page 228 of the MND. In response to comments, the References list has been updated and included in Section VI. Staff-Initiated Text and Figure Changes in this Final MND.

Response to Comment 11-3: The timing of any deconstruction or demolition of the project is unknown at this time and thus speculative. As noted in the MND Project Description, the RNGPF and pipeline are anticipated to operate for a substantial time (at least 20 years or more). The RNGPF equipment will largely be mounted on skids or other modular platforms. Equipment removal can be accomplished with conventional cranes and flatbed trucks. The Ameresco existing power plant and proposed RNGPF will be de-constructed; gas product would be removed from the RNG pipeline and abandoned according to prevailing regulations; and the remaining LFG will be directed to the landfill flares. No significant impacts would occur from deconstruction; the impacts will be similar to those of construction, but lesser in scope and shorter in time duration given that the pipeline will be left in place. Thus, deconstruction impacts will be limited to activity on the RNGPF site.

Response to Comment 11-4: The MND proposes and formulates specific mitigation, with later action to confirm and carry out that mitigation. An example is the analysis of soil stability and the sand lens, which the Darwin Myers peer reviewer stated was sufficient for a preliminary analysis, to be confirmed by a more detailed analysis later. This type of initial review, to be followed by a further study to confirm the results, is a commonly adopted mitigation measure when it is infeasible or impracticable to do the further study for the CEQA document. For example, biological mitigation often requires pre-construction surveys for bird nests because the location of active nests can change each nesting season. The responses below provide the reasons that support the need to do more detailed studies after project approval.

Response to Comment 11-5: The geotechnical report prepared in support of the MND refers to "imported earth fill" with the meaning that it will not be sourced from within the footprint of the construction site subject of the report (e.g., the RNGPF itself). The soils used for the RNGPF embankment will be excavated from sources within the Keller Canyon Landfill permitted for this use. Standard earthmoving equipment, most likely large "scrapers" would carry between 35 and 44 cubic yards per trip (depending on equipment model and loading parameters). Since soil will be excavated from within Keller Canyon Landfill's permitted footprint, it represents an offset of material the landfill would have moved (with similar equipment) in any case. Stated differently, earthmoving for the RNGPF would have zero impact because if not moved for the construction of the RNGPF, it would be moved to comply with the landfill's already permitted construction and operations. The emissions for construction of the RNGPF are included in the construction emissions GHG analysis in Table 8-3 Summary of Construction-Related GHG Emissions (CO2e), Phase 1 – Grading, on page 155 of the MND.

No inbound/outbound soil truck traffic will be generated by the proposed project. None of the soil will be hauled over public roads. No "truck trips" will be generated, other than those required to deliver small amounts of quarry rock and geosynthetics used for stabilizing the outside slopes, and for paving and concrete during the construction of the level pad. These trips were considered in the Project's air quality, greenhouse gas, and transportation impact analyses.

Response to Comment 11-6: Deletion of horizontal directional drill (HDD) and the underground crossing of the Contra Costa Canal eliminates this potential impact.

Response to Comment 11-7: The pipeline will be placed at a minimum depth of 4 feet for additional safety and to minimize the potential for "dig-ins" or third-party damage to the pipeline. Required minimum depth is 3 feet under federal law (49 CFR Part 192). Due to varying topography, the pipeline may be located deeper than 4 feet to minimize the bending stresses in the pipeline.

Response to Comment 11-8: Natural gas is lighter than air, dissipates rapidly and is harder to ignite than conventional fuels. If accidentally released into the environment, natural gas is less of a hazard than petroleum fuels. Natural gas has unique properties that make it relatively safe compared to other fuels. Unlike liquid fuels, which puddle on the ground when there is a leak or spill, natural gas being lighter than air will disperse into the atmosphere. The ignition temperature of natural gas is 1,200 degrees Fahrenheit compared to about 600 degrees Fahrenheit for gasoline, making it more difficult to ignite.

Natural gas is significantly less dense than air (vapor density = ~0.7 at 1 ATM/25°C) and will migrate vertically through soil and into the atmosphere unless it hits a barrier such as a concrete pad, pavement, plastic fabric, or high-density polyethylene (HDPE) membranes. In a utility corridor such as that proposed for this project, a potential leak will tend to migrate up through the less dense trench backfill rather than through the denser soil on the sidewalls of the trench. Gas will not creep along a damaged pipeline unless that is its only path (such as a pipe that is encased in another pipe casing or covered by concrete or another dense impenetrable substance). Should the gas migrate along the pipeline as proposed by this comment, the gas would end up venting along the pipeline route and so would rise into the atmosphere from within the PG&E utility corridor rather than endangering the neighboring homes. There is a very low risk to the residents from a gas leak in terms of displacing oxygen because of the distance of homes from the pipeline. The gas will dissipate into the air as described above so that it will not develop at a sufficient concentration to present a risk of ignition.

While true that individuals in close proximity to a natural gas pipeline may experience some effects (such as odor) when the concentration of methane is at a level of 2 percent or greater, the gas source would be required to be in an enclosed space for a leak to produce that concentration and an individual would need to be in that same enclosed space to experience adverse effects. Along the RNG pipeline, the gas will rise at a faster rate than the rate required to reach the concentration levels noted in the question. As mentioned above, natural gas will rise vertically through the soil covering the RNG pipeline and disperse into open air. Methane has a narrow combustible range (5-15 percent in air) which decreases the chance of an above-ground, open-air explosion to near zero. Distant ignition and flashbacks are not possible outside confined spaces because after the gas rises and spreads, there is insufficient concentration to support combustion. The MSDS noted in the question is an "air gas" MSDS for methane in air and stored in a compressed bottle. It is not the correct MSDS for the methane that would be transmitted in the pipeline.

Response to Comment 11-9: Table 1 on page 3 of the MND is clearly labeled as a "Project Overview" and is intended to provide the reader with a summary of 11 topics commonly used to convey the basic features and actions associated with a proposed project. The permits listed in the category "Permitting Actions Required" are the primary permits required for the project and includes other permits required by law. Permit requirements beyond those shown in Table 1 are addressed in the individual impact sections of the MND.

Response to Comment 11-10: The erosion control measures associated with the stabilization of the pipeline at the unnamed seasonal stream crossing will be designed to last for at least as long as the 20-year lifespan of the project with regular maintenance but have the potential to last longer in the event the pipeline is abandoned in place.

Response to Comment 11-11: This comment states certain facts regarding distances of sensitive receptors; however, the conclusion misstates the context of the distance of possible sensitive receptors. The MND states the 0.33-mile and 0.40-mile distances to the north-northwest and west, respectively, pertain to the RNGPF site, and do not include proximity of residences compared to the entire length of the RNG pipeline. The MND discloses that the RNG pipeline as proposed would be located as close as 50 feet to residences adjacent to the PG&E property. In response to the comments, the portion of the RNG pipeline in the PG&E property has been eliminated. As reconfigured, construction would occur no closer than 70 feet from the nearest residence. At that distance, there would be no impacts related to noise, air quality, or hazards.

Response to Comment 11-12: The MND states on page 7: "The processing facility will be designed to process up to 4,700 standard cubic feet per minute (scfm) of LFG to produce a nominal maximum volume output of approximately 2,041 scfm of RNG to the pipeline." This represents approximately 1 billion scf over a year of operation.

Response to Comment 11-13: The MND demonstrates that scenic vistas would not be affected due to a combination of topography, site elevation of the proposed RNGPF, and the facts that the RNGPF site is not located in a scenic highway designation, the project is consistent with the zoning, and that the RNG pipeline would be placed underground. Despite the lack of significant impact on scenic views, Measures 1 (earth tone color scheme) and 2 (planting of redwood trees) described in page 46 of the MND will be incorporated into the project design. The proposed RNGPF would not substantially alter available views of the scenic ridges in the project vicinity.

Response to Comment 11-14: Comment noted. The identified measures to reduce or eliminate visual impacts shall be included be included in the Mitigation Monitoring and Reporting Program (MMRP) to be implemented by the County. Depending on spacing, 13 to 21 redwood trees would be planted.

Response to Comment 11-15: The project characteristics and project design features cited in Item d provide evidence supporting a determination that an impact of substantial light and glare would

not be significant. If approved the project would be required to comply with the Keller Canyon Landfill Land Use Permit (LP89-2020), which requires the lighting system to be designed with focused directional security and operations lighting. In addition, the County would make compliance with LP89-2020 a condition of approval. Further, the use of non-reflective paint will be required for all major equipment in accordance with applicable conditions of approval of the Keller Canyon LP89-2020.

Response to Comment 11-16: Close-up (cropped) images of visual simulations presented in the MND are provided in Section IV. Summary Responses. The cropped images are provided for clarity. Close-up views are presented from a vantage point near Santa Maria Drive, and from an aerial vantage point west of KCL. Please see the Aesthetics discussion in the Summary Responses section of the Final MND for details on the number and location of tree plantings.

Response to Comment 11-17: CalEEMod is the standard tool used to estimate emissions for CEQA documents. As stated in the CalEEMod User's Guide (http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.):

> The purpose of CalEEMod is to provide a uniform platform for government agencies, land use planners, and environmental professionals to estimate potential emissions associated with both construction and operational use of land use projects. It is intended that these emission estimates are suitable for quantifying air quality and climate change impacts as part of the preparation of California Environmental Quality Act (CEQA) documents.

CalEEMod relies on widely accepted methodologies for estimating emissions and well-researched default data, sourced from the United States Environmental Protection Agency (USEPA) AP-42 emission factors, California Air Resources Board (CARB) vehicle emission models, studies commissioned by California agencies such as the California Energy Commission (CEC) and CalRecycle, among other agencies.

The proposed project's emissions demonstrate that the total emissions would be minimal in the operation of the RNGPF resulting in a considerable net decrease in emissions compared to existing baseline emissions. The emissions are projected to be minimal based on a conservative maximum operating capacity. The anticipated impact of the proposed project would result in overall benefit for the air quality, public health, and well-being of the surrounding community. Therefore, given the minimal anticipated impacts based on conservative emission estimates, it was determined no further air emissions modeling or assessments were needed. A conformity assessment would not be required as the impacts do not violate an air pollutant standard, would not cause or contribute to an increase in air pollutant emissions, and therefore are less than significant.

Response to Comment 11-18: The proposed project is not anticipated to conflict with or obstruct the implementation of any air quality plans. Specifically, the 2017 Bay Area Clean Air Plan: Spare the Air, Cool the Climate (2017 CAP) was utilized and referenced during the analysis and evaluation of potential air quality impacts of the proposed project. With the use of the Bay Area

Air Quality Management District California Environmental Quality Act Air Quality Guidelines, it was determined that the proposed project and associated projected emissions, again at the maximum potential capacities, would not conflict with the 2017 CAP or adversely impact air quality.

The analysis did not explicitly include ambient air quality and wind patterns because the nearest residential property is located over 1,000 feet from the stationary emission source and therefore did not trigger further modeling using the EPA AERMOD for health risks. However, ambient air quality and location of sensitive receptors are considered by both BAAQMD and OEHHA when establishing screening level criteria and enforceable permit conditions.

With regard to polycyclic aromatic hydrocarbons (PAH), which are generated when organic materials such as when wood is not fully combusted, these were included in the analysis of Toxic Air Contaminants (TACs) in Section 3. Air Quality, 3b, page 67 of the MND, and will be reviewed by BAAQMD. Per BAAQMD Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities. The proposed RNGPF will be reviewed and monitored for emissions of TACs through the BAAQMD's Health Risk Assessment. PAHs are one of several classifications of TACs.

The Office of Environmental Health Hazard Assessment (OEHHA) provides non-binding screening levels for various State agencies and other stakeholders to implement or use at their discretion. The screening levels for criteria air pollutants provided by OEHHA are then adopted by the air districts as part of the screening process for the Authority to Construct and Permit to Operate applications. The analysis in the MND followed the screening criteria established by the BAAQMD that incorporate the OEHHA screening levels. In other words, the air permit process has OEHHA's screening levels embedded in them and the proposed RNGPF will have to meet those requirements.

Estimated project emissions are shown in Table 3-2, page 67, in the draft MND. As the emission estimates show, the proposed project would reduce emissions compared to existing conditions. The project would reduce the output of the existing flares on-site that are currently combusting the LFG generated from the landfill. This decrease in emissions aligns with the Bay Area Clean Air Plan: Spare the Air, which states reduction in emissions from criteria pollutants and toxic air contaminants as one of the four key priorities.

Additionally, the proposed project is a beneficial end-use of the LFG containing methane. The RNG produced by the project will have an end-use that will displace the usage of fossil fuels. Displacement of fossil fuels is also one of the four key priorities within the Bay Area Clean Air Plan: Spare the Air. Lastly, as previously noted, the proposed project equipment and the RNG processing operation do not use or generate odorous compounds. The applicant would be required to follow the proper procedures and methods to minimize potential odors. The RNGPF will be designed as a completely closed loop system which would not allow for the release or escape of odorous LFG. The emission calculations of potentials to emit for the criteria pollutants and air

toxics indicated that no thresholds were exceeded and therefore additional air modeling or data analysis is not required. The proposed project would result in a reduction of odors and minimal risk of exposure of sensitive receptors to unhealthful pollutant concentrations.

Response to Comment 11-19: The proposed project and associated operation of the LFG processing equipment will produce minimal emissions. The LFG will be treated in the system, converted to RNG, and will be properly handled. Additionally, the RNGPF will receive an Authority to Construct and Permit to Operate from the BAAQMD to ensure processing equipment are maintained and operated permitted limits. The proper operation and maintenance of the proposed project will ensure that the maximum volume of RNG is produced with minimal generation of emissions. The RNGPF emissions will be monitored and reported through the completion of regular emissions testing in a timeframe to be determined by the BAAQMD and under the KCL land use permit LP89-2020.

BAAQMD Regulations

The following describes BAAQMD regulations that apply to the proposed project and how the project design and operations would be in accordance with these regulations.

BAAQMD Regulation 2 – Permits, Rule 1 – General Requirements: An application will be completed in accordance with BAAQMD Regulation 2 Rule 1-202 and Rule 1-402. All required information and fees for the application will be provided either in the application for the BAAQMD during their review of the application.

BAAQMD Regulation 2 – Permits, Rule 2 – New Source Review: Under BAAQMD Regulation 2 Rule 2-301, the Best Available Control Technology (BACT) shall be applied to any new or modified source which results in an emission from a new source which has the potential to emit 10.0 pounds or more per highest day of VOC, NOx, SO2, PM10, or CO.

BAAQMD Regulation 2 – Permits, Rule 5 – New Source Review of Toxic Air Contaminant: There are no projected emissions from the proposed project that exceed the acute and chronic trigger levels in Regulation 2 (Permits) Rule 5, New Source Review of Toxic Air Contaminants (TAC). This regulation contains a list of TAC, standards for BACT, representative sensitive receptors, and procedures for risk assessment and monitoring.

BAAQMD Regulation 6 – Particulate Matter and Visible Emissions, Rule 1 – General Requirements: Ameresco Keller Canyon RNG shall exercise practices to minimize the particulate matter and visible emissions upon approval of the proposed Project. Per BAAQMD Regulation 6, the TOX and the process enclosed flare to be located at the RNGPF, shall not emit any visible particulate emissions for three consecutive minutes in any hour or result in fallout on adjacent property in such quantities as to cause a public nuisance.

BAAQMD Regulation 9, Rule 2 – Inorganic Gaseous Pollutants – Hydrogen Sulfide from TOX and Process Enclosed Flare: Ameresco Keller Canyon RNG shall operate the RNGPF in compliance with the H2S removal efficiency to assure compliance with the Regulation 9-1-302 sulfur dioxide limit of 300 ppmv (dry basis).

BAAQMD Regulation 8, Rule 34 – Landfill Gas Collection and Emission Control System Requirements: The Ameresco RNGPF will be operated in compliance with BAAQMD Regulation 8, Rule 34-301 and minimize the emissions of LFG such that there are no leaks or emissions that exceed emission limits in Regulation 8, Rule 34, Section 301

LP89-2020 Applicability

Being located almost entirely within the KCL property, the proposed project is subject to the KCL Land Use Permit LP89-2020 Conditions of Approval, as well as requirements of other permits governing the design, construction, operation, and maintenance of the landfill. LP89-2020 Condition of Approval 31.7 (Methane Recovery), requires KCL to explore use of the LFG as a fuel commodity. The proposed project is a renewable energy project that is authorized by State of California legislation and is proposed in accordance with LP89- 2020 COA 20.13 (also designated as Methane Recovery), which specifically requires construction of a gas collection system to utilize landfill gas to produce energy. The Project is also wholly consistent with the goals, objectives, and policies of the adopted County Climate Action Plan.

The above extensive discussion of State and local code requirements aimed at mitigating air quality impacts from industrial facilities describes existing regulatory provisions that ensure the project's emissions will be less than significant. These requirements, in addition to the project-specific CalEEMod analysis, provide substantial evidence that impacts would be less than significant without additional mitigation. Further, as described in the MND, the project would improve the air quality compared to existing conditions. Additional conditions of approval beyond LP89-2020 and the BAAQMD are unnecessary and would be duplicative of established requirements.

Response to Comment 11-20: Site-specific data from the landfill and composition of the LFG were utilized where possible and appropriate for the estimated emission calculations. Every project and every landfill is different. Testing and sampling data are not always available for every LFG compound. Thus, the United States Environmental Protection Agency (USEPA) recommends that inputs be utilized from the USEPA AP-42: Compilation of Air Emission Factors to calculate the estimated emissions of the proposed project. Therefore, when site-specific data were not available or applicable to the proposed operating scenario, default values (AP-42) were used to estimate project emissions. Without test data available, the use of the default values (AP-42) typically is more conservative in emissions estimates as the equipment typically outperforms the default emission values. The AP-42 values used in the emissions analysis in the MND are based on nationwide EPA testing of landfills providing conservative values based on a wide survey of possible conditions. The default inputs also allow for estimates that are supported through studies completed by USEPA.

Additionally, site-specific NMOC data were obtained from KCL source testing reports as submitted to the BAAQMD. The data were utilized in the analysis for the volatile organic compounds (VOCs) inputs, which are typically 39 percent of the non-methane organic compounds (NMOCs) detectable in LFG (provided in AP-42). Emissions calculations for compounds of the LFG routed to the proposed project were based on the gas quality necessary for RNG processing. The RNGPF is designed to accommodate varying composition (i.e., a range) of the source LFG. If the quality of source LFG were to vary greatly from the composition of that assumed in the estimated emission calculations, RNG processing could not occur. The processing equipment will be designed to handle very specific gas compositions for normal equipment operation. If the source LFG is not within specifications for the gas composition, the equipment would be unable to process the out-of-specification gas and will automatically shut down. The LFG would be rerouted to the landfill's existing flares for control by combustion as required by U.S. EPA New Source Performance Standards (NSPS), the BAAQMD, and LP89-2020. The emission estimates provided in the MND were based on the maximum capacity in the most conservative settings of the proposed project.

Response to Comment 11-21: The preliminary emission calculations completed for the proposed project indicated no further air modeling (such as air dispersion modeling) is necessary as the estimated emissions are not to exceed the significant thresholds (ROG, NOx, and PM with a threshold of 54 pounds per day, 10 tons per year). CalEEMOD, a State-approved air emission model, was used to analyze the emissions associated with the proposed project. Additionally, with the proposed project, the LFG would be diverted from the existing landfill flares Emissions calculations demonstrate the proposed project emissions at the same flow rates would result in a significant decrease in criteria pollutants compared to the existing flares. The proposed project is required to comply with Federal Clean Air Act designations and to be associated with Title 40 Code of Federal Regulations (CFR) Parts 60 and 63, due to the proposed project's affiliation with a Title V landfill. The project is also required to follow California Air Abatement Quality Standards (CAAQS) for applicable air basin. California law does not require that CAAQS be met by specified dates, rather, it requires incremental progress toward attainment.

Regarding the four violations associated with Keller Canyon Landfill (out of 66 inspections), these violations were not taken into consideration while evaluating potential impacts of the proposed project. The proposed project is a separate project, will be permitted separately from Keller Canyon Landfill, and will be operated by a separate and independent company. It is unclear when the NOVs mentioned by the commenter were received by the landfill; however, the landfill has resolved the root cause of the NOVs. As of December 2020, there were no outstanding NOVs assigned to Keller Canyon Landfill. Further, there is no evidence that the project would violate federal, State, and local requirements. The project applicant has a long history of safely and properly operating RNG facilities in Michigan and Texas.

The proposed project will serve as an additional control device in the landfill's system for controlling LFG that will be generated in the well field in the future. As a result, the proposed

project would assist with preventing potential surface emissions or odors resulting from landfill. Additionally, the proposed project and emissions points will properly handle the gas. Destruction efficiencies of VOCs at the proposed TOX and enclosed process flare are estimated to be approximately 98 percent. The NOVs issued to the landfill, including those associated with the VOCs, should not impede the proposed project's operations from occurring as the NOVs are specific to the operation and performance of the landfill itself. The proposed RNGPF will receive LFG from the landfill; however, as noted above, the RNGPF will be a separate facility, with a different owner and operator from the KCL landfill gas collection and control systems. The operations and maintenance of the RNGPF will be completed by a separate entity even though it's handling the LFG from the landfill.

Response to Comment 11-22: Item 7 on page 162 of the MND was misquoted in the comment, the MND actually says: "In the event of planned maintenance, process upset or other event, the RNG processing facility shall be either manually or automatically shut down and LFG shall be redirected to the existing landfill flares, as necessary." The MND does not say that "accidental releases" will be directed to the existing landfill flares.

The "emergency emissions" are noted in the MND and are based on worst case values. The process enclosed flare will only combust off-specification process gas in emergency scenarios. The remainder of the time it will have pilot gas combusted, to allow for immediate operation in those emergency scenarios.

The proposed project will be a closed loop system with vents, valves, and pressure release devices as required for safety purposes. These vents and pressure release devices will be used only during emergency situations only. The only point emissions sources for the RNGPF will be the proposed thermal oxidizer (TOX) and process enclosed flare to control emissions of criteria pollutants (NOx, CO, VOCs, PM, and SOx). It is likely that during an emergency the control devices (the TOX and enclosed flare) would be shut down since the RNGPF systems would be offline. If the RNGPF were to be shutdown, a valve would shut, preventing any new LFG from being routed to the RNGPF. The emergency valves/pressure release devices, if triggered, would not reset themselves and would contain any gas remaining in the system, thereby preventing potential impacts to the environment and public safety. RNGPF personnel would inspect the system to confirm that valves and pressure release devices are fully closed prior to restarting. Emissions estimates during emergency scenarios were not included in the MND as such extreme scenarios, and the events which may trigger them, are not reasonably foreseeable. Further, operational protocols documented in the plant control logic systems will be included in the design and operations for the RNGPF to prevent and manage potential emissions in an emergency for example such as opening a bypass valve to reduce system pressure, and would mitigate a potential significant impact. Under CEQA, a proposed project should be assessed and evaluated based on the normal planned operation of the facility that would produce typical estimated emissions.

Response to Comment 11-23: Adverse temporary effects to bird habitat and species associated with construction noise and other construction related disturbances are addressed in the draft

MND, Pages 81-85 identify where specific species may be impacted; Page 88 identifies potential construction impacts to birds; and pages 89-92 describe mitigation measures for birds, including the avoidance and minimization measures for nesting and migratory birds (pages 91-92). Temporary impacts evaluated include disturbances associated with equipment noise, including sound and vibration and presence of workers. The setback and monitoring requirements in Mitigation Measure Biology 4 are designed to avoid noise and other impacts. Mitigation Measure Biology 1 requires participation in the HCP/NCCP which includes provisions for protection of migratory birds through Conservation Measure 1.11. Conservation Measure 1.11 requires compliance with the federal Migratory Bird Treaty Act and Fish and Game Code 3503.5.

Response to Comment 11-24: Per Mitigation Measure Biology 3, preconstruction surveys for golden eagle will be completed and the results submitted to the CDD, ECCCHC, and CDFW. Per this measure, if construction activities are to occur within 0.5 miles of an active nest the applicant shall coordinate with CDFW and USFWS, to ensure construction activities do not result in direct effects to golden eagles. Mitigation Measure Biology 3 has been revised to clarify that the qualified biologist has stop work authority to ensure that no direct effects to golden eagles occur.

Response to Comment 11-25: Per Mitigation Measure Biology 5, preconstruction surveys for American badger will be completed and the results submitted to the CDD, ECCCHC and CDFW. Per the MND, in the event an active American badger den is identified, the applicant's qualified biologist shall determine den occupation in coordination with CDFW, and they shall consult with CDFW. Consultation with CDFW will result in the most appropriate method to determine how to avoid, minimize and fully mitigate impacts to occupied badger dens if necessary.

Response to Comment 11-26: Per Mitigation Measure Biology 6, preconstruction surveys for San Joaquin kit fox will be completed and the results submitted to the CDD, ECCCHC and CDFW. Per the MND, in the event an active San Joaquin kit fox den is identified, monitoring per USFWS survey guidelines is required and consultation with USFWS and CDFW is required. Consultation with the USFWS and CDFW will result in the most appropriate method to determine how to avoid, minimize and fully mitigate impacts to occupied San Joaquin kit fox dens if necessary. Mitigation Measure Biology 6 has been revised to clarify that the qualified biologist has stop work authority.

Response to Comment 11-27: Mitigation Measure Biology 7 requires a qualified bat biologist to conduct a focused habitat assessment if trees are to be removed that have potential habitat. This habitat assessment will result in a plan that identifies if there is a need to conduct focused follow-up surveys including acoustic, thermal, and/or night vision, as necessary. The plan will also define specific preconstruction surveys and the qualified bat biologist is to determine appropriate avoidance and minimization measures based on the results of these surveys. Mitigation Measure Biology 7 states preconstruction surveys shall be submitted to the CDD, ECCCHC and CDFW. If occupied habitat is present, consultation with CDFW will result as part of the submittal of the surveys to CDFW and compensatory mitigation, if necessary, will be determined as part of that consultation. Mitigation Measure Biology 7 has been revised in the Section VI. Text and Figures Changes to include these additions.

Avoidance of rock outcrops and associated California match weed patches will be reported as part of the biological monitoring associated with the project. This provision has been added to Mitigation Measure Biology 9 to clarify that protections for California match weed patches will be monitored and reported.

Response to Comment 11-28: Mitigation Measure Biology 8 requires a Certified Arborist to oversee any impacts to trees associated with access, construction, and implementation of the project and to submit for the review and approval of the CDD any impacts to trees. It is not anticipated that trenching or construction impacts will occur within tree drip lines and no tree work is contemplated beyond tree pruning for access and removal of the identified pepper trees.

Worker environmental training is a required component of the HCP/NCCP approvals (HCP/NCCP Conservation Measure 2.12) and other regulatory permits required within the IS/MND and as an existing regulatory requirement, it does not need to be a mitigation measure.

Response to Comment 11-29: This comment cites only 1 part of a 2-part cultural resources mitigation measure. The entire measure is described in page 134 of the MND, and is the standard County DCD mitigation measure for mitigating potential impacts to cultural resources. Cultural resources monitoring during ground-disturbing activities is not included in the standard County DCD mitigation measure because there are no known resources in the project site. Construction workers would be educated to identify cultural resources and would stop work if a potential cultural resource is encountered so that an archeologist and, if interested, tribal monitor can evaluate the find. The cultural resources mitigation measure as described is incorporated into County CEQA documents and MMRPs.

Response to Comment 11-30: 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 were recommended to reduce potential impacts to a less-than-significant level as presented in mitigation measures Geology 1 through Geology 5. None of the mitigation measures prescribed is considered inadequate, or requires that alternative plans be investigated.

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. 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 permits.

Response to Comment 11-31: The complete CEQA checklist question referred to in Comment No. 15-31 states, "Would the project: a.) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: i.) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?"

The reference to "rupture" of a known earthquake fault specifically implies the potential for "active" faulting since non-active faults are not considered capable of ground rupture from a seismic event. Current State of California regulations define an active fault as a fault which shows evidence of surface displacement during the Holocene Epoch (about the last 11,700 years). The intent of the Alquist-Priolo Act is to reduce losses directly associated with surface fault rupture.

Rigorous geotechnical investigations were completed that included research and review of geotechnical reports, geologic publications, aerial photographs, and maps for the project area encompassing the RNGPF site, proposed pipeline route, and nearby vicinity. Official Maps of Earthquake Fault Zones prepared by the California Geological Survey were reviewed to evaluate the location of the project site relative to active fault zones. The geotechnical field investigations also included subsurface exploration that involved excavation and logging of 27 exploratory trenches, 8 large diameter bucket auger borings and 8 hollow stem auger borings. In addition, engineering geologists performed detailed geologic field mapping of the study areas and surrounding vicinity to identify the surficial distribution of geologic units, bedding orientation, faults, landslides, and other structural features.

Several faults were identified within exploratory borings, trenches, and outcrop exposures at the ground surface and are indicated on detailed geologic maps included within the geotechnical study. Based on the findings of the geotechnical investigations, no active faults capable of renewed surface rupture were identified within the project area. In addition, the project area is not located within a California designated Earthquake Fault Zone. The closest active faults to the project area are the Concord fault located approximately 5.5 mile to the southwest, and the northern extension

of the Greenville fault (Marsh Creek and Clayton fault sections) located approximately 2.0 miles to the southwest. Thus, as described in the MND, the risk of surface fault rupture associated with an active fault is considered to be less than significant.

Response to Comment 11-32: 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 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. 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. Selection of specific scour protection measures will be determined upon completion of a 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.

Response to Comment 11-33: The issue of the assumed design flow of 4,700 scfm used in the analysis in the MND versus an alternative baseline scenario is addressed in Summary Response

H, in Section IV. Summary Responses in the Final MND. Additional information related to this comment is provided below.

All of the estimated emissions for the proposed project were based on the maximum capacity at the most conservative operating scenario, which is defined to occur no more than 20 percent of the year. The GHGs for the operational equipment associated with the proposed project were estimated based on the emissions of the carbon dioxide, nitrous oxides, and methane, with the 100-year GWPs for each pollutant based on the USEPA and BAAQMD guidance.
The proposed project GHG emissions were compared to the emissions at the existing flares for the same LFG flow rates. The landfill flares are currently permitted at over the 4700 scfm flow level so it is technically feasible for the landfill flare station blowers to provide the required flow for the current RNGPF design.

With the operation of the proposed project the overall net change for GHG emissions would result in a decrease, as the proposed project's GHG emissions would be substantially lower than the current operation of the existing landfill flares. The LFG being generated at the landfill is destroyed at the existing landfill flares. Destruction of the LFG does not represent a beneficial use of the LFG. Under the proposed project, the LFG will be routed to the RNGPF, which would produce less emissions than the existing landfill flares. As response to comments the GHG emissions baseline using the 2019 landfill flare flow was used and is summarized When comparing the RNGPF with the operation of the existing landfill flares, both are based on a waste gas generation of 4,700 standard cubic feet per minute (scfm) for the proposed capacity of the facility.

The IS-MND clearly states on page 151 that the Operational GHG emissions BAAQMD Threshold for Significance is "for stationary-source projects, the threshold is 10,000 (MT/yr.) of CO2e." This threshold is for GHG emissions, not "waste generation" as asserted in this comment. The RNGPF would not result in a net increase in GHG emissions therefore does not exceed the BAAQMD 10,000 (MT/yr.) of CO2e emission threshold. The IS-MND presents on page 152 a conversion factor of "10 metric tons of CO2e is equivalent to:

- saving 1,125 gallons of gasoline
- taking 2.1 passenger vehicles off the road
- 1.4 homes' worth of electricity for one year."

This conversion factor is presented to allow the reader to understand the substantial reductions of GHG possible during the operation of the RNGPF in more relatable terms than the CO2e presented in Table 8-2.

Response to Comment 11-34: The issue of disclosure of assumptions used for analysis for evaluation of construction impacts in the analysis in the MND is addressed in Summary Response

I, in Section IV. Summary Responses in the Final MND. Additional information related to this comment is provided below.

The construction phase of the proposed project, consisting of potential emissions through the use and operation of equipment, will be between eight and twelve months. An estimate of twelve months of construction activities was utilized when estimating GHG emissions because it is the maximum anticipated timeframe for active construction (excavation, hauling, etc.) to be completed. Following the physical construction of the proposed project, during months thirteen and fourteen, the equipment associated with construction emissions would no longer be in use or operation. Months thirteen and fourteen would be the start-up/commissioning phase, which will consist of connection of the facility to the landfill gas collection system and commissioning of the RNGPF. The commissioning process is an involved process of checking all equipment, controls, safeties, and process design system by system until the RNGPF is deemed ready for operation. This process requires about 2-months during months thirteen and fourteen of the proposed project. For the duration of the construction phase, inclusive of the physical construction and the setup of the RNGPF prior to start-up, no LFG would be routed to the RNGPF to ensure no excess emissions are generated.

The construction GHG analysis in Table 8-3, Summary of Construction-Related GHG Emissions, page 155 of the MND, is a result of the CalEEMod modeling. Table 8-3 is a summary table of the construction emissions that were calculated including contractor vehicle trips and trip lengths, types of equipment, and duty cycles based on proposed construction means. The MND includes a powered haulage analysis associated with material import. The emissions associated with excavation and placement of material onsite is clearly shown in the Phase-1 Grading section of Table 8-3.

Response to Comment 11-35: This comment states that a hazard rating should be prepared for the proposed project. The section of the County Code related to hazard rating is Article 84-63.10. Land Uses Permits – When Required. Subsections in Article 84-63.10 contain a hazard score formula and methodology for calculating potential risks associated with various aspects of a proposed development project.

The purpose of the hazard rating calculation is to provide County agencies with the basis for determining whether a proposed development project would require a land use permit. In the case of the proposed project, the County DCD determined early that a land use permit was required, thereby rendering the necessity of a hazard rating as not applicable. The applicant filed an application for a land use permit in July 2018 for LP18-2022 amending Keller Canyon Landfill LP89-2020. DCD further determined that an Initial Study/Mitigated Negative Declaration would be prepared as described in the Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration, dated October 7, 2020, on page 4, Item 9. Determination.

The discussion of potential hazards begins at the bottom of page 159 of the MND. A 15-point program of Consistency Measures is presented that require the RNGPG and pipeline project be

consistent with local plans and policies related to hazardous materials and fire protection. All consistency measures are binding and will be incorporated into the project permit conditions of approval related to all relevant aspects of project design criteria, construction, and operation. Based on the breadth and scope of these measures, potential impacts from hazards or hazardous materials were determined to be less than significant.

Documents that would be completed by the applicant in accordance with Contra Costa Health Services regulations are in the Business Plan Program. The purpose of the Business Plan Program is to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of hazardous materials. The applicant's responsibilities for hazards and hazardous materials are described in the MND, starting with Consistency Measure 1. Measure 8 addresses the required Emergency Response Plan. Measure 9 addresses pollution prevention in the event of a spill of coolant, lubricant, or other products or by-products of the RNGPF. Measure 10 ensures that the existing Hazardous Materials Business Plan for the gas processing facilities at Keller Canyon Landfill will be revised to include the proposed project equipment and operation. As described in Measure 10, the revised Hazardous Materials Program will include the following documents:

- Current plan addresses
- Business activities
- Safe Handling Practices Plan
- Hazardous Material Inventory
- Emergency Response Plan
- Employee Training Plan

Response to Comment 11-36: The project has been revised to include a tie-in of the RNG pipeline with existing PG&E Line 191-1. The tie-in replaces the section of RNG pipeline that is the subject of this comment. As a result, the PIR referenced in this comment does not extend beyond the PG&E property line into the yards of adjacent residences. The tie-in and new PIR are discussed in Section III. Revised Project Description, of this Final MND.

The Potential Impact Radius (PIR) is defined as the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property as defined by the 49 CFR Part 192. The PIR is not a blast radius. The PIR does factor in other potentially dangerous effects and includes impact from heat radiation in the highly unlikely event of a rupture and ignition. The PIR does not represent an area of complete devastation. The comment that NTSB studies have shown that the radius and resultant failure and ignition may extend up to 75 percent greater than the "blast radius" is not associated with the PIR, but rather refers to blast radius which is much smaller than PIR. PIR takes into consideration the NTSB studies and extends far beyond the actual blast radius.

The design and operating parameters of the pipeline will have it operating at less than 10 percent of its yield strength (SMYS). The pressure at which this type of pipe fails by rupture is in the 25 to 30 percent (SMYS) range. Therefore, leakage is considered to be the mode of potential failure for the proposed RNG pipeline rather than sudden rupture. A failure would be detected by sensors at the RNGPF and would activate the automated shut-off system thereby limiting the flow of RNG that could escape from the pipeline.

PIR Calculation

The PIR for the proposed project is calculated using the following equation:
PIR = 0.69 x d x SQRT (P)

Where:

- PIR is calculated in feet;
- P is the maximum allowable operating pressure (MAOP) in psig; and
- d is the nominal diameter of the pipeline in inches.

For this analysis, the following values were used:

- P = 400 psig (assumed MAOP)
- d = 4.00 inches

Using these values, the calculated PIR for this system is:

- PIR = 0.69 x 4.00 x SQRT (400)
  = 0.69 x 4.00 x 26.08
  = 55 ft.

Please also see response to Comment 11-8 above, and Section III. Revised Project Description of this Final MND.

Response to Comment 11-37: The MND states that the proposed pipeline Maximum Allowable Operating Pressure (MAOP) is 680 psi, and as a transmission line does not compare to a residential gas distribution line. With the revised project, MAOP has been reduced to 400 psi. The statement that the proposed pipeline is not a simple neighborhood residential gas transmission line operation at 10 psi is misleading. This statement incorrectly assumes that only very low-pressure pipelines are found within residential neighborhoods. Under the 49 CFR Part 192, typical "distribution" gas lines run between 10 psi and 80 psi and are regulated down from transmission pipelines that run at much higher pressures. Transmission lines are made of much stronger pipe and have been installed at a minimum depth of 3-feet through many neighborhoods throughout the City of Pittsburg and the State of California. The transmission lines for the project will be designed to meet 49 CFR Part 192 requirements for pipeline diameter and pipeline wall thickness.

The MND also states the pipeline will be built and operated as a Class 4 pipeline with safety features and inspection requirements that exceed what is required by federal guidelines. As noted earlier, the pipeline is required to be buried only 3 feet deep. As an additional measure of protection, the proposed pipeline minimum depth will be 4 feet. Thus, the pipeline is not located at a "shallow depth." The revised project pipeline alignment in the PG&E property moves the RNG pipeline further west from the adjacent residences and with a lower MAOP reduces the PIR from 72 feet to 55 feet. As a result, all adjacent residences would no longer be located within the PIR. Note that the PIR for the existing PG&E facility is roughly 230 feet.

As noted in the MND, there is a PG&E 20-inch high pressure transmission gas line L-191-1 that runs currently closer to adjacent homes than the proposed 4-inch high pressure RNG pipeline. The statement in the MND that the PIR of the proposed pipeline is less than the existing PG&E pipeline is correctly stated. With the revised project, the RNG pipeline would tie-in directly with existing PG&E Line 191-1. The segment of RNG pipeline included in the draft MND that was proposed near residences has been removed.

The commenter's statement that the MND engages in an improper "plan to plan" analysis is incorrect. The MND confirms that the PIR of the proposed pipeline is substantially smaller than the PIR for the existing PG&E pipeline 191-1. This is a comparison to existing physical conditions. Notably, with the revised project, the RNG pipeline PIR is not only substantially smaller than the PG&E pipeline PIR, and is also now located entirely outside the boundaries of the residential parcels. With no potential impact that extends into the residential parcels, the proposed pipeline cannot create a cumulative impact in connection with the existing PG&E pipeline, as a cumulative impact under CEQA is an impact that is created in part by the proposed project.

Response to Comment 11-38: Page 162, Item 7 states:

> "In the event of planned maintenance, process upset or other event, the RNG processing facility shall be either manually or automatically shut down and LFG shall be redirected to the existing landfill flares as necessary."

The proposed project's safety systems and measures are described in detail in the MND for the RNGPF (page 161) in measures 2 through 10, and for the RNG pipeline (page 163) in measures 11 through 15. Measure 2 for the RNGPF requires compliance with LP89-2020 COA 36.10 (Notification of Plant Upset or Accidental Release). The operator shall notify the DCD immediately of any RNG processing facility upset that result with accidental leakage or release of processed gas to the atmosphere. Measure 8 requires that the existing Emergency Response Plan (ERP) for the power plant shall be updated in accordance with LP89-2020 COA 36.9 (Emergency Response). The ERP shall include the proposed RNG processing facility equipment, potential hazardous materials, and appropriate response procedures.

Measure 4 requires that a new automated notification system shall be installed for monitoring the proposed RNGPF. The system shall notify the operator of an abnormal condition during both attended and non-attended operation and shall provide visual and audible warnings to assist operator response.

On loss of power or instrument air or other plant upset, a range of safety and design measures could be activated as described in Measure 5. Ultimately, a Fail-Safe mode of operation will be incorporated into the plant-wide programmable logic controller (PLC) control system which shall shut down the processing facility if needed.

Nowhere in the MND does it state that accidental releases will be redirected to the landfill flares. The landfill flares are currently permitted as (and will remain) the primary control device for the landfill gas collection system and would combust excess landfill gas that the proposed RNGPF could not process. As such, no analysis or "requisite air emissions" were "tabulated" in the MND as the flares are currently permitted by the BAAQMD. As demonstrated in the MND and these responses to comments, the overall impact of the proposed project on local air quality and regional greenhouse gases will be beneficial. Currently, LFG that is not used by the LFGTE power plant to generate energy is being combusted in the existing landfill flares. Without the project, combustion in the landfill flares has a higher potential to emit criteria pollutants and greenhouse gases.

Response to Comment 11-39: The 49 CFR Part 192 and American Society of Mechanical Engineers (ASME) B.31.8 Codes and Standards require pipeline designers and operators to design and focus on combined operating stresses as a percentage of the minimum yield stress of the steel used (SMYS). Pipeline designers and operators focus on the operating stresses (hoop stress) as a percentage of the minimum yield stress of the steel used (SMYS). Per federal guidelines, a pipeline located along homes would be classified as Class 3 and be allowed to operate up to 50 percent of the SMYS of the steel used. The proposed RNG pipeline will operate at a maximum of less than 10 percent SMYS based on the MAOP of 400 psi. This design criterion meets the stricter requirements of a Class 4 downtown metropolitan area, and represents a higher safety factor than Class 3 in federal regulations. The proposed RNG pipeline is regulated and governed by 49 CFR 192 and thus the design of the proposed pipeline will exceed the regulation criteria. The MND is correct in using both SMYS (failure stress) and MAOP, and the statement that the MAOP will be 20 percent of SMYS has been revised to less than 10 percent of SMYS as a result of the revised project. As noted in response 11-36 above, the pressure at which this type of pipe fails by rupture is in the 25 to 30 percent (SMYS) range. Thus, the proposed RNG pipeline is much less likely to have a catastrophic failure (rupture) compared to a gas pipeline that operates at a higher range of 50 percent of SMYS or greater.

Response to Comment 11-40: The two long-term measurements were made from 11:00 A.M. February 22, 2019 to 9:30 A.M. on February 25 at location LT1 and from 11:20 A.M. to 9:10 A.M. at LT2 on the same days. The durations were accordingly about three days each. This data is provided in the Noise Report and is appended to this Final MND as an Appendix. The short-term locations were not random but selected on the basis of closest to the project site with a direct line

of sight to the site. Site ST-1, ST-5 and ST-6 meet this criterion and ST-2 was selected on the line between the project site and LT-1, away from possible noise created from Bailey Road. Site ST-1 and ST-5 were also selected next to LT-1 and LT-2 to allow estimation of the 24-hour metrics. The short-term sites, ST-3 and ST-4 were selected to represent residences in the vicinity of the pipeline installation.

Response to Comment 11-41: Long-term measurements were made as described above and are shown in Figure 13-1 of the MND.

Response to Comment 11-42: The use of short-term ("ST") or spot measurements is typical of environmental noise measurements. They are intended to identify noise sources that may not be encountered in the long-term ("LT") events and give more confidence that the LT measurements represent the noise in the surrounding area. The short-term measurements are attended and the sources of noise of individual events are noted. In these measurements, noise sources included passing cars, car door slams, garage door openings, distant aircraft, distant motorcycles, distance lawnmowers, people talking, barking dogs, etc. Noise from the existing facility was not noted. Simultaneous adjacent measurements were made at ST-1 and LT-1 and also at ST-5 and LT-2. Based on the comparison of the short-term and long-term measurements, the ST measurements are used to estimate the DNL at those locations. There is no intent to imply that the L50 and Leq are statistically consistent. The existing noise level is quantified by the LT data, the ST data and observations help to understand what kind of noise sources might contribute to the LT measurements. The measurements at ST-2, ST-3, ST-4, and ST-6 are not necessarily statistically related to the LT; however, they provide useful information on the noise environment and types of noise sources present.

Response to Comment 11-43: Please see response to Comment 11-42 above. The ST data was not taken to determine the long-term levels. The DNL can be eliminated from Table 4 if it is interpreted as being more than an estimate.

Response to Comment 11-44: In Table 13-2 of the MND there is only one measurement of the Internal Combustion Engine Generator less than 15 feet and the falloff with distance is 6 dB/doubling of distance consistent with a "point" source of noise. For the measurement at 5 feet in the open doorway of the LFGTE, the source is essentially the doorway opening. The relationship between 5 feet and 15 feet also closely follows a 6 dB/doubling falloff with distance. Overall radiated sound power level would be a good way to measure sound; however, this is not feasible for these in-situ measurements because the multiple sources are too close to each other to apply standard methods of sound power measurement. Therefore, the turbines and compressors outside of the building were measured at 3 feet to better estimate sound pressure levels since the equipment are within close proximity to each other. Measurement at distances further away than 3 feet would begin to be influenced by other noise sources and would not be representative of the particular piece of equipment being measured.

Response to Comment 11-45: The sound pressure level data in Table 13-3 of the MND were measured and provided by Ameresco Keller Canyon. The distance of 3 feet was used to separate the noise from the different pieces of equipment, which are in close proximity to each other. Using this measure would minimize the potential for noise levels emanating from any single piece of equipment of being "masked" or commingled with nearby equipment. Onsite, sound pressure levels of existing turbines and a compressor were measured at a distance of 3 feet as reported in Table 13-2. Although the specific equipment was not identified in as much detail as in Table 13-3, the data are consistent with those reported in Table 13-2 It should be noted that the Ameresco Keller Canyon measurements were conducted with acoustic shrouding in place as specified in the LP Conditions of Approval.

Response to Comment 11-46: Please see response to Comment 11-45 above. The sound pressure levels provided in Table 3.3 are mitigated noise levels with shrouding and noise control measures in place.

Response to Comment 11-47: The model results were generated using SoundPLAN, a commercially available, well accepted software package for predicting sound levels. SoundPLAN and other such models are not based on simple point assumptions alone, but also account for other aspects such as terrain shielding, atmospheric effects, ground effects, etc. The contours "jump" around in part because of their resolution both spatially and acoustically. The spatial resolution was 33 feet which is suitable for modeling over these distances as a change in distance of 33 feet at 1,600 feet away from the RNG Processing Facility would produce only a 0.2 dB change in noise level. Contours are spaced 5 dB apart. Close to the source, the modeled levels follow the terrain in a regular fashion. At further distances, beyond the 45 dBA contour lines appear erratic as the modeled levels vary about the contour interval. It should also be noted that the residential areas are all outside the 40 dBA contour line. Terrain used for the modeling is based on GIS data provided by the County.

Response to Comment 11-48: Please see above responses, and also note that mathematical incorrectness has not been demonstrated by the comments

Response to Comment 11-49: The separation between the construction activity at the RNGPF and the residences is stated as 1,600 feet, minimum. The construction equipment levels are at 50 feet. Distance alone provides a reduction of 30 dB based on spherical spreading (20Log[d2/d1]). For 2,000 feet, the attenuation is 32 dB. Terrain shielding will provide additional attenuation. The equipment used for powered haulage and earthwork will be the same as that used for daily operation. As a result, the noise levels produced by haulage and earthwork will be the same as it is for normal operations as no new equipment will be added. Noise from the pipeline installation is identified in the Noise Section of the draft MND (page 199) as potentially significant noise impact and mitigation measures are provided; however, since the length and location of the RNG pipeline and construction duration have been revised, the potential significant noise impact discussed in this comment has been eliminated. The location of the RNG pipeline has been revised

and will no longer be installed near residences Please see Section III. Revised Project Description of this Final MND.

Response to Comment 11-50: Mitigation Measure Noise 1 requires more than a good faith effort to minimize project-related construction disruptions on adjacent properties. The measure also requires a project representative to respond to noise complaints within 24 hours, limiting construction activities for the pipeline to the hours between 8:00 am and 5:00 pm, limiting noise to 65 dBA or less between the hours of 5 pm and 8 am, and providing two-week and 1-day advance warnings to nearby residents when construction is schedule adjacent to their property. Note, potential vibration impacts are addressed in response 11-51.

The noise mitigation measure is not ineffectual or deferred. The measure is substantially similar to the noise measure upheld in Mount Shasta Bioregional Ecology Center v. County of Siskiyou (2012) 210 Cal.App.4th 184, 208. In that ruling, the court upheld a mitigation measure that required corrective action to occur after a noise complaint, finding "there is every reason to believe a mitigation measure calling for further mitigation efforts in the event individuals directly impacted by a project complain of increased noise would go directly to the heart of the matter." (Id.)

Response to Comment 11-51: It is stated in several places in the draft MND (pages 188, 197, 200) in the noise analysis of the MND that pile driving will not be included in the project. For this reason, pile driving is also not included in the vibration assessment. It should be noted that Table 13-6 in the MND is a generic equipment list from published reports and that most of the equipment listed in this table will not be used in the construction of the proposed project. Operations at the RNGPF site would be located too far away from the residences to generate perceptible ground vibration. During construction and normal operation, the sources of vibration on the RNGPF site would be large bulldozers and loaded trucks producing levels of 0.089 and 0.076 in/sec at 25 feet. At distances of 1,000 feet, the vibration from these sources would produce values of 0.002 in/sec or less. These values are well below the threshold of perception (see response to Comment 11-42). Ground-borne vibration from buried gas pipes has been researched and determined not to occur (see Handbook of Noise Control, 2nd Edition, 1979, McGraw-Book Company pages 30-1 to 30-3). It should be also noted that the 4-inch RNG pipeline would tie-in to existing PG&E Line 191-1 and would no longer be installed near residences.

For installation of the RNG pipeline, the sources of vibration during construction would be an excavator, a dump truck, and possibly a bulldozer. Of this equipment, the greatest vibration would be from a large bulldozer at a level of 0.09 in/sec at 25 feet or up to 0.04 in/sec at 50 feet (the previous offset to the residential property lines from the RNG pipeline prior to the revised project). Caltrans considers a level of 0.04 in/sec as unlikely to cause damage to any type of structure and 0.10 in/sec to pose virtually no risk of architectural damage to normal buildings including "relatively old residential structures in very poor condition". For human response, Caltrans uses 0.04 in/sec as the level of perceptibility. Therefore, the potential for human perception during project construction would be minimal for the worst-case large bulldozer as demonstrated in the above calculations (see Transportation and Construction Vibration Guidance, California

Department of Transportation, Report CT-HWANP-RT-13-069.25.3, September 2013, http://www.dot.ca.gov/hq/env/noise/index.htm).

Response to Comment 11-52: Please see response to Comment 11-51 above regarding pile driving. Soil testing is not warranted as the conclusions drawn hold for all four standard classes of soil type. It is assumed that ground vibration is not perceived by the surrounding residents currently and 0.006 to 0.019 in/sec is the threshold of detectability as applied to vibration from traffic.

Response to Comment 11-53: As noted in response to Comment 11-51 above, the heavier pieces of equipment to be used at the RNGPF site produce vibration below 0.002 in/sec. The source levels used by the Federal Transit Administration (FTA) are the same as those used by Caltrans and routinely used for construction vibration assessment. Further, if the source levels were twice as high as the FTA values, the vibration at the residences would still be below the threshold of detectability noted in response to Comment 11-51. The levels and criteria used to assess -vibration impact are based on overall levels, which include the summed contribution of all frequencies, and it is not necessary to consider specific frequencies unless the overall criteria are exceeded.

Response to Comment 11-54: CEQA states that ground-borne vibration would be an impact if it is "excessive". The analysis in the draft MND supports the conclusion that project-generated ground-borne vibration would not be excessive, would be below the levels that can damage structures, and would not be perceptible to nearby sensitive receptors for any meaningful duration. Please also see response to Comment 11-51.

Response to Comment 11-55: As described in the draft MND, the proposed additional fire hydrant will be one of a total of three hydrants (two are existing) available for fire suppression operations at the RNGPF location and adjacent structures. The additional hydrant will improve access to the existing water supply by fire personnel responding to any potential vegetation fire exposures along the project's northwest wild land interface areas. Page 206 of the MND states:

> Pursuant to LP89-2020 COA 30.8 (On-Site Water Storage), an existing water supply tank for landfill operations is located southeast of the proposed RNG processing facility. Water supply for firefighting would be sourced from this existing tank. The total capacity of the water supply tank is approximately 342,300 gallons. The net capacity for stored water reserved for firefighting is approximately 235,800 gallons, or about 69 percent of total stored water.

The capacity of the existing Keller Canyon fire water supply tank (available 235,800 gallons) with 1,500 gallons per minute (GPM) fire pump currently supports the multiple onsite hydrants located throughout the entire Keller Canyon Landfill site, as well as the location of the proposed RNGPF. This fire protection water supply system is in compliance with the required "minimum pumping capacity of 1,000 gallons per minute" as set forth and required by the LP89-2020 COA 30.8 and the Contra Costa County Fire Protection District (CCCFPD), the authority having jurisdiction (AHJ). The proposed additional hydrant adjacent to the proposed facility would have a less than

significant impact on the existing water supply infrastructure and fire flow requirements. The capability of the water system (fire flow) is not changed due to an additional fire hydrant; it merely gives the Fire District more flexibility in the location for fire-fighting equipment.

Thus, the document indicates that there would be sufficient water available to supply the three fire hydrants if required. Additionally, this is an existing private fire protection system with the storage tank capacity and fire pump serving as meeting the required onsite fire flow requirements thus minimizing any negative impacts on the adjacent public water supply infrastructure.

Implementation of Measure 1 on page 208 of the MND is required as part of project approval prior to any construction. Measure 1 states: The precise location and specifications of the new hydrant shall be coordinated with the CCCFPD to ensure compliance with the California Fire Code. As the AHJ, the CCCFPD provides fire protection services to the City of Pittsburg and the unincorporated County areas outside of the city limits. Fire stations and equipment are located throughout the Fire District without regard to city boundaries. As a member of an established regional emergency response team, the CCCFPD has access to other hazardous materials and fire protection resources through automatic response and mutual aid agreements with other fire agencies at the City, County, and State levels, as well as private petrochemical industries if required.

Response to Comment 11-56: The comment incorrectly equates the PIR with a "blast radius," and mischaracterizes the potential for fire protection service related to a pipeline or other leakage. Numerous automated safety sensors, monitoring, and shutdown systems are incorporated into the design of the RNGPF and RNG pipeline. These systems will alert and enable an immediate emergency procedural response by onsite monitoring staff to any potential emergency scenario. RNGPFP emergency notification procedures include a 911 notification to the CCCFPD dispatch center. Fire protection services are provided to the City of Pittsburg and the unincorporated County areas outside the City limits from the Contra Costa County Fire Protection District. Fire stations and equipment are located throughout the Fire District without regard to city boundaries. Under normal conditions an acceptable response time can be expected to the Keller Canyon Landfill site by responding fire district personnel. All these actions can be expected to occur well before any perceived I-hour delay. Please see discussion of the Safety Features and PIR in Section IV. Summary Responses of the Final MND.

Response to Comment 11-57: As stated earlier in Section IV. Summary Responses of the Final MND, the construction of the RNGPF pad will use fill materials obtained on-site at the Keller Canyon Landfill. Therefore, no off-site trip generation analysis was included in the MND for fill. The fill will be obtained from an area of future landfilling that would be excavated in the future. Please also refer to response to Comment 11-5 above.

Response to Comment 11-58: The "industrial area designation" referenced in page 219 of the draft MND does not pertain to official land use designations by Contra Costa County or any other jurisdiction. It pertains to the functional area (in this case with industrial infrastructure, equipment, and processes) within the 2,600-acre (+/-) Keller Canyon Landfill property. The site of the

proposed RNGPF is located within a 375-acre (+/-) developed area of the Keller Canyon Landfill designated for "facilities activities" in the Solid Waste Facility Permit 07-AA-0032 page 2, Section 12. Legal Description of Facility. The industrial area of the landfill is one of several discrete functional areas at Keller Canyon Landfill such as the Extent of Waste Placement where solid waste is disposed and buried; the Special Buffer Area open space; the storm water management system, and landfill operations areas such as the scale house, maintenance facility, and administration office.

The MND describes the water supply on page 206 to be 342,300 gallons, of which 69 percent or 235,800 gallons, is reserved for firefighting. In other words, about 106,500 gallons are available for routine landfill uses. This water supply for routine landfill uses has proven adequate since the landfill commenced operation in 1992. Water levels in the water supply tank are automatically monitored to ensure the water supply in the tank maintains the 235,800 gallons reserved for firefighting. The landfill firefighting water supply and distribution systems (i.e., hydrants, diesel engine that powers distribution) are checked monthly to ensure full operational capability. The full range of fire protection design features and measures are described in the MND in Section 15a Fire Protection, pages 205 and 206.

Response to Comment 11-59: This comment mischaracterizes the assessment of potential wildfire risk as presented in the MND in Hazards section 9.g - page 170; Public Services - Fire Protection, section 15.a – page 207), and the Wildfire section 20.a - page 225. The MND acknowledges that the proposed project is located in a high fire hazard severity zone. The MND references specific consistency measures that will be imposed on the project to minimize the potential for wildfires originating from the RNGPF. Please see Environmental Checklist Section 9.a and the design criteria described in Environmental Checklist Section 9.b. The MND further states that project implementation would conform to California Building Code Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) and California Fire Code Chapter 47 (Requirements for Wildland-Urban Interface Fire Areas), which would reduce the risk of loss, injury, or death from wildland fires. Finally, the MND lists specific consistency measures and conditions of approval from the Keller Canyon Landfill LP89-2020 related to design features, fire protection, hazards management, and emergency response on pages 161 to 163 of the MND. These measures are binding and will be incorporated into the land use permit for the proposed project to ensure wildfire fire risk in the area is not exacerbated. Compliance with these measures will be reviewed on a regular basis by the County.

Response to Comment 11-60: Various mitigation measures have been revised, clarified, or strengthened, in responses to these comments. Section IV. Summary Responses of the Final MND, has been prepared to address a wide range of environmental issues. Section V, Comments and Responses, presents a complete picture of the project's potential impacts and how those impacts in sum, would be less than significant. The comment stating that a full EIR is required because mitigation measures are insufficient is not supported by the evidence that potential impacts from the project as designed are reduced to a less-than-significant level by existing regulations and mitigation measures. With the clarifications or changes in text or figures made in responses to

comments, none of the mandatory findings of significance apply – all potential impacts are either less than significant without mitigation or mitigated to a less-than-significant level.

Response to Comment 11-61: In the MND, the proposed pipeline was located adjacent to the existing PG&E L191-1 gas pipeline. PG&E, which owns the property, directed where the proposed RNG pipeline was to be located. With the revised project, the section of RNG pipeline previously proposed along the property boundary has been replaced by a tie-in to existing PG&E Line 191-1, removing that section of the pipeline from the project.

At the meeting described in this comment, one of the options the City did suggest was an alternative route of running the pipeline north on Bailey Road, east on West Leland Road, to a termination near Golf Club Road. This route would have affected hundreds of home owners, required tearing up City streets during construction, and potentially resulted in utility service disruptions and traffic delays. The applicant did reject this suggested route as it was not safe and would have many adverse effects on the surrounding community.

Response to Comment 11-62: As noted in the response to Comment 11-1 and 11-61, above, and in response to other comments, the project has been revised in response to the City's comments. Even though the impacts of the original route were determined to be less than significant, the project has been revised to respond to the City's concerns. The revised project includes a tie-in of the RNG pipeline with existing PG&E Line 191-1. This tie-in eliminates essentially all of the potential impacts in the PG&E property that were described in the MND. With respect to the comment that an EIR is required, the impacts of the proposed project were determined to be either less than significant or mitigated to a less-than-significant level. Various mitigation measures have been clarified to confirm this is the case. A mitigated negative declaration remains the appropriate and proper CEQA document for the proposed project.

RE: Ameresco Keller Canyon Pittsburg - BAAQMD comments

12

Thursday, December 17, 2020 4:11 PM

Subject	**RE: Ameresco Keller Canyon Pittsburg - BAAQMD comments**
From	Paul A. Encinas
To	Stanley Muraoka; Lawrence Huang
Sent	Thursday, December 17, 2020 4:00 PM
Attachments	Table 8-2 GHG emis...

Hello Stan,

12-1

Is it possible if you can provide us with the Excel spreadsheet that supports the estimated emissions in Table 8-2 on page 153 of the Ameresco MND (attached)? I appreciate your help. Thank you.

Paul Encinas

From: Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>
Sent: Wednesday, December 16, 2020 11:43 AM
To: Paul A. Encinas <pencinas@adamsbroadwell.com>
Cc: Lawrence Huang <Lawrence.Huang@dcd.cccounty.us>
Subject: RE: Ameresco Keller Canyon Pittsburg - BAAQMD comments

Hi Paul:

I have asked Lawrence Huang of Administrative Services to provide the requested public record document to you.

Stan Muraoka, AICP
Contra Costa County Department of Conservation and Development
Phone: 925-674-7781
Email: stanley.muraoka@dcd.cccounty.us

From: Paul A. Encinas <pencinas@adamsbroadwell.com>
Sent: Tuesday, December 15, 2020 5:28 PM
To: Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>
Subject: RE: Ameresco Keller Canyon Pittsburg - BAAQMD comments

Hi Stanley,

I am just following up to see if we can also get the comments from BAAQMD? I appreciate your help. Thank you.

From: Paul A. Encinas
Sent: Monday, December 14, 2020 2:08 PM
To: Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>
Subject: Ameresco Keller Canyon Pittsburg - BAAQMD comments

Hello Stan,

Is it possible to request a copy of BAAQMD's comments on the Project which were submitted to Contra Costa County on 11/4/20? I appreciate your help. Thank you.

Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Email: pencinas@adamsbroadwell.com
Phone: (650) 589-1660

12. Email 12: Adams Broadwell Joseph & Cardozo

Response to Comment 12-1: This comment requested the Excel spreadsheets related to Table 8-2 Estimated Emissions of Greenhouse Gases in the MND. The requested data were provided to the commenter by DCD.

RECEIVED on 12/21/2020
By Contra Costa County
Department of Conservation and Development

13

ANNA M. ROTH, RN, MS, MPH
HEALTH SERVICES DIRECTOR
RANDALL L. SAWYER
DEPUTY HEALTH DIRECTOR
JOCELYN STORTZ, MS, REHS
ENVIRONMENTAL HEALTH DIRECTOR

CONTRA COSTA
HEALTH SERVICES

CONTRA COSTA
ENVIRONMENTAL HEALTH
2120 Diamond Boulevard, Suite 100
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Ph (925) 608-5500
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www.cchealth.org/eh/

December 3, 2020

Contra Costa Department of Conservation and Development
Community Development Division
Attn: Stanley Muraoka
30 Muir Road
Martinez, CA 94553-4601

RE: LP18-2022, amending LP89-2020 – Ameresco Keller Canyon Proposed Renewable Natural Gas Processing Facility
901 Bailey Road, Pittsburg, CA
APN: 094-360-008, -019, -020, -022; 094-090-002; 094-160-004, -005, -006
Service Request #: SR0011629

Dear Mr. Muraoka:

Contra Costa Environmental Health (CCEH) has received a request for agency comment regarding the above referenced project. The following are our comments:

1. The CCEH is designated by the California Department of Resources Recycling and Recovery (CalRecycle) as the Local Enforcement Agency (LEA) for solid waste facilities, including landfills, transfer stations, and waste tire generators and haulers. The prospective operators of such facilities should be directed to contact CCEHD for information regarding requirements.

2. CCEH as the designated LEA for solid waste reviewed the provided documentation, in so doing it would appear that the primary scope of the project would involve post collection and disposal operations of the landfill. As such it would appear that there would not be significant effects on the facility's operations in regards to the LEA's jurisdiction. However, the operator is to keep the LEA apprised of the project so that required modifications and/or revisions of the facility's permit and/or operational documents can be made.

13-1

3. A permit from CCEH is required for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.

13-2

4. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEH. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEH requirements.

5. The Ameresco operation is on a septic system and therefore they are required to contact CCEH's Land Use Program to perform an evaluation and give clearance before any building permit is issued. That septic system would be required to meet current standards, including disposal field replacement area. 13-3

6. An onsite water supply well is used for this project, as such CCEH's Land Use Program is to be consulted to evaluate if the well(s) are impacted by the project. The well(s) must meet current standards, including construction, yield, water quality, and setbacks. A hydrogeological study may be required to ensure adequate water supply. 13-4

7. Substantial construction and demolition (C & D) waste could result from this project. Hazardous construction and demolition materials should be separated from those that can be recycled or disposed. 13-5

8. Debris from construction or demolition activity must go to a solid waste or recycling facility that complies with the applicable requirements and can lawfully accept the material (e.g., solid waste permit, EA Notification, etc.). The debris must be transported by a hauler that can lawfully transport the material. Debris bins or boxes of one cubic yard or more owned by the collection service operator shall be identified with the name and telephone number of the agent servicing the container. 13-6

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 608-5538.

Sincerely,

W. Eric Fung, REHS
Environmental Health Specialist II

cc: John Wiggins, Contra Costa Environmental Health

WEF:tf

13. Letter 13: Contra Costa Environmental Health

Response to Comment 13-1: Comment noted. Permits from the Contra Costa Environmental Health Division (CCEH) will be obtained as required.

Response to Comment 13-2: Comment noted. The proposed project does not involve abandoned wells or destruction of septic tanks.

Response to Comment 13-3: Comment noted. The Ameresco LFGTE power plant is on a septic system as described in the MND. The adequacy of the septic system capacity and operation to meet current standards will be confirmed during the application for a building permit from the County.

Response to Comment 13-4: The MND describes the water demand requirements for the project and compares the demand with available supply. No significant impacts to the water supply were identified; however, the project applicant will consult with CCEH's Land Use Program to ensure adequate water supply.

Response to Comment 13-5: The proposed project's requirements for handling of construction and demolition waste are described in the draft MND, page 221, 19. Utilities and Services, part d (solid waste). No significant impacts would occur.

Response to Comment 13-6: Comment noted. Please see response to Comment 13-5 above.

Chris Ellis
Principal Land Planner
Environmental Management

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Phone: 916-386-5103

RECEIVED *on 12/23/2020*
By Contra Costa County
Department of Conservation and Development

December 23, 2020

Contra Costa County
Department of Conservation and Development
Attn: Mr. Stan Muraoka, AICP
30 Muir Road
Martinez, CA 94553

RE: Ameresco RNGPFP – LP18-2022 – Public Comment Period

Dear Mr. Muraoka,

14-1 I am submitting the attached exhibit showing the revised location for the PG&E receipt station for this project. This location is just south of the location shown in Figures 10 and 16.

If you have any questions, please contact me.

Sincerely,

Chris Ellis

Pacific Gas and Electric Company

Attachment


PG&E Receipt Station
December 23, 2020
Legend
40' x 100' Vehicle Access Area for Station
40' x 100' Vehicle Access Area for Station
Google Earth
© 2020 Google
N
100 ft

14. Letter 14: PG&E

Response to Comment 14-1: Comment noted. The revised location and aerial photo of the PG&E receipt station included in this comment is acknowledged; however, the revised location no longer applies. The PG&E receipt station has been relocated from PG&E property to Keller Canyon Landfill property. Please see Section III. Revised Project Description in this Final MND for details.

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December 23, 2020

Via Email and Overnight Mail

Stan Muraoka, Principal Planner
Department of Conservation & Development
Contra Costa County
30 Muir Road
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Email: Stanley.muraoka@dcd.cccounty.us

Re: Comments on the Mitigated Negative Declaration - Ameresco Keller Canyon RNG Processing Facility and Pipeline Project, LP18-2022 (SCH 2020100267)

Dear Mr. Muraoka:

We are writing on behalf of Contra Costa Residents for Responsible Industry ("Residents"), to provide comments on the Initial Study/Mitigated Negative Declaration ("IS/MND") for the Ameresco Keller Canyon RNG Processing Facility and Pipeline Project, LP18-2022; SCH 20201002671 ("Project") proposed by Ameresco Keller Canyon RNG, LLC ("Applicant"). The proposed Project is a renewable natural gas (RNG) processing facility and pipeline that includes construction and operation of a new RNG processing facility and an underground transmission pipeline. The project is located at Keller Canyon Landfill ("KCL"), 901 Bailey Road in incorporated and unincorporated county areas in Pittsburg, CA.

Keller Canyon Landfill operates as a Class II waste disposal site. It is owned and operated by Keller Canyon Landfill Company, Inc. ("KCLC"), a wholly owned subsidiary of Republic Services, Inc. KCL is required to collect and control landfill gas to minimize impacts to the community and environment.[1] The gas collection

[1] IS/MND, p. 2.

and control system ("GCCS") is expanded regularly as KCL continues to dispose of waste, and the volume of LFG generated increases.[2]

The Applicant proposes to construct and operate a facility on KCL to process LFG to create RNG. The facility would not be connected to the existing power plant.[3] The Project also includes a 3.4-mile pipeline to carry the RNG from KCL to a connection with the natural gas transmission pipeline network northeast of the site. The new processing facility would cover an area of approximately 48,000 square feet on a new level pad of approximately 84,000 square feet and would operate 24 hours per day, 7 days per week. The proposed processing equipment includes compressors, filters, direct fuel recuperative thermal oxidizer, enclosed flare, thermal and pressure swing adsorption units, and media beds to treat landfill gas to meet PG&E's Rule 21 standards.[4]

The IS/MND describes the Project site as consisting of the Primary Project Area and a portion of the SBA, described as "conserved open space located directly east of, and contiguous to, the Primary Project Area."[5] The SBA 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.[6] Land immediately surrounding the Project site includes the Concord Hills open space, adjacent to KCL to the south and southeast. The landfill comprises its own watershed encompassing approximately 573 acres. Development of the RNG facility would add 84,000 square feet to the Keller Canyon watershed.[7] Aquatic resources at the site include wetlands, seasonal wetlands, intermittent drainages, and tributaries to Willow Creek, which is itself a tributary to Suisun Bay.[8]

The Applicant seeks an amendment to County land use permit LP01-2115, as well as an amendment to its portion of land use permit LP89-2020 for KCL. The amendment would allow installation of RNG processing equipment and construction of an underground pipeline. In addition to the LUP amendment, the following regulatory agency approvals will potentially be required:

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[2] *Id.*
[3] *Id.*
[4] *Id.* at 3.
[5] IS/MND, p. 16.
[6] IS/MND, pp. 16–17.
[7] IS/MND, p. 177.
[8] IS/MND, p. 80.

(1) Bay Area Air Quality Management District ("BAAQMD"): Authority to Construct/Permit to Operate;
(2) East Contra Costa County Habitat Conservancy: Habitat Conservation Plan Agreement;
(3) Pacific Gas & Electric: Interconnection Agreement;
(4) California Public Utilities Commission, in coordination with PG&E: Permits or approvals to be identified;
(5) Regional Water Quality Control Board, San Francisco Bay Region: amendments to KCL's National Pollutant Discharge Elimination System permit;
(6) Contra Costa Health Services Hazardous Materials Program and Environmental Health Division: possible permits for well- or soil-boring prior to drilling; possible permit for abandoned wells and septic tanks; possible modification to KCL permit for solid waste disposal facility;
(7) California Department of Fish and Wildlife: possible take permits;
(8) U.S. Army Corps of Engineers: possible permits related to aquatic resources;
(9) Building permits from the County and City of Pittsburg.[9]

Construction of the Project is estimated to last 12 to 14 months with the start of construction anticipated for mid-2021.[10] Construction of the facility and the pipeline would proceed concurrently. The anticipated lifespan for the Project is 20+ years.[11]

We have conducted our review of the IS/MND with the assistance of our technical consultants, air quality and hazardous resources expert Phyllis Fox, Ph.D., PE, and biological resources expert Shawn Smallwood, Ph.D.[12] Their attached comments require separate responses under CEQA. We reserve the right to supplement these comments at a later time.

15-1

Based upon our review of the IS/MND and reference documents, we conclude that the IS/MND is substantially deficient and fails to fulfill its mandate under CEQA as an informational document in numerous ways. As explained more fully below, the IS/MND fails to support its findings with substantial evidence and fails

[9] IS/MND, p. 3.
[10] IS/MND, p. 2.
[11] IS/MND, pg. 2–3.
[12] Dr. Fox's and Dr. Smallwood's comments and curriculum vitae are attached hereto as Exhibit A and Exhibit B, respectively.

15-1

to show that it will not result in significant impacts to air quality and public health. The County cannot approve the Project until the errors in the IS/MND are remedied and substantial evidence supporting its conclusions are provided in an environmental impact report.

I. STATEMENT OF INTEREST

Residents is a coalition of individuals and labor organizations with members who may be adversely affected by the potential public and worker health and safety hazards and environmental and public service impacts of the Project. The coalition includes Contra Costa County residents, California Unions for Reliable Energy ("CURE"), and its local union affiliates and their members and their families. CURE is a coalition of labor organizations whose members encourage sustainable development of California's energy and natural resources. Residents was formed to advocate for responsible and sustainable industrial development in Contra Costa County to protect public health and safety and the environment where Residents' members and their families live, work and recreate.

The individual members of Residents, and the members of its affiliated labor organizations, would be directly affected by the Project and may also work constructing the Project itself. They would therefore be first in line to be exposed to any health and safety hazards that may be present on the Project site. They each have a personal stake in protecting the Project area from unnecessary, adverse environmental and public health and safety impacts. Thus, Residents, its participating organizations, and their members stand to be directly affected by the Project's impacts.

Residents supports the development of clean, renewable energy technology where properly analyzed and carefully planned to minimize impacts on public health and the environment. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live and recreate in the County. Continued degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduces future employment opportunities. Projects should avoid adverse impacts to natural resources and public health, and should take all feasible steps to ensure that unavoidable impacts are mitigated to the maximum extent feasible. Only by maintaining the highest standards can energy development truly be sustainable.

Finally, the organizational members of Residents are concerned with projects that can result in serious environmental harm without providing countervailing economic benefits. CEQA provides a balancing process whereby economic benefits are weighed against significant impacts to the environment. It is in this spirit we offer these comments.

II. AN EIR MUST BE PREPARED

CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project.[13] "CEQA's fundamental goal [is] fostering informed decision-making."[14] "The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind."[15]

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR, except in certain limited circumstances.[16] The EIR is the very heart of CEQA.[17] The EIR acts as an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return."[18] The EIR aids an agency in identifying, analyzing, disclosing, and, to the extent possible, avoiding a project's significant environmental effects through implementing feasible mitigation measures.[19] The EIR also serves "to demonstrate to an apprehensive citizenry that the [agency] has analyzed and considered the ecological implications of its action."[20] Thus, an EIR "protects not only the environment but also informed self-government."[21]

An EIR is required if "there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment."[22] The EIR aids an agency in identifying, analyzing, disclosing, and,

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[13] 14 Cal. Code Regs. ("CEQA Guidelines") § 15002, subd. (a)(1).
[14] *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 402.
[15] *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283.
[16] See, e.g., Pub. Resources Code, § 21100.
[17] *Dunn-Edwards v. Bay Area Air Quality Management Dist.* (1992) 9 Cal.App.4th 644, 652.
[18] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1220.
[19] Pub. Resources Code § 21002.1(a); CEQA Guidelines § 15002(a), (f).
[20] *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.
[21] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.
[22] Pub. Resources Code, § 21080, subd. (d) (emphasis added); CEQA Guidelines, § 15064; see also *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927; *Mejia v. City of Los Angeles* (2005) 13 Cal.App.4th 322.

to the extent possible, avoiding a project's significant environmental effects through implementing feasible mitigation measures.[23] In very limited circumstances, an agency may avoid preparing an EIR by issuing a negative declaration, a written statement briefly indicating that a project will have no significant impact. Because "[t]he adoption of a negative declaration . . . has a terminal effect on the environmental review process" by allowing the agency to dispense with the duty to prepare an EIR, negative declarations are allowed only in cases where there is not even a "fair argument" that the project will have a significant environmental effect.[24]

Under the fair argument standard, a lead agency "shall" prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment.[25] The phrase "significant effect on the environment" is defined as "a substantial, or potentially substantial, adverse change in the environment."[26]

In certain circumstances, a project with potentially significant impacts can be modified by the adoption of mitigation measures to reduce the impacts to a level of insignificance. In such cases, an agency may satisfy its CEQA obligation by preparing a mitigated negative declaration.[27] A mitigated negative declaration, however, is also subject to the fair argument standard. Thus, an MND is also inadequate, and an EIR is required, whenever substantial evidence in the record supports a "fair argument" that significant impacts may occur even with the imposition of mitigation measures.

The "fair argument" standard is an exceptionally "low threshold" favoring environmental review in an EIR rather than a negative declaration.[28] The "fair argument" standard requires preparation of an EIR, if any substantial evidence in

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[23] Pub. Resources Code, § 21002.1, subd. (a); CEQA Guidelines, § 15002, subd. (a) & (f).
[24] *Citizens of Lake Murray v. San Diego* (1989) 129 Cal.App.3d 436, 440; Pub. Resources Code, §§ 21100, 21064.
[25] Pub. Res. Code §§21080(d), 21082.2(d); 14 Cal. Code Reg. §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601-1602.
[26] Pub. Resources Code, § 21068.
[27] Pub. Resources Code, § 21064.5; CEQA Guidelines, § 15064, subd. (f)(2).
[28] *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.
4906-017acp

the record indicates that a project may have an adverse environmental effect.[29] As a matter of law, substantial evidence includes both expert and lay opinion.[30] Even if other substantial evidence supports the opposite conclusion, the agency nevertheless must prepare an EIR.[31] Under the "fair argument," CEQA always resolves the benefit of the doubt in favor of the public and the environment.

III. THE IS/MND FAILS TO PROVIDE AN ACCURATE PROJECT DESCRIPTION

The IS/MND must include a description of the project.[32] "All phases of the project planning, implementation, and operation must be considered in the Initial Study of the project."[33] "Where an agency fails to provide an accurate project description, or fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate. An accurate and complete project description is necessary to fully evaluate the project's potential environmental effects."[34]

15-2

Furthermore, an agency may not rely on information buried in the CEQA document's appendices to prove that it provided an adequate project description. Decisionmakers and the public cannot be expected to "ferret out" crucial project information by poring over the CEQA document's appendices and supporting references. "The data in a [CEQA document] must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. '[I]nformation 'scattered here and there in an EIR appendices' or a report 'buried in an appendix,' is not a substitute for 'a good faith reasoned analysis.'"[35]

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[29] CEQA Guidelines, § 15064, subd. (f)(1); *Pocket Protectors v. City of Sacramento, supra*, 124 Cal.App.4th at 931.
[30] Pub. Resources Code, § 21080, subd. (e)(1); CEQA Guidelines, § 15064, subd. (f)(5).
[31] *Arviv Enterprises v. South Valley Area Planning Comm*. (2002) 101 Cal.App.4th 1333, 1346; *Stanislaus Audubon v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597.
[32] 14 Cal. Code Regs ("CEQA Guidelines") § 15063(d)(1), 15071(a).
[33] *Id*. § 15063(a)(1)
[34] *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1597 (internal citations omitted).
[35] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442 (*quoting California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4th 1219, 1239.)
4906-017acp

A. The IS/MND Fails to Provide an Accurate and Complete Description of the Pipeline Location and Installation Methods

The IS/MND anticipates that the pipeline installation will take place over the course of 12 to 14 months and will connect the RNG processing facility to a proposed PG&E metering station and the existing PG&E STANPAC 3 gas transmission pipeline. The roughly 3.4 miles of pipeline is proposed to be constructed in two segments, with approximately 0.6 miles located in the primary Project area, 2 miles within conserved open space known as the Special Buffer Area ("SBA"), and 0.8 miles in the PG&E utility corridor, ending at the STANPAC 3 pipeline in the City of Pittsburg.[36]

15-2

Though the IS/MND provides depictions of the pipeline's proposed route,[37] it fails to provide adequate explanations of what particular installation methods will be used and where, leaving too much detail to speculation to be considered sufficiently informational under CEQA. Based on a description of construction activities provided in the Project Description, it appears the majority of the pipeline will be installed using open-trenching techniques.[38] Certain locations, however, will require "careful consideration" of construction techniques, such as when installation involves crossing existing gas and electric transmission lines or the Contra Costa Canal.[39] The IS/MND indicates that the exact location of installation will determine the construction method used.[40] The IS/MND states, for example, that trenchless options such as horizontal directional drilling may be used based upon the location of the pipeline. It does not, however, provide an explanation of different drilling techniques or a discussion of the impacts of different drilling techniques, nor does it specify which locations would warrant the use of any specific drilling method. Different drilling methods have substantially different impacts upon the environment, rendering the IS/MND's analysis and conclusions regarding the Project's potential construction impacts unsupported for several environmental resources, including air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, mineral resources, noise, and transportation.

15-3

[36] IS/MND, pg. 11.
[37] *See, e.g.,* IS/MND Figure 9.
[38] "The 4-inch diameter steel pipeline will be installed utilizing an excavator that will create a trench and the pipeline will be placed and backfilled at a depth of four feet in most locations." IS/MND, pg. 13.
[39] IS/MND, pg. 12.
[40] IS/MND, pg. 12.

Recent case studies on directional drilling techniques demonstrate that horizontal directional drilling can have significant impacts that are distinct from impacts associated with trenching.[41] "While the [horizontal directional drilling] method can appear to be a convenient, efficient method of pipe installation in some cases, there are potential environmental and other risks associated with it."[42] Unlike trenching, directional drilling requires a plan for fluid disposal, extra workspace, specialized equipment, additional water, and an extended time frame.[43] In addition, directional drilling presents a risk of an inadvertent return of drilling fluid, known as a "frac-out."[44] In a frac-out, drilling fluid escapes the borehole through a fissure in the soil.[45] "[T]here is evidence that the short-term effects of releasing drilling fluid into wetlands include temporary displacement of resident fauna, smothering of benthic organisms and plant root systems, increased turbidity of water quality, and effects on water chemistry and wetland hydrology."[46]

15-4

Because the IS/MND does not specify where and to what extent alternative methods of pipeline installation may be employed, it fails to provide a complete analysis of environmental impacts. An EIR with a detailed description of the proposed construction methods and when each of those methods will be implemented must be prepared so that decisionmakers and the public can properly assess the environmental impacts that may arise due to the installation of the pipeline.

15-5

B. The IS/MND Fails to Identify Whether the Landfill Will Need Further Expansions in the Future, Resulting in Additional LFG Generation

A complete project description must include details as to the "later phases of the project, and any secondary, support, or off-site features necessary for its implementation."[47] The requirements of CEQA cannot be avoided by chopping the

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[41] Slade, D., Case Study: Environmental Consideration of Horizontal Directional Drills, 2000 International Pipeline Conference – Volume 1 (2000).
[42] Slade, D., Case Study: Environmental Consideration of Horizontal Directional Drills, 2000 International Pipeline Conference – Volume 1 (2000) p. 354.
[43] *Id*. at p. 355.
[44] *Id*. at pp. 355-356.
[45] *Id*. at p. 356.
[46] *Ibid*.
[47] *Bozung v. Local Agency Formation Commission of Ventura County* (1975) 13 Cal.3d 267, 283-84; *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1989) 47 Cal. 3d 376, 396 (CEQA document must include analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future

project into many small parts or by excluding reasonably foreseeable future activities that may become part of the project.[48] The IS/MND must supply enough information so that the decisionmakers and the public can fully understand the scope of the Project.[49] It must also fully analyze the whole of a project in a single environmental review document and may not piecemeal or split a project into pieces for purposes of analysis.

The Applicant's initial agreement with KCL allows for a 20-year lifespan of the Project with the opportunity to extend the agreement as long as sufficient LFG is available to make operating the LFGTE plant commercially viable.[50] The IS/MND acknowledges that "[c]urrent KCL LFG generation models predict that methane generation will continue far beyond the 20-year project period" and that the facility's "gas collection and control system are expanded regularly as KCL continues to dispose of waste, and the volume of LFG generated increases."[51] The IS/MND gives no indication that the production of LFG will decrease any time soon. Rather, based on information disclosed in the IS/MND, it is foreseeable that the facility may need to be upgraded and its capacity increased. If so, the Project's lifespan and production capacity may also need to be extended or expanded. The IS/MND is silent on this issue.

15-6

Because the IS/MND fails to adequately describe the full scope of the Project's reasonably foreseeable activities, it fails to disclose the full range and severity of the Project's potentially significant environmental and public health impacts. An EIR analyzing all of the Project's potential impacts, including those from a reasonably foreseeable future expansion of the facility's LFG processing capacity, must be prepared.

IV. THE IS/MND FAILS TO ADEQUATELY DESCRIBE THE ENVIRONMENTAL SETTING

15-7

An initial study must include a description of the project's environmental setting.[52] The description of the environmental setting constitutes the baseline

expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects).

[48] PRC § 21159.27 (prohibiting piecemealing); *see also Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 370.

[49] *Dry Creek Citizens Coalition v. County of Tulare* (1990) 70 Cal.App.4th 20, 26.

[50] IS/MND, p. 16.

[51] IS/MND, pp. 1, 16.

[52] CEQA Guidelines § 15063(d)(2).

15-7

physical conditions by which a lead agency may assess the significance of a project's impacts.[53] "The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts."[54]

A. Baseline Emissions of the Enclosed Flares, and Thus Calculations of Emissions Reductions, are Inaccurate

The CEQA Guidelines require that an environmental review document "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."[55] The impacts of a proposed project should be determined against the actual environmental conditions existing at the time of CEQA analysis, rather than against hypothetical conditions allowable under a permit.[56] Failure to represent actual operational conditions undermines the purpose of CEQA to fully inform decision makers and the public.[57]

15-8

The IS/MND asserts that existing baseline emissions of criteria pollutants amount to 4,700 standard cubic feet per minute ("scfm" or "cfm") over 8,760 hours in a year.[58] It bases this claim on the Project's proposed maximum capacity: The proposed project would have a maximum capacity of 4,700 scfm of LFG. Accordingly, the baseline condition shown in Table 3-2 is defined as the current flares operating on 4,700 scfm."[59] Baseline flare emissions, however, for purposes of CEQA review, would be the *actual* emissions from the two flares in the baseline years immediately preceding preparation of the IS/MND.[60] As Dr. Fox explains, this information was not included in the IS/MND.[61] Thus, the change in flare

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[53] *Id.* § 15125(a); *see also Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 38 Cal. 4th 310, 320-21 (CEQA Guidelines § 15125(a) applies to an initial study).
[54] CEQA Guidelines § 15125(a).
[55] *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320.
[56] *Id.*
[57] *Id.* at 328.
[58] IS/MND, p. 67, Table 3-2.
[59] IS/MND, p. 65.
[60] Fox Comments, p. 17.
[61] *Id.*, pp. 18-19.

emissions reported in Table 3-2 of the IS/ND is unsupported by the evidence in the County's record.

15-8

According to the Bay Area Air Quality Management District ("BAAQMD") in comments provided to the County on November 4, 2020 on the Project, the two flares are permitted for, and have an actual combined throughput of, approximately 4,900 cfm.[62] No application for a reduction in the throughput of the flares has been submitted. Thus, the IS/MND's reliance on a maximum capacity of 4,700 scfm of LFG is similarly unsupported. No explanation for this inconsistency is provided by the IS/MND, nor is a clarification of actual baseline emissions offered.

15-9

Furthermore, the IS/MND's inexplicable measurement of baseline emissions ignores BAAQMD's Regulation 2, Rule 2-603, which calculates baseline emissions based on the type of source and on determining the baseline period and the period ending date (typically the three-year period immediately preceding the triggering event, such as completion of an application for authority to construct or the date on which an emission reduction becomes enforceable).[63] A lead agency has discretion to choose its own method of determining baseline conditions when there is evidence showing that the baseline emissions numbers selected by the agency are representative of typical operations.[64] BAAQMD, however, indicated in its comment letter on the IS/MND that "actual emissions reductions should be calculated as per the baseline procedure in Regulation 2-2-603 and also account for continued use of these flares for the foreseeable future."[65] The County provides no substantial evidence to support its reliance on an illusory baseline based on maximum permitted emissions.

15-10

Moreover, as stated in BAAQMD's comment letter, 4,700 cfm of gas has never before been collected by the landfill: "[T]he amount of landfill gas collected by the landfill in 2019 was 4,130 cfm, out of which 1,186 cfm were sent to the Ameresco LFGTE for use in its LFG-fired internal combustion engines."[66] These baseline numbers, upon which the IS/MND bases its calculations and conclusions of the

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[62] BAAQMD Comments to Contra Costa County re Proposed Ameresco Keller Canyon RNG Processing Facility & Pipeline (Land Use Permit LP18-2022, amending LP89-2020) (November 4, 2020) (hereinafter "BAAQMD Comments"), p. 1.
[63] BAAQMD Regulation 2, Permits, Rule 2, New Source Review, 603 et seq.
[64] *Association of Irritated Residents v. Kern County Board of Supervisors* ("*AIR v. Kern County*") (2017) 17 Cal.App.5th 708, 728–729.
[65] BAAQMD Comments, p. 2.
[66] BAAQMD Comments, p. 2.

Project's potential to reduce emissions, are, according to BAAQMD, inaccurate and overstated.[67]

Similarly to *CBE v. South Coast Air Quality Management Dist.*, the IS/MND mischaracterizes information relevant to the baseline emissions levels and how the Project will impact air quality.[68] The IS/MND must clearly state the baseline level of criteria pollutants and GHG emissions under current operational conditions in order to lay the foundation for an accurate environmental analysis.[69] Given that it contains inconsistent information about its baseline emissions, the IS/MND is deficient as an informational document under CEQA and an EIR must be prepared that includes an accurate and clear baseline description that reflects actual conditions.

15-10

B. The IS/MND Fails to Adequately and Accurately Describe the Site's Existing Biological Resources

The IS/MND's descriptions of the site's existing biological resources, including special-status species occurrences, terrestrial and riparian habitats, and aquatic resources are flawed, rendering any subsequent analyses of impacts to those resources invalid.

According to the IS/MND, biologists walked the length of the Project site to survey biological resources.[70] However, as Dr. Smallwood points out in his comments, "the IS/MND neglects to report essential details of the surveys, such as how many biologists were involved, the levels of expertise of the biologists, dates and durations of the surveys, when the surveys started, and any special details of survey methods. Without these details, the reader cannot assess whether and to what degree the surveys would have resulted in species detections."[71] The IS/MND, in fact, does not report what species were detected.

15-11

Furthermore, the methods used to identify the likelihood of special-status species occurrences are inadequate. As Dr. Smallwood notes, a desktop review was performed but the review for terrestrial vertebrate wildlife was mostly limited to the California Natural Diversity Data Base ("CNDDB"), which in Dr. Smallwood's experience, is not a resource commonly used by biologists to submit species

15-12

[67] *Id.*
[68] *CBE v. SCAQMD*, 48 Cal.4th at 320–322, 328.
[69] *Id.*
[70] IS/MND, p. 73.
[71] Smallwood Comments, p. 1–2.

detections and does not accurately reflect species occurrences on private lands. Additionally, the County neglected to consult several available resources, including databases and local experts, to establish an accurate environmental setting in its preparation of the IS/MND. Any analysis of impacts to special-status species and other biological resources resulting from the Project that stem from this inaccurate existing baseline is therefore flawed.

Dr. Smallwood's comments describe how acutely inadequate the IS/MND's depiction of the presence of special-status species is:

> While performing surveys at Concord Naval Weapons Station (Morrison and Smallwood 2004, 2005; Smallwood and Morrison 2006, 2007, 2008), located right next to the project site, I observed many of the species listed in Table 1.[72] From 2004 through 2008, I observed American white pelican, double-crested cormorant, California Ridgeway's rail (*Rallus obsoletus obsoletus*), California gull, Caspian tern, Turkey vulture, golden eagle, red-tailed hawk, red-shouldered hawk, Cooper's hawk, northern harrier, white-tailed kite, American kestrel, prairie falcon, burrowing owl, barn owl, great horned owl, loggerhead shrike, California horned lark, yellow-billed magpie, San Francisco common yellowthroat, Suisun song sparrow, tricolored blackbird, salt marsh wandering shrew, San Francisco dusky-footed woodrat, California tiger salamander, and California red-legged frog. Although I would not expect Ridgeway's rail or salt marsh wandering shrew to occur on the project site, most of the rest of the species I detected next door likely also occur on the project site. [73]

15-12

Of the 81 special-status species of vertebrate wildlife Dr. Smallwood identified as potentially using the project site from an occasional to perpetual basis, the IS/MND analyzes potential impacts to only 7 (8.6%) of them (Table 1).[74] That is, the IS/MND neglects to analyze potential impacts to an astonishing 74 (91.4%) of the terrestrial vertebrate wildlife species potentially occurring on the project site. Granted, some of the species in Table 1 would be expected to use only the aerohabitat of the site, but most would stop-over during migration, forage or breed on the site. Dr. Smallwood concludes that much more analysis is needed to accurately characterize biological conditions at the Project site.[75] A fair argument

15-13

[72] See Smallwood Comments, Table 1, pp. 3–5.
[73] Smallwood Comments, p. 2.
[74] *Id.*
[75] *Id.*

can be made for the need to prepare an EIR to adequately analyze these potentially significant project impacts.

The IS/MND contains several other egregious errors in its description of the existing environmental setting for biological resources. The IS/MND consistently lists the likelihood of species to occur at the site as lower than shown in other documented accounts.[76] Some features that exist on the Project site, such as wetlands and riparian habitat for special-status species, were completely omitted from descriptions and images of the site.[77] Many of the images of the Project site included in the IS/MND, for example, depict the site in the dry season when some wetlands are unidentifiable while others represent aquatic features detectable only by an expert.[78] One 3-acre pond, known by expert biologists who have studied species at the Project site to be a breeding pond for the California tiger salamander and which, according to images in the IS/MND, would abut the pipeline's proposed route along the pond's southwestern shoreline, is entirely left out of the IS/MND's description of aquatic resources. Its significance to the survival of the California tiger salamander is likewise omitted. "Given that this pond was missed, or omitted, there is a high likelihood that the IS/MND missed or omitted additional wetland features."[79] A fair argument can be made for the need to prepare an EIR to adequately identify the Project site's existing biological resources and to analyze potential impacts to them.

15-13

V. SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THAT THE PROJECT HAS SIGNIFICANT IMPACTS THAT ARE NOT ADEQUATELY DISCLOSED OR MITIGATED BY THE MND

The fair argument standard which applies to MNDs creates a "low threshold" for requiring the preparation of an EIR.[80] Under the fair argument standard, a lead agency "shall" prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment.[81] The phrase "significant effect on the environment" is

15-14

[76] See Smallwood Comments, pp. 2, 6.
[77] Smallwood Comments, 6–7.
[78] *Id*.
[79] *Id*., p. 7.
[80] *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.
[81] Pub. Res. Code §§21080(d), 21082.2(d); 14 Cal. Code Reg. §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of*

15-14

defined as "a substantial, or potentially substantial, adverse change in the environment."[82] Neither the lead agency, nor a court, may "weigh" conflicting substantial evidence to determine whether an EIR must be prepared in the first instance. A dispute between expert opinions based on substantial evidence requires preparation of an EIR.[83]

15-15

Additionally, an MND must fully disclose all potentially significant impacts of a project and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency's significance determination with regard to each impact must be supported by accurate scientific and factual data.[84] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[85] The MND fails to meet these clear legal standards.

A. Substantial Evidence Supports a Fair Argument that the Project May Have Potentially Significant Impacts to Biological Resources

a. The IS/MND Fails to Adequately Analyze the Project's Potentially Significant Impacts to Special-Status Species

As the IS/MND's descriptions of the existing environmental setting at the Project site are wholly inadequate, any analyses of impacts that follow are likewise unsubstantiated. As described above, incomplete and unreliable methods used to identify the presence of special-status species or habitats led to flawed conclusions about the site's existing setting, and thus flawed conclusions about the Project's impacts.

15-16

Further evidence of the IS/MND's failure to adequately analyze the Project's potentially significant impacts to biological resources is found in the erroneous conclusions regarding the conditions necessary for species to exist at the site. For example, the IS/MND concludes that there is a moderate-to-high potential for the California tiger salamander to occur in the Project area but that "no suitable breeding habitat occurs within the study area." The closest record of the

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Stanislaus (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601-1602.

[82] Pub. Resources Code, § 21068.

[83] CEQA Guidelines section 15064, subdivision (f)(1); *Pocket Protectors* 124 Cal.App.4th at 934-935.

[84] 14 CCR § 15064(b).

[85] *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.

salamander is "0.3 miles away where 50 juveniles were observed in a mitigation pond on the landfill property in May 1995; however, this mitigation pond has failed to hold water on a regular basis."[86] The IS/MND appears to conclude, as Dr. Smallwood indicates, that the occurrence of and impacts to the species depend—wrongly—on ponds being regularly inundated. Dr. Smallwood notes that he has found California tiger salamander larvae "in ponds as ephemeral as rain pools and water pooled at culverts. What's needed are for ponds to remain inundated long enough into the spring for larvae to reach maturity, but this need not happen every year."[87]

15-16

The IS/MND further minimizes the Project's potential impacts in its analysis of impacts to wildlife movement. Though it asserts these impacts will be less than significant with mitigation, the IS/MND fails to identify many of the ways in which wildlife moves in and through the site and the impacts the Project may have on that movement. The site is known, for example, as a passage for the California tiger salamander as it moves between its breeding pond (the 3-acre pond adjoining the proposed pipeline route) and the uplands bordering Concord Naval Weapons Station.[88] Trenching for the pipeline would uproot this route, though the IS/MND omits any mention of this impact or how it would be mitigated.

15-17

Though the IS/MND concludes that the Project may result in potentially significant impacts to certain species, its inadequate and unreliable means of detecting the presence of special-status species and analyzing the Project's impacts necessitates the preparation of an EIR to fully and accurately evaluate potential impacts and how they can best be mitigated.

15-18

b. The IS/MND Fails to Adequately Analyze the Project's Potentially Significant Impacts on Aquatic Resources

The IS/MND fails to discuss the potential impacts to wetlands, vernal pools and special-status species due to the inadvertent return of drilling fluid. As discussed previously, horizontal directional drilling operations have the potential to release drilling fluids into the surface environment through inadvertent returns.[89] Because drilling muds consist largely of a bentonite clay-water mixture, they are not classified as a toxic or hazardous substance.[90] However, if released into bodies

15-19

[86] IS/MND, p. 80.
[87] Smallwood Comments, p. 7.
[88] *Id*., p. 8.
[89] Slade, *supra*, p. 355.
[90] *Id*. at p. 359.

of water, bentonite has the potential to adversely affect native flora, fauna, and special-status species.[91]

15-19 The proposed pipeline's path would intersect with several aquatic resources, including wetlands, seasonal wetlands, drainages, and tributaries. It would cross an unnamed tributary to Willow Creek, itself a tributary to Suisun Bay, as well as the Contra Costa Canal, at which point horizontal directional drilling will be required for installation. The IS/MND, however, does not provide any discussion or analysis of the impacts or risks from various construction methods. An EIR must be prepared with these impacts and mitigation in mind.

B. The IS/MND Fails to Adequately Analyze the Project's Potential Impacts to Air Quality

a. The IS/MND's Analyses of Impacts to Air Quality are Replete with Inconsistencies and Inaccurate Information

The IS/MND fails as an informational document, as demonstrated throughout several of its sections. Notably, many of the figures and factual scenarios it relies on to calculate emissions reductions are distorted, misrepresented, or simply fabricated. In its comments on the proposed Project, for example, BAAQMD pointed out several errors in the MND's analysis:

15-20 (1) Table 3-1 on Page 66 lists incorrect emissions factors for PM_{10} for the enclosed flare. It furthermore vastly underrepresents—by nearly 60 percent—the percentage of non-methane organic compounds (NMOCs) made up of volatile organic compounds (VOCs), even though KCL "has more than two decades of source test data which verifies that VOCs make up for more than 95% of the NMOC fraction."[92] It is District-wide practice "to assume VOCs to be 100% equal to the NMOC fraction."[93]

(2) Table 3-2 on Page 67 compares existing flare emissions with the Project's proposed potential to emit. As BAAQMD's comments reveal, however, these projected emissions could only be achieved should both flares be completely shut down—a proposal that has not been included in any part of the Project. "The actual emissions reductions should be calculated as per the baseline

[91] *Id*. at p. 355.
[92] BAAQMD Comments, p. 2.
[93] *Id*.

procedure in Regulation 2-2-603 and also account for the continued use of these flares for the foreseeable future."[94]

(3) Table 3-3 on Page 68 contains incorrect emissions calculations for PM_{10} and VOCs. According to BAAQMD, "[t]he PM10 emissions should be based on the US EPA AP-42 Chapter 2, Table 2.4-5 emission factor, 17 lb/MMscf CH4. As the methane concentration in the high O2 gas will be 22% (for the enclosed process flare) and in the waste gas will be 10% (for the TOX), this emission factor will change for these two abatement devices. For the enclosed process flare, this factor is 0.0777 lb/MM BTU and for the [thermal oxidizer], this factor is 0.171 lb/MM BTU based on the methane concentrations of 22% and 10%, respectively. As previously stated, the facility assumed VOCs to be 39% of the NMOC fraction, which is wrong. Thus, the PM_{10} and VOC emissions are incorrect …."[95]

(4) Table 8-2 on Page 152–153 once again calculates emissions reductions incorrectly. The reductions in the emissions of GHGs suggested by the table will, like its counterpart listing reductions in emissions of criteria pollutants, only occur in the event that both existing flares are shuttered.

15-20

(5) The IS/MND failed to include in its calculations of the facility's total emissions fugitive emissions of precursor organic compounds from leaking parts and components of the RNG facility.

(6) Inconsistencies in the type of construction equipment used to calculate construction emissions make it impossible to determine how accurate the Project's projected emissions are. Dr. Fox explains that "Tier IV Final" and "Tier IV," referenced interchangeably in the CalEEMod file and mitigation measures

These errors and omissions from the MND's analysis of the Project's operational emissions render the MND inadequate as a matter of law, and demonstrate that the County's conclusions regarding the significance of the Project's air emissions are unsupported by the record.

b. The IS/MND's Calculations of Construction Emissions Are Unsupported

[94] *Id.*
[95] *Id.*

The IS/MND concludes that any impacts the Project may have on air quality will be less than significant. None of its conclusions regarding impacts from construction emissions, however, are supported by evidence. The IS/MND's description of construction activities, Dr. Fox states, does not contain any of the information required to evaluate the Project's construction emissions or to make an independent estimate of construction emissions, including the construction schedule, a list of all construction equipment including engine tier, engine horsepower rating, and hours of use. Thus, it is impossible for anyone to evaluate the IS/MND's conclusions as to construction impacts.

Moreover, the figures and calculations of construction emissions are contradictory and nonsensical. Table 3-4, for example, lists the BAAQMD thresholds for criteria pollutant emissions from construction activities, along with the California Emissions Estimator Model (CalEEMod) results for the Project.[96] Support for the conclusions in the Table can purportedly be found in the source listed below the Table, "Tetra Tech, May 2020." As Dr. Fox discovered, however, the construction emissions found in the Tetra Tech, May 2020 report do not comport with those in Table 3-4, nor do they agree with the CalEEMod output files provided by the County.[97] For example, Dr. Fox points out, "NOx is reported as 31.29 lb/day in the Tetra Tech memo and the CalEEMod output (mitigated) while IS/MND Table 3.4 reports 26.52 lb/day. Similar discrepancies exist for all criteria pollutants."[98] Dr. Fox discovered that the emissions of all criteria pollutants reported in Table 3-4 were, without explanation, lower than those found in the CalEEMod output file.

15-21

Finally, although the IS/MND concludes that construction emissions will result in less-than-significant impacts, it lists 16 measures designed to mitigate adverse health, safety, and environmental impacts which will be incorporated into the MND upon approval. Because these measures are designed to reduce impacts, their function in the Project is as mitigation measures.[99] The MND fails to describe the extent of the Project's impacts prior to implementation of these measures, in

[96] IS/MND, p. 69; additionally, Table 3-4 reports "mitigated" construction emissions, though the IS/MND does not mandate any construction mitigation and instead concludes that "construction-related emissions would be less than significant."
[97] *See* IS/MND, p. 69; Tetra Tech, May 2020 Memorandum re Ameresco – Keller Canyon Landfill Construction Emissions Calculations; CalEEMod files: "Keller Canyon Landfill, Bay Area AQMD Air District, Summer" and "Keller Canyon Landfill, Bay Area AQMD Air District, Winter."
[98] Fox Comments, p 4.
[99] PRC §§ 21002.1(a)(b), 21100(b)(3); 14 CCR § 15126.4.

violation of CEQA.[100] Since the MND relies on these measures to reduce adverse impacts, they must be also included as binding mitigation measures.[101]

Though some of these measures are written as conditions of approval found in the Land Use Permit for the landfill, the terms of which the Project is subject to, several others are simply practices meant to help minimize the inevitable negative effects that construction of the Project will have. The IS/MND even states that "with the incorporation of the [] described measures, [the Project] would have a less than significant impact."[102] This clearly demonstrates that construction activities and the resulting impacts would be more than "less-than-significant," and that the measures are necessary in order to lessen the severity of impacts. An EIR specifying each of these impacts and how they might be mitigated must be prepared and distributed so that the public and decisionmakers can effectively evaluate the Project's effects on the environment and public health.

15-21

c. Several Major Emissions Sources Are Omitted from Construction Emissions Calculations, Leading to Vastly Underestimated Results

Dr. Fox explains that several major sources of emissions and fugitive dust are omitted from the CalEEMod calculations of construction emissions. These glaring failures to include significant sources of emissions violate CEQA's informational disclosure requirements and demonstrate the need for an EIR to fully evaluate the Project's impacts to air quality and public health.

15-22

i. Pipeline Welding

[100] *Id.; Lotus v. Dep't of Transp*. (2014) 223 Cal. App. 4th 645, 651-52.
[101] *Id*.
[102] IS/MND, p. 63.

15-23

Welding releases fumes and particulates with diameters of 0.001 to 100 microns[103,104] as well as metals,[105] including hexavalent chromium, a potent carcinogen, and cobalt, manganese, nickel, and lead, among others.[106] CARB concluded that "stainless steel welding has emissions of hexavalent chromium that can significantly impact public health. Welding will occur along the entire pipeline, include within 50 feet of homes.[107] The IS/MND failed to disclose the pipeline material, failed to disclose welding techniques, and failed to estimate welding emissions and their public health impacts. Public health impacts are likely significant along the pipeline segment just 50 feet from homes.[108]

ii. Windblown Dust

15-24

The IS/MND's CalEEMod model does not include all sources of PM10 and PM2.5 construction emissions let alone from the Project's unique aspects. The model omits windblown dust from graded areas and storage piles, as well as fugitive dust from off-road travel, and acknowledges that the omission "could result in underestimated fugitive dust emissions if high winds and loose soil are substantial characteristics for a given land use/construction scenario."[109] Dr. Fox explains that, in order to accurately disclose these emissions, they must be separately calculated using methods in AP-42[110] and added to the CalEEMod model total, which the IS/MND failed to do.[111]

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[103] Welding Operations; https://www.sdapcd.org/content/dam/sdc/apcd/PDF/Toxics_Program/APCD_welding1.pdf. See also Guide for Estimating Welding Emissions for EPA and Ventilation Permit Reporting, 2003; https://pubs.aws.org/Download_PDFS/f1.6M-2003PV.pdf.
[104] U.S. EPA, AP-42, Section 12.19, Electric Arc Welding; https://www3.epa.gov/ttnchie1/ap42/ch12/final/c12s19.pdf.
[105] Canadian Centre for Occupational Health and Safety, Welding – Fumes and Gases; https://www.ccohs.ca/oshanswers/safety_haz/welding/fumes.html.
[106] Frank Altmayer, Welding & Lead Emissions; http://www.nmfrc.org/pdf/psf2002/030226.pdf.
[107] CARB, Welding Emissions; https://ww2.arb.ca.gov/our-work/programs/welding-emissions.
[108] Fox Comments, p. 5.
[109] CalEEMod, Technical Paper, Methodology Reasoning and Policy Development of the California Emission Estimator Model, July 2011, p. 4.
[110] U.S. EPA, Compilation of Air Pollutant Emission Factors, Report AP-42; https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emission-factors#Proposed.
[111] Fox Comments, p. 6.

iii. Default Emissions Factors

Construction emissions depend upon the conditions at the site. The IS/MND's CalEEMod model uses default emission factors.[112] The IS/MND indicates sandy soils are present at the site at depths of 15 to 20 feet below the ground surface.[113] Sandy soils will generate significantly more PM10 and PM2.5 than assumed in the CalEEMod calculations. The default emission factors should have been adjusted to increase emissions to account for on-site soil conditions, which include a sand lens 15 to 20 feet below ground surface.[114]

iv. Jack-and-Bore Emissionst

15-25

Where pipelines cross roads and canals, pipes are commonly installed using the jack-and-bore method. In this method, pits are dug on each side of the road/canal and a ram is punched through the earth using a boring machine.[115] The CalEEMod analysis does not include emissions from boring machines[116] or the increase in NOx, PM10, PM2.5, and criteria pollutant emissions that would result from using this method.[117]

v. Pipeline Trenching

The installation of the gas pipeline that runs from the processing facility to the PG&E connection will require trenching. There is no default equipment list in the CalEEMod for trenching emissions. The user must specify site-specific equipment lists for trenching.[118] The CalEEMod output does not include any

[112] H. Fan, A Critical Review and Analysis of Construction Equipment Emission Factors, *Procedia Engineering*, v. 196, 2017, pp. 351-358, Sec. 3.4; https://ac.els-cdn.com/S1877705817330801/1-s2.0-S1877705817330801-main.pdf?_tid=52a5d974-8784-439a-b291-b3af90dd72a8&acdnat=1547271738_0e7791ee60b78d3690ff871dcc1f3445.
[113] IS/MND, pdf 146-147, 151. See also Tetra Tech, Geotechnical Feasibility Report, Ameresco Gas Processing Plant, Keller Canyon Landfill, Pittsburg, California, October 30, 2019 (2019 Geotechnical Report), Boring Logs B-101, B-102 and Grain Size Distribution Analyses.
[114] Fox Comments, pp. 7–8.
[115] What is the Jack and Bore Method; https://www.youtube.com/watch?v=FT6sK30-UuU.
[116] IS/MND, pdf 158: Appendix A, Biogas Pipeline, pp. 1-2.
[117] Fox Comments, p. 8.
[118] CAPCOA, California Emissions Estimator Model, Appendix A, Calculation Details for CalEEMod, p. 8, pdf 11; available at http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6.

15-25

evidence that emissions from off-site trenching for the pipeline were included in the CalEEMod analysis, thus underestimating construction emissions.[119]

vi. Worker and Vendor Trips

The IS/MND's CalEEMod analysis assumed a worker trip length of 10.8 miles,[120] which is less than the CalEEMod model default of 16.8 miles. This most likely substantially underestimates actual trip lengths for Project construction, given that a large number of highly skilled construction workers would be required to operate the various specialized equipment that would be required to build the Project. No support is provided for this estimate.

It appears unlikely that a sufficiently skilled construction labor force would be available within an average 10.8-mile radius of the Project site. More likely, the construction work force does not live close by but instead may commute long distances to the Project site. Based on a report by the Denver Research Institute, construction workers commute as much as 60 miles daily to construction sites from their homes.[121] The CalEEMod analysis also assumed a vendor trip length of 7.3 miles,[122] without identifying the source of the imported components (e.g., pipeline segments, upgrading facility equipment), which are not likely to be sourced locally.[123]

15-26

vii. Worker Vehicles

The IS/MND's CalEEMod analysis assumes that construction workers would drive an "LD Mix" of vehicles,[124] which is not defined. Based on the CalEEMod User's Guide, presumably it is 50% light-duty auto (or passenger car), 25% light-duty truck type 1 (LDT1), and 25% light-duty truck type 2 (LDT2),[125] which are gasoline-powered vehicles. However, construction workers often drive large pickup trucks. According to CalEEMod, these vehicles have considerably higher fleet-average emission factors. The unstated assumption that all construction workers

[119] Fox Comments, p. 8.
[120] CalEEMod Output, p. 6.
[121] Denver Research Institute, Assessing and Managing Socioeconomic Impacts of Power Plants, August 1, 1984; https://www.epri.com/#/pages/product/EA-3660/.
[122] CalEEMod Output, p. 6.
[123] Fox Comments, p. 9.
[124] Ibid.
[125] CalEEMod, Appendix A, Calculation Details for CalEEMod, September 2016, pdf 17-18.

would commute in gasoline-powered passenger vehicles and trucks may lead to a substantial underestimate of commuter vehicle emissions.[126]

viii. Construction Equipment Emissions

15-26

Dr. Fox explains that emission models, such as CalEEMod, use fleet average emission factors that are mostly obtained from steady-state engine dynamometer results, adjusted for various factors.[127] They do not represent real-world duty cycles. Dynamometer tests do not capture the episodic nature of fuel use and emissions during real-world duty cycles, such as idling, use of an attachment, movement of a load, etc. Dr. Fox concludes that these emission factors were not accurately disclosed in the IS/MND, and should be confirmed for the specific equipment and work conditions in the field by connecting an on-board portable emissions monitoring system (PEMS) to the vehicle's engine and its exhaust system to monitor the emissions while the vehicle is in use.[128]

d. Substantial Evidence Supports a Fair Argument that Construction Emissions Will Be Significant and Must Be Evaluated and Mitigated in an EIR

15-27

Dr. Fox's comments demonstrate that the omission of major sources of emissions from the IS/MND's calculations of construction emissions led to greatly underestimated impacts to air quality and public health. For example, fugitive dust blown from graded areas and storage piles, as well as from off-road travel, are typically found to be major sources of PM10 and PM2.5 in construction projects.[129] Her analysis of wind data for a nearby location[130] for the period 2013 to 2017 identified the highest wind speed of 110 mph on November 29, 2016, at 10 AM. Winds exceeded 50 mph for 128 hours over these 5 years.[131] The CalEEMod

[126] Fox Comments, p. 9.
[127] Fox Comments, p. 6.
[128] P. Lewis and others, Requirements and Incentives for Reducing Construction Vehicle Emissions and Comparison of Nonroad Diesel Engine Emissions Data Sources, *Journal of Construction Engineering and Management*, v. 135, no. 5, 2009, pp. 341-351 (Exhibit --9).
[129] Fox Comments, p. 6.
[130] Stockton Wind Data, 2013-2017; https://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm#met_data.
[131] Stockton Wind Data, Exhibit 2.

analysis, on the other hand, assumed a wind speed of 5 mph,[132] but failed to calculate any fugitive PM2.5 or PM10 emissions. The much higher winds that occur at the Project site can cause substantial emissions of fugitive dust particulate matter, particularly from disturbed surfaces, even assuming standard mitigation measures are fully complied with.[133] Dr. Fox states:

> As high winds can reach 30 to 50 mph, even up to hurricane speeds,[134] they can raise significant amounts of dust, even when conventional tracking and other such controls are used to control dust, often prompting alerts from air pollution control districts. The IS/MND did not include any wind data, not even a wind rose, which is commonly found in CEQA documents. Instead, the only reference to winds is the CalEEMod default of 2.2 m/sec.[135] These emissions could result in public health impacts due to violations of state and federal ambient air quality standards for PM10 and PM2.5. PM10 and PM2.5 emissions from these events were not included in the IS/MND's construction emissions, and no air dispersion modeling was conducted to evaluate their impact on local ambient air quality. Thus, the IS/MND fails as an informational document under CEQA.[136]

15-27

Furthermore, substantial evidence provided by Dr. Fox supports a fair argument that the IS/MND's failure to consider the site's geotechnical conditions resulted in lower estimated emissions of NOx. Inclusion of the geotechnical conditions would increase NOx emissions over the significance threshold.

15-28

Several geotechnical reports prepared since 2006 make various findings regarding the site's unique geotechnical conditions, along with recommendations for addressing these conditions, including use of specific equipment, methods to facilitate earthwork excavations, and activities such as dewatering. A 2019 geotechnical report indicated that construction of the Project would require, in addition to site preparation and pad grading (clearing and grubbing, remedial

[132] CalEEMod, wind speed = 2.2 m/s = 5.0 mph (mi/hr).
[133] Fox Comments, p. 6.
[134] Daphne Thompson, The Diablo Winds of California; https://blog.wdtinc.com/the-devil-winds-of-california.
[135] DEIR, pdf 394.
[136] Fox Comments, p. 7.

removal, fill placement, fill slope subdrain, surface drainage provisions, reinforced soil slopes, mechanically stabilized earth wall, foundations)[137] the following:[138]

- 89,000 cubic yards of imported earth to create the level pad and perimeter slopes for the plant.
- Earth fills varying in thickness from a few feet up to about 45 feet are planned across the level pad.
- Both reinforced and non-reinforced fill slopes varying from about 25 ft to 58 ft in height will be constructed along the northern and western margins of the pad.
- An MSE wall varying from about 5 feet to 20 feet in height will be constructed along the southwestern perimeter.
- Remedial removal of soft to firm fine-grained, colluvial soils prior to pad construction.
- Reinforced soil slopes up to 1.5 (H) 1(V) to a maximum height of about 58 ft along the western and northern boundaries of the pad.
- Construction of a mechanically stabilized earth wall up to about 20 ft high along the southern boundary of the pad.
- Address "severe" corrosion potential to buried ferrous metals.

15-28

The CalEEMod files, the IS/MND, and other reference documents do not contain any evidence that any of these conditions except the first one (89,000 cubic yards) were addressed in the CalEEMod run used to estimate construction emissions. They would all, Dr. Fox indicates, increase construction emissions.[139]

15-29

Dr. Fox recalculated the Project's construction emissions using corrected emissions factors. She concludes that, when properly calculated, the Project's construction NOx emissions are significant and unmitigated, as follows:[140]

[137] Ibid., Section 7.2, p. 14, pdf 18.
[138] Tetra Tech, Geotechnical Feasibility Report, Ameresco Gas Processing Plant, Keller Canyon Landfill, Pittsburg, California, October 30, 2019 (2019 Geotechnical Report), p. 4, pdf 8 and p. 13-18, pdf 17-22; Exhibit --
[139] Fox Comments, pp. 13–15.
[140] Fox Comments, p. 14.

Table 1: 2021 CalEEMod Construction NOx Emissions (lb/day)

OPERATION	Unmitigated	Mitigated	Unmitigated	Mitigated
	Summer	Summer	Winter	Winter
Grading/Fill Placement				
On-Site	19.3327	6.9070	19.3327	6.9070
Off-Site	24.3839	24.3839	23.5988	23.5988
Pipeline Construction				
On-Site	27.7316	3.2390	27.7316	3.2390
Off-Site	0.1560	0.1560	0.1692	0.1692
Plant Construction				
On-Site	4.3673	0.7627	4.3673	0.7627
Off-Site	11.5813	11.4615	11.5813	11.5813
TOTAL	**87.55**	**46.91**	**86.78**	**46.26**
Significance Threshold	**54**	**54**	**54**	**54**
Significant?	**Yes**	**No**	**Yes**	**No**

15-29

This table shows that unmitigated NOx construction emissions are highly significant, exceeding the BAAQMD significance threshold by a factor of 1.6. Thus, even assuming all Tier 4 Final equipment, construction emissions are significant if on-site and off-site (e.g., pipeline) construction overlap in time, as stated in the IS/MND.

Clearly, the evidence supports a fair argument that an EIR must be prepared to evaluate and mitigate construction emissions.

e. The IS/MND's Calculations of Operational Emissions Are Incomplete, Unsupported and Inaccurate

15-30

The IS/MND estimates that the Project will result in a significant decrease in operational emissions due to a reduction in the amount of LFG that is flared at the

existing enclosed flare facility. The IS/MND assumes that the Project's maximum capacity to process 4,700 cfm of LFG translates directly to the reduction of 4,700 cfm of LFG that would otherwise be flared.[141] Dr. Fox explains, however, that these reductions will be offset by increases in Project emissions and that the IS/MND's conclusions suffer from several deficiencies:

- Operational emissions, listed in Table 3-2, are unsupported by any evidence, substantial or otherwise. The Table lists the same supporting document as that listed under Table 3-4, Tetra Tech, May 2020. That memorandum, however, summarizes only construction emissions, not operational emissions.
- Baseline emissions figures, which should be actual emissions numbers during a period preceding a project (in this case determined by BAAQMD's Regulation 2, Rule 2-603) were erroneously ascertained, rendering all the calculated changes in emissions of criteria pollutants unsupported and inaccurate.
- The IS/MND used the projected amount of LFG that the Project has the capacity to process—4,700 cfm—as the flare facility's baseline emissions figure against which it calculated supposed decreases in emissions as a result of the Project. The actual baseline emissions—the amount of LFG flared at the two flares during the baseline period prior to the Project—were not disclosed, revealing the IS/MND's failure as an informational document under CEQA.

15-30

Dr. Fox was not the only one who recognized that all of the emissions calculations contained in the IS/MND, starting with the baseline numbers and including all calculations that follow, were wildly inaccurate. BAAQMD, in its comments to the County on the proposed Project, concluded that the IS/MND's assertion—that emissions of criteria pollutants will be reduced because the LFG that is currently flared by the two enclosed flares will be converted to RNG and piped out of the facility—is wrong for three reasons:

15-31

(1) The landfill flares are still permitted at their maximum capacity of 4,900 cfm each. KCL will need to submit an application for condition changes to reduce the throughput to the flares:

> No real, quantifiable, and enforceable reductions will occur until the Keller Canyon Landfill Company (KCLC) has applied for a reduction in throughputs or emissions of the two flares, A-1 and A-2. Pursuant

[141] IS/MND, p. 65.

> to Regulation 8-34-301, an active landfill shall operate with an active landfill gas collection and control system. In order to comply with this regulation, the two flares need to function as the landfill's control system. Currently, the two flares have been permitted for throughput and emissions levels at their maximum capacity. In order to claim any emissions reductions, the flares' throughputs and emissions will need to be revised.[142]

(2) The flares will need to continue to operate to handle the landfill gas production, both currently and likely throughout the life of the Project. As explained in BAAQMD's comments on the proposed Project:

> [The flares] have a combined throughput of approximately 4,900 cfm. Ameresco RNG facility is designed for 4,700 cfm. The Ameresco Landfill Gas to Energy (LFGTE) facility (Plant# B7667) has a design capacity of approximately 1,300 cfm of LFG. The peak landfill gas production is estimated to be approximately 7,400 cfm in 2051 as per the USEPA LandGEM model. So, the Ameresco LFGTE facility and Ameresco RNG facility may be potential support facilities for the KCLC landfill. Even with Ameresco LFGTE and Ameresco RNG operating at their maximum design capacities, the landfill flares will need to remain operational for abating approximately 1,400 cfm of the remaining landfill gas. This is another reason why the applicant's claim of emission reductions (which is based on complete shutdown of [facility flares] A-1 and A-2) appears to be inaccurate.[143]

15-31

(3) The emissions reductions of 4,700 cfm claimed by the IS/MND is an overstatement, as KCL has never collected that amount of landfill gas. According to BAAQMD's comments, the landfill collected 4,130 cfm in 2019, out of which 1,186 cfm were sent to the Ameresco LFGTE for use in its LFG-fired internal combustion engines.[144] The conclusion, therefore, that the Project will reduce emissions by 4,700 cfm—the amount of LFG the Project purports it will convert to RNG for energy use, thus preventing the LFG from becoming flare emissions—is at best an exaggeration and at worst an outright deception.

[142] BAAQMD Comments, p. 1.
[143] BAAQMD Comments, p. 1–2.
[144] *Id*., p. 2.

Because it assumes the Project would reduce the need for the continuous use of the two enclosed flares, the IS/MND bases it conclusions that the Project will result in reduced emissions of criteria pollutants on a worst-case scenario in which the flares would operate 25 percent of the year.[145] As stated previously and confirmed by BAAQMD's comments on the Project's potential to emit, the IS/MND acknowledges that KCL is continuously increasing its production of LFG. Already, it produces more LFG than the existing power plant has demand for, giving rise to the need for the enclosed flares.[146] Expecting the flares to operate only 25 percent of the year—the IS/MND further speculates that actual operation of the flares is expected to be less than 5 percent after initial startup—is unreasonable at best, as it is highly likely that the amount of LFG will exceed the facility's capacity at some point, given that the production of LFG is steadily increasing and the facility's capacity is finite. When this happens, the flares may be in operation constantly, much as they are now. Considering this, the emissions reductions predicted by the IS/MND are clearly fictitious.

15-32

Finally, the IS/MND failed to disclose significant sources of operational emissions, reporting only emissions from the Project's combustion sources (thermal oxidizer and flares). However, the process of upgrading landfill gas into a high Btu gas as proposed by the Project requires the removal of CO_2, H_2S, VOCs and nitrogen (N_2) as well as trace components to generate a pipeline-quality gas of sufficient quality to be blended with existing natural gas.[147] This requires other equipment that emits criteria pollutants and GHGs, the emissions from which are not included in the Project's emissions in Table 3-2, which only includes flaring emissions[148] or in Table 3-3. The information in the IS/MND and produced documents does not include any of the information required to estimate these missing emissions.

15-33

As the court found in *Sierra Club v. County of Fresno*, "[t]he ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"[149] The IS/MND clearly does not contain enough information for the public and decisionmakers to consider the Project's issues and evaluate its potential

15-34

[145] IS/MND, p. 65.
[146] IS/MND, p. 1.
[147] Fox Comments, p. 19; CEC, Landfill Gas Power Plants; https://www.energy.ca.gov/data-reports/california-power-generation-and-power-sources/biomass/landfill-gas-power-plants; Landfill Gas Upgrading; https://www.guildassociates.com/LandfillGas.
[148] IS/MND, Table 3-2.
[149] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 520.

15-34

impacts. An EIR must be prepared and must include *all* of the sources of emissions for construction and operation of the Project in order for a meaningful evaluation of the Project's air quality impacts to take place.

C. The IS/MND Fails to Disclose and Mitigate Significant Greenhouse Gas Emissions from Construction and Operations

CEQA requires the lead agency to use scientific data to evaluate GHG impacts directly and indirectly associated with a project.[150] The analysis must "reasonably reflect evolving scientific knowledge and state regulatory schemes."[151] In determining the significance of GHG emissions impacts, the agency must consider the "extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation o[152]f greenhouse gas emissions."[153] If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.[154]

15-35

The IS/MND asserts that, far from increasing GHG emissions, the Project actually "greatly reduces GHG emissions at KCL while generating energy."[155] Dr. Fox's comments provide substantial evidence establishing that the IS/MND's calculations of GHG emissions from construction and operations, which are unsupported by any of the provided data, are inaccurate and grossly underestimate

[150] See 14 C.C.R. § 15064.4(a) (lead agencies "shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project); 14 C.C.R. § 15064(d) (evaluating significance of the environmental effect of a project requires consideration of reasonably foreseeable indirect physical changes caused by the project); 14 C.C.R. § 15358(a)(2) (defining "effects" or "impacts" to include indirect or secondary effects caused by the project and are "later in time or farther removed in distance, but are still reasonably foreseeable" including "effects on air"); CEQA Guidelines, Appendix G, § VIII: Greenhouse Gas Emissions (stating agencies should consider whether the project would "generate greenhouse gas emissions, ***either directly or indirectly***, that may have a significant impact on the environment.") (emphasis added).

[151] 14 C.C.R. § 15064.4(b); see also *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 504 (holding that lead agencies have an obligation to track shifting regulations and to prepare EIRs in a fashion that keeps "in step with evolving scientific knowledge and state regulatory schemes").

[152] Fox Comments, pp. 24-26.

[153] 14 C.C.R. § 15064.4(b)(3).

[154] *Id*.

[155] IS/MND, p. 5.

the Project's actual GHG emissions. When correctly calculated, Dr. Fox concludes that the Project is likely to result in significant, unmitigated GHG emissions.

a. The IS/MND Fails to Support its Calculations of Greenhouse Gas Emissions

The CEQA Guidelines require a lead agency to compare a project's GHG emissions against a threshold of significance that the lead agency determines applies to the Project, or the extent to which the project complies with local regulations and requirements adopted to reduce GHG emissions, provided there is no evidence that GHG emissions would be cumulatively considerable.[156]

15-35

The CEQA Guidelines state that "[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data."[157] In determining whether a project may have a significant effect on the environment, lead agencies may adopt their own thresholds of significance, defined as "an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant."[158] The BAAQMD CEQA Guidelines caution that "[w]hile thresholds of significance give rise to a presumption of insignificance, thresholds are not conclusive, and do not excuse a public agency of the duty to consider evidence that a significant effect may occur under the fair argument standard."[159]

i. Construction Emissions

The IS/MND's conclusions regarding the Project's construction-related GHG emissions are confusing and unsupported.

15-36

Firstly, the IS/MND fails to provide a clear indication of what threshold of significance—or even whether the threshold is qualitative or quantitative—it has adopted to evaluate construction-related GHG emissions. Its assertions regarding the Project's GHG emissions, in fact, are at best inconsistent and at worst deceptive.

[156] CEQA Guidelines § 15064.4 subd. (b).
[157] CEQA Guidelines § 15064(b).
[158] CEQA Guidelines § 15064.7.
[159] BAAQMD CEQA Guidelines, May 2017, p. D-5; *citing Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322.

15-36

In its section evaluating impacts to air quality, these emissions are classified as "not applicable" and omitted from an inventory of CalEEMod results of Project construction emissions due, apparently, to the absence of a numerical threshold of significance in the BAAQMD CEQA Guidelines for such emissions.[160] Later in the IS/MND, however, calculations of construction-related emissions are included in the GHGs section. Noting BAAQMD's lack of a numerical threshold of significance, the IS/MND appears at this point to follow the BAAQMD CEQA Guidelines' instruction to instead quantify GHG construction emissions and determine whether the Project is on track to meet AB 32 GHG reduction goals of capping the state's GHG emissions at 1990 levels by 2020.

15-37

The IS/MND concludes that the Project's *operational* GHG emissions put it into compliance with the goals of AB 32 and the Contra Costa County Climate Action Plan ("CAP").[161] Operational emissions, however, do not need to be evaluated qualitatively, as a clear quantitative threshold exists to analyze them. Meanwhile, nowhere does the IS/MND address how its construction-related emissions are consistent with these state and local policies. Furthermore, as the Project's lifespan is anticipated to be 20+ years, it will be in existence long after either of these policies, making any analysis of its compliance with them—through operational or construction emissions—irrelevant. The analysis of the significance of construction-related GHG emissions relies on an elusory threshold that will not even exist by the time the Project construction is initiated.

Additionally, the CalEEMod analysis, which included calculations of GHG emissions from construction,[162] appears to disagree with the IS/MND's calculations, though the IS/MND indicates that it used the CalEEMod model.[163] Dr. Fox calculated total Project construction-related GHG emissions, based on CalEEMod's figures, at 1,248 MTCO2/year.[164] The IS/MND, however, estimates total Project construction GHG emissions to be 629 MTCO2e.[165] No explanation of the inconsistency is provided.

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[160] IS/MND, p. 69, Table 3-4.
[161] IS/MND, p. 154.
[162] CalEEMod records maximum daily construction GHG emissions of 5,890 lbs. during summer construction and 5,527 lbs. during winter construction; Fox Comments, p. 21; CalEEMod, pdf 4 for summer and pdf 16 for winter.
[163] IS/MND, p. 154.
[164] Fox Comments, p. 21.
[165] IS/MND, p. 154; Table 8-3, p. 155.

15-37

Even more confusingly, the IS/MND reiterates several times that the BAAQMD CEQA Guidelines do not recognize a numerical threshold of significance for construction-related GHG emissions. It then inexplicably compares its total Project GHG construction emissions of 629 MTCO2e to BAAQMD's threshold of significance for stationary-source projects, 10,000 MTCO2e/year. Though the threshold for stationary sources is in no way related to construction-related GHG emissions, the IS/MND uses this arbitrary comparison to conclude that potential impacts from the Project's construction-related GHG emissions are less than significant.

ii. Operational Emissions

15-38

The IS/MND's conclusion that the Project will result in decreased GHG emissions suffers from some very acute flaws. Most notably, the source for the estimated decrease in GHG emissions is cited as Tetra Tech, May 2020. The only Tetra Tech May 2020 memo that was produced in response to requests for reference documents supporting the MND did not include any GHG emissions. Thus, the emissions in IS/MND Table 8-2 are unsupported. Dr. Fox was unable to reproduce the emissions in Table 8-2 based on any information contained in the IS/MND and supporting documents.[166] Using information from the application for Authority to Construct/Permit to Operate ("ATC/PTO"), she was able to estimate a change in emissions due to the diversion of landfill gas to the Project's facilities that would otherwise be flared in the LFGTE plant's flares.[167]

However, the Project includes GHG emission sources, including a thermal oxidizer and an enclosed upset flare, which will increase GHG emissions.[168] The increase in GHG emissions due to the Project should be calculated as the difference between GHG emissions from all Project processing (flares and landfill gas treatment) and GHG emissions from baseline operation of the existing landfill gas flares A-1 and A-2. This calculation is attempted in IS/MND Table 8-2.[169] As noted previously, the IS/MND's incorrect baseline figures lead to flaws throughout the entire document, and ultimately, a defective environmental review.

The IS/MND estimated the expected net change in GHG emissions by subtracting Project GHG emissions from the existing LFG flares operating at near

[166] Fox Comments, p. 23.
[167] Fox Comments, p. 23; IS/MND, p. 2.
[168] Fox Comments, Figure 2, p. 23.
[169] IS/MND, p. 154.

permitted capacity (the assumed baseline) from the proposed capacities of the new thermal oxidizer and enclosed flare, yielding a decrease in GHG emissions of -55,383 ton/yr.[170] Dr. Fox's review of these calculations indicates several errors. Most significantly, her calculations indicate that the Project results in a significant net increase in GHG emissions when these errors are corrected.[171]

b. Substantial Evidence Supports a Fair Argument that Greenhouse Gas Emissions Are Significant

15-38

While the IS/MND dismisses the Project's potential impacts from GHG emissions as less than significant, even in the absence of a clear threshold, the mandate of CEQA is clear: an agency must base its evaluation of a project's impacts on information sufficient to foster informed public participation and allow reasoned decisionmaking.[172] The absence of a threshold, Dr. Fox notes, does not indicate a lack of significance.[173] Indeed, if a lead agency is "presented with factual information or other substantial evidence establishing a fair argument that a project may have a significant effect on the environment, the agency must prepare an EIR to study those impacts even if the project's impacts fall below the applicable threshold of significance."[174]

i. Construction Emissions

As Dr. Fox indicates, impacts from GHG emissions are global in nature. Their effects are not limited to the geographic area where they were emitted. She notes that thresholds of significance adopted by air districts can be applied statewide:

15-39

Other air districts have adopted GHG significance thresholds that are applicable to this Project. The Sacramento Metropolitan Air Quality Management District (SMAQMD), for example, has adopted a GHG significance threshold for stationary sources of 1,100 MT/yr CO2e for construction and 10,000 MT/yr CO2e for the operational phase.[175] The Project's construction GHG emissions of 1,248 MT

[170] IS/MND, Table 8-2.
[171] Fox Comments, p. 24.
[172] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 521.
[173] Fox Comments, p. 22.
[174] BAAQMD CEQA Guidelines, May 2017, p. D-5.
[175] SMAQMD Thresholds of Significance Table; http://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable4-2020.pdf.

CO2e/yr exceed the construction threshold. Thus, construction GHG emissions are significant, requiring mitigation.[176]

Additionally, the IS/MND, though it claims impacts from GHG construction emissions were less than significant, includes mitigation measures to minimize construction-related GHG emissions.[177] Dr. Fox points out the numerous problems inherent in the mitigation measures, notably that most of them mitigate emissions of particulate matter, not GHG emissions.[178] Only one, MM9, even addresses GHG emissions.[179] Most egregiously, all of the measures were assumed in the CalEEMod estimations of construction emissions. They would therefore fail to reduce emissions levels below the CalEEMod estimates, which, as Dr. Fox points out, were significant.[180]

15-39

ii. Operational Emissions

Using its erroneous baseline emissions from flares A-1 and A-2, the IS/MND estimated the yearly baseline emissions from the flares to be 143,279 ton/yr.[181] As support for the IS/MND's estimate of baseline emissions could not be located, Dr. Fox recalculated them using information found in the BAAQMD ATC/PTO application. What she found was that the Project, contrary to claims made by the IS/MND that it would result in remarkable decreases in GHG emissions, would instead result in significant increases well over the threshold of significance. She explains:

15-40

The BAAQMD ATC/PTO Application indicates that the composition of the flared landfill gas is 51.8% methane (CH_4) and 37.8% carbon dioxide (CO_2),[182] which are both GHGs. The BAAQMD ATC/PTO Application also indicates that the capacities of the A-1 and A-2 flares are 72.7 MMBtu/hr and 76.0 MMBtu/hr.[183] When the landfill gas is flared, methane is converted into carbon dioxide and

[176] Fox Comments, p. 23.
[177] IS/MND, p. 69; measures 3, 4, 5, 6, 8, 9, and 10 would be implemented to minimize impacts to air quality.
[178] Fox Comments, p. 21–22.
[179] IS/MND, p. 62.
[180] Fox Comments, p. 21.
[181] IS/MND, Table 8-2, p. 154.
[182] ATC/PTOApplication, Simplified Process Flow Diagram, pdf 20.
[183] ATC/PTO Application, pdf 6, Section 1.1.1.

water.[184] Flaring a kilogram of methane yields 2.75 kg of carbon dioxide.[185] Assuming the flares operated at capacity in the baseline, an unsupported assumption used in the IS/MND for criteria pollutant emissions (see Comment 2.5.1), maximum baseline GHG emissions for the existing flares A-1 and A-2 would be **28,475 ton/yr**,[186] based on Intergovernmental Panel on Climate Change (IPCC) GHG emission factors.[187] The baseline GHG emissions should be based on actual emissions during the two years preceding the start of environmental review, which likely are less than the permitted flow rates used to estimate the 28,475 ton/yr. The BAAQMD, for example, commented that the 2019 flowrate to the fares was 4,130 scfm, not 4,700 scfm.[188]

15-40

Dr. Fox notes that, because a significant fraction of the landfill gas is diverted from the flares to the existing landfill gas-to-energy power plant, estimated as 1,186 scfm by BAAQMD,[189] even her estimate of baseline GHG emissions of 28,475 ton/yr is likely too high. Using this figure, however, the Project would increase GHG emissions from **28,475 ton/CO2e/yr** to **87,896 ton/yr**,[190] an increase of **53,906 MT/yr**.[191] Assuming the BAAQMD's GHG significance threshold of 10,000 MT/yr, adopted by several California air districts as well as the BAAQMD and widely used in CEQA documents to evaluate the significance of GHG emissions, Project operational GHG emissions are highly significant, requiring full evaluation and mitigation in an EIR.

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[184] Combustion of methane: $CH_4 + 2O_2 \rightarrow CO_2 + 2H_2O$.
[185] See, for example, Richard Muller, Fugitive Methane and Greenhouse Warming; https://static.berkeleyearth.org/memos/fugitive-methane-and-greenhouse-warming.pdf.
[186] Baseline CO_2 emissions = CO_2 in landfill gas + CO_2 from flaring CH_4 in landfill gas. **CO2e in landfill gas** = (0.378)(72.7 + 76.0 MMBtu/hr)(52.07 kg CO_2/MMBtu)(24 hr/day)(365 day/yr)(0.00110231 ton/kg) = **28,262 ton/yr**. **CH4 in landfill gas converted to CO_2 in the flares** = (2.75 mole CO_2/mole CH_4)(0.518)(72.7 + 76.0 MMBtu/hr)(52.07 kg CO_2/MMBtu)(24 hr/day)(365 day/yr)(2.20331E-6 ton/g) = **213 ton/yr.** Total GHG emissions = 28,262 + 213 = **28,475 ton CO2e/yr.**
[187] Intergovernmental Panel on Climate Change (IPCC), Fourth Assessment Report, 2007, Emission Factors for Greenhouse Gas Inventories; https://www.epa.gov/sites/production/files/2015-07/documents/emission-factors_2014.pdf.
[188] Fox Comments, p. 26; Nov. 4, 2020 BAAQMD Comment, #2, Exhibit 21.
[189] 11/4/2020 BAAQMD Comment #2, Exhibit 21.
[190] IS/MND, Table 8-2, pdf 159.
[191] Increase in GHG emissions = (87,896 – 28,475 ton/yr)(0.907185 MT/ton) = **53,906 MT/yr.**

VI. THE IS/MND FAILED TO DISCLOSE, ANALYZE, AND MITIGATE POTENTIALLY SIGNIFICANT HEALTH RISKS FROM CONSTRUCTION AND OPERATIONAL EMISSIONS

An agency must support its findings of a project's potential environmental impacts with concrete evidence, with "sufficient information to foster informed public participation and to enable the decision makers to consider the environmental factors necessary to make a reasoned decision."[192] A project's health risks "must be 'clearly identified' and the discussion must include 'relevant specifics' about the environmental changes attributable to the Project and their associated health outcomes."[193]

Courts have held that an environmental review document must disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.[194] In *Bakersfield*, the court found that the EIRs' description of health risks were insufficient and that after reading them, "the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."[195] Likewise in *Sierra Club*, the California Supreme Court held that the EIR's discussion of health impacts associated with exposure to the named pollutants was too general and the failure of the EIR to indicate the concentrations at which each pollutant would trigger the identified symptoms rendered the report inadequate.[196] Some connection between air quality impacts and their direct, adverse effects on human health must be made. As the Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[197] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[198]

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[192] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516.
[193] *Id*. at 518.
[194] *Id*. at 518–520; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.
[195] *Id*. at 1220.
[196] *Sierra Club*, at 521.
[197] *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.
[198] *Sierra Club*, 6 Cal.5th at 518–522.

The failure to provide information required by CEQA makes meaningful assessment of potentially significant impacts impossible and is presumed to be prejudicial.[199] Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[200] Courts reviewing challenges to an agency's approval of a CEQA document based on a lack of substantial evidence will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."[201]

A. Health Risks from Construction Emissions Are Significant and Must Be Evaluated and Mitigated in an EIR with a Legally Adequate Health Risk Analysis

Despite evidence that Project construction and operation will both release hazardous air pollutants ("HAPs") that could result in significant public health risks, despite the proximity of sensitive receptors to the Project site, and despite the presence of carcinogenic pollutants such as diesel particulate matter, the IS/MND failed to prepare a health risk analysis ("HRA"). The IS/MND instead declares that "the proposed project would not result in emissions during project operation or construction that would adversely affect a substantial number of people."[202] No support is provided for this statement, and in the absence of an HRA, no further evidence can be established.

15-41

Dr. Fox explains that the Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines require a formal health risk assessment for short-term construction exposures lasting longer than 2 months.[203] Construction of the Project will last 12 to 14 months.[204] Diesel particulate matter

[199] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236–1237.
[200] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[201] *Id.* (internal quotations omitted).
[202] IS/MND, p. 71.
[203] Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8–17/18; https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0.
[204] IS/MND, p. 170.

("DPM"), a potent human carcinogen,[205] will be emitted from on-road and off-road equipment during Project construction and decommissioning. Background levels of DPM, which is chronically[206] and acutely[207] toxic, are high in the Pittsburg area.[208] OEHHA concluded that "[e]xposure to diesel exhaust can have immediate health effects," which include "inflammation in the lungs, which may aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks."[209]

Emissions of DPM from construction equipment could impact construction workers and nearby sensitive receptors. The IS/MND indicates that about 1,500 feet of the gas pipeline will run immediately adjacent to a residential neighborhood.[210] The pipeline would be about 50 feet from the nearest residents and the City of Pittsburg Water Treatment Plant.[211]

15-41

BAAQMD's CEQA significance threshold for exposure of sensitive receptors to construction-related DPM (and other toxic air contaminants) from individual projects is an increased cancer risk of >10.0 in a million.[212] The IS/MND claims to apply the BAAQMD construction thresholds to the Project, but fails to describe this threshold and fails to provide any quantitative analysis of whether the Project's construction DPM emissions exceed the threshold.[213]

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[205] OEHHA, Health Effects of Diesel Exhaust; https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf. See also: OEHHA, Diesel Exhaust Particulate; https://oehha.ca.gov/chemicals/diesel-exhaust-particulate#:~:text=Cancer%20Potency%20Information&text=Listed%20as%20Particulate%20Emissions%20from,(ug%2Fm3)%2D1.

[206] OEHHA Acute, 8-hour and Chronic Reference Exposure Level (REL) Summary, June 28, 2016; https://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-rel-summary.

[207] Government of Canada, Human Health Risk Assessment for Diesel Exhaust, March 4, 2016; http://publications.gc.ca/collections/collection_2016/sc-hc/H129-60-2016-eng.pdf.

[208] CalEnviroScreen 3.0 Diesel Map; https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter.

[209] OEHHA and the American Lung Association of California, Health Effects of Diesel Exhaust; https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf.

[210] Fox Comments, p. 32, Figure 3.

[211] IS/MND, pdf 170. See also Figure 9-4, pdf 181.

[212] See BAAQMD CEQA Guidelines, May 2017, Page 2-10, Table 2-6, Receptor Thresholds, available at https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en (last visited 12/22/2020).

[213] See IS/MND, p. 69, Table 3-4, citing BAAQMD May 2017 CEQA construction significance thresholds. Discusses BAAQMD cumulative cancer risk threshold of > 100 in one million, but fails to describe the individual project threshold of > 10 in one million.

15-42

The IS/MND's failure to evaluate the significant health risks to nearby sensitive receptors and construction workers from exposure to pollutants such as DPM, as well as its failure to mitigate these impacts by requiring the use of all Tier 4 Final construction equipment equipped with diesel particulate traps,[214] underscores the necessity of an EIR in which all impacts can be properly evaluated and mitigated.

B. Operational Emissions Pose Significant Health Risks that Must Be Evaluated and Mitigated in an EIR with a Legally Adequate Health Risk Analysis

15-43

The IS/MND's assertion that Project emissions would be significantly lower is based upon the erroneous baseline flare emissions from which all flawed arguments and conclusions in the IS/MND are drawn. Accordingly, the conclusion is drawn, without any analysis, that "air pollutant-related impacts of the proposed project on surrounding sensitive receptors would be less than significant."[215]

As discussed previously, however, the Project will result in an increase, not decrease, to emissions. These emissions will include many HAPs that could result in significant health impacts, as noted by BAAQMD.[216] As Dr. Fox explains, many HAPs are present in landfill gas including benzene, vinyl chloride, tetrachloroethylene, hydrogen sulfide (H_2S), ammonia (NH_3), and mercury.[217,218] The collection and processing of landfill gas by the Project and the subsequent use of the RNG will release these HAPs and/or their combustion byproducts, potentially resulting in significant health impacts. Workers at the plant, for example, will be exposed to leaks from fugitive components such as flanges and valves.[219]

An EIR must be prepared to evaluate the HAPs present in raw landfill gas that the IS/MND failed to disclose, and the potentially significant health risks from HAP emissions must be evaluated in an HRA. The IS/MND's dismissal of health risks from the Project without disclosing the presence of HAPs, estimating their emissions, or conducting any analysis at all is a concern because HAPs will be

[214] Fox Comments, p. 34.
[215] IS/MND, p. 70.
[216] 7/16/2008 BAAQMD Comments.
[217] See list of HAPs in AP-42, Section 2.4, Municipal Solid Waste Landfills, Table 2.4-1; https://www3.epa.gov/ttn/chief/ap42/ch02/final/c02s04.pdf.
[218] Agency for Toxic Substances & Disease Registry, Chapter 3: Landfill Gas Safety and Health Issues; https://www.atsdr.cdc.gov/HAC/landfill/html/ch3.html.
[219] Fox Comments, p. 35.

15-43

present in emissions from the Project (e.g., from landfill gas processing equipment and fugitive components) and in the upgraded gas sent into PG&E's distribution system.

15-44

There is evidence, for example, that radioactive materials may have been disposed in the landfill and could be present in the gases upgraded by the Project. While the land use permit for the landfill specifically prohibits the disposal of radioactive wastes,[220] evidence may indicate that radioactive material was improperly taken to the landfill from the cleanup of the Hunters Point Naval Shipyard in San Francisco from 2009 to 2017. Contra Costa Health Services (CCHS) is currently investigating.[221] Though recent reports suggest the radioactive wastes have been removed,[222] investigations continue into whether radioactive material in the landfill could be mobilized into the landfill gas and emitted when the landfill gas is processed by the Project,[223] resulting in a significant health impact. Radioactive isotopes in landfill gas could be emitted from flares and other process equipment, which could result in significant public health impact not addressed in the IS/MND.

As far back as 2008, BAAQMD, in response to comments solicited regarding an application for amendment to the KCL land use permit, expressed concern about health impacts from the landfill and activities in the Project vicinity. An HRA, BAAQMD recommended, should be conducted discussing the potential effects to nearby sensitive receptors, especially given that, at the time in 2008, the landfill was close to the threshold of 10 in a million for benzene.[224]

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[220] Land Use Permit 2020-89, Conditions of Approval, Keller Canyon Landfill, Approved by the Contra Costa County Board of Supervisors, July 24, 1990, As Amended or Modified through September 22, 2015, Condition 6.5, pdf 14; https://www.contracosta.ca.gov/DocumentCenter/View/40260/Keller-Canyon-Landfill-COA---Permit-Modification-9222015?bidId=.

[221] Contra Costa Health Services, Keller Canyon Landfill Investigation; https://cchealth.org/eh/solid-waste/keller.php.

[222] TRC, Forensic Audit Technical Memorandum, Keller Canyon Landfill, Pittsburg, CA, September 7, 2019; https://cchealth.org/eh/solid-waste/pdf/KCL-Forensic-Audit-Technical-Memorandum.pdf; Daniel Borsuk, Keller Canyon Landfill/Hunters Point Naval Shipyard Radiation Probe Agitates East County Residents, June 25, 2018; http://contracostaherald.com/06251801kccch/.

[223] Contra Costa Health Services, Keller Canyon Landfill Investigation; https://cchealth.org/eh/solid-waste/keller.php.

[224] July 16, 2008 BAAQMD Comments.

15-45 The IS/MND fails to disclose the possible presence of radioactive materials, DPM, and other HAPs that are likely to have a significant effect on human health. An EIR must be prepared.

D. The IS/MND Attempts to Conceal Potentially Significant Impacts to Hydrology by Disguising Mitigation as Project Design Features

15-46 Despite concluding that the Project will not result in any significant impacts to wetlands, the IS/MND proposes several measures "designed to minimize the potential for significant impacts associated with the proposed Project."[225] These include construction of a new central stormwater drainage system for the RNG processing facility site and implementation of Best Management Practices to prevent substantial erosion and reduce the amount of water-borne materials from reaching surface waters. Most notably, the IS/MND mandates the preparation of a "frac-out plan" to address the unintentional return of drilling fluids to the ground surface resulting from the use of horizontal directional drilling while installing the pipeline.[226]

15-47 Simply declaring that the Project will have no significant impacts on the environment and omitting the word "mitigation" from the description of what are effectively mitigation measures does not absolve the County of its obligation to adopt specific performance standards and identify actions that can feasibly achieve these standards.[227] The mere existence of these measures, which are clearly designed to mitigate the Project's potential impacts, confirms that the County believes these impacts will be significant. An EIR must be prepared to accurately disclose the severity of these impacts prior to mitigation, and to require binding and effective mitigation to reduce the impacts to less than significant levels.

VII. THE IS/MND FAILS TO DISCLOSE, ANALYZE, AND MITIGATE POTENTIALLY SIGNIFICANT RISKS OF UPSET INVOLVING HAZARDOUS MATERIALS

15-48 The IS/MND acknowledges that potential hazards to public health and the environmental through the routine transport, use, or disposal of hazardous materials, including lubricating oil, waste oil, condensate water vapor, propylene glycol. Consistency measures designed to minimize the potential for significant

[225] IS/MND, p. 177.
[226] IS/MND, p. 178.
[227] *Lotus v. Dep't of Transp*. (2014) 223 Cal. App. 4th 645, 651-52.

impacts associated with the Project are proposed for both the processing facility and pipeline. However, as Dr. Fox points out, the IS/MND fails to disclose many of the most crucial aspects of risks of upset of hazardous materials, such as the hazardous gases present in landfill gas, the types of hazards (fire, explosion) that leaks pose, the severity of these hazards, and the gases that will be monitored.[228]

15-48

Gas monitoring is essential to detect leaks of hazardous gases before they present a health hazard or risk of upset. Methane leaks at the processing facility, for example, present a significant fire and explosion hazard. Landfill gas contains high concentrations of methane, which is highly explosive when mixed with air at a volume between its LEL of 5% and it UEL of 15%.[229] Landfill gas also contains high concentrations of H_2S, which can result in effects that range from headaches and eye irritation to unconsciousness and death.[230] As noted in Comment 4.2, it is well known that many HAPs are present in landfill gas including benzene, vinyl chloride, tetrachloroethylene, ethylene dibromide, ethylene dichloride, methylene chloride, perchloroethylene, carbon tetrachloride, methyl mercapatan, hydrogen sulfide (H_2S), ammonia (NH_3), and mercury.[231]

The IS/MND fails to disclose the types of accidents that may occur at the processing facility and their potential impacts. And, as Dr. Fox notes, the facility is adjacent to the existing Ameresco power plant.[232] Thus, an accident involving one of these facilities could affect the other and/or employees at the other facility.

15-49

The pipeline presents an entirely separate set of hazards risks, especially given that a portion of its proposed route runs adjacent to a residential neighborhood. The IS/MND fails to include a Risk of Upset Analysis, evaluating the potential impacts to the closest residences. Instead, despite concluding that sensitive receptors are within the potential impact radius of a pipeline accident, the IS/MND concluded that the impact is not significant because the Project's pipeline PIR is less than the PIR of the existing PG&E underground gas infrastructure and

[228] Fox Comments, p. 37.
[229] Landfill Gas Safety and Health Issues; https://www.atsdr.cdc.gov/HAC/landfill/PDFs/Landfill_2001_ch3.pdf.
[230] Occupational Safety and Health Administration, Hydrogen Sulfide; https://www.osha.gov/hydrogen-sulfide.
[231] SWANA, A Compilation of Landfill Gas Field Practices and Procedures, pdf 26, August 2011; https://www.google.com/search?q=A+Compilation+of+Landfill+Gas+Field+Practices+and+Procedures%2C+August+2011&oq=A+Compilation+of+Landfill+Gas+Field+Practices+and+Procedures%2C+August+2011&aqs=chrome..69i57j69i64l3.716j0j7&sourceid=chrome&ie=UTF-8.
[232] Ameresco, Ameresco Keller Canyon Proposed Gas Processing and Pipeline Project, July 2018. Exhibit 18.

15-49 would be situated farther away from residences than the existing gas infrastructure.[233]

The IS/MND fails as an informational document under CEQA for failing to disclose the impacts of an accident at the processing facility. An EIR must be prepared.

VIII. CUMULATIVE IMPACTS

CEQA requires lead agencies to consider "past, present, and probable future projects producing related or cumulative impacts."[234] The lead agency must find that a project may have a significant effect on the environment and must therefore require an EIR if the project's potential environmental impacts, although individually limited, are cumulatively considerable.[235] "Cumulatively considerable" under CEQA means that "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."[236]

This analysis necessarily requires the identification of other projects that will be constructed and/or operating over the same time period as the subject project and the analysis of these projects together with the Project being reviewed. Thus, cumulative impacts can be determined by identifying past projects, other current projects, and probable future projects and their impacts. Similarly, BAAQMD's CEQA guidelines require an analysis of cumulative air quality impacts, including a quantitative analysis of cumulative TAC and PM emissions.[237]

15-50 The IS/MND incorrectly concluded that all cumulative impacts were less than significant without identifying any cumulative projects or conducting any cumulative impact analyses. The IS/MND asserts that since Table 3-2 shows a net decrease in all criteria pollutants, the Project "does not have the potential to generate significant adverse cumulative air quality impacts."[238] However, as explained above, the Project will result in significant increases in criteria pollutant emissions during both construction and operation.

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[233] IS/MND, pdf 171.
[234] PRC § 21083; 14 CCR §15130(b)(1)(A); *CBE v. CRA*, 103 Cal.App.4th at 117.
[235] PRC § 21083(b); 14 CCR §§ 15064(h)(1), 15065(a)(3).
[236] CEQA Guidelines §15064(h)(1).
[237] See BAAQMD CEQA Guidelines, May 2017, p. 5-15 to 5-16.
[238] IS/MND, pdf 72.

The IS/MND asserts that the Project has less than significant cumulative impacts because the County concluded that the Project's individual impacts were less than significant. This assertion is both factually and legally incorrect.

First, Dr. Fox explained that, when correctly calculated, the Project has significant, unmitigated NOx, GHG, and TAC emissions which exceed thresholds. Therefore, the Project's individual emissions are cumulatively considerable.[239]

15-50

Additionally, even in cases where project emissions are below the applicable significance thresholds, a project may still contribute to a significant cumulative impact if there are other projects nearby whose emissions would combine with project emissions to result in an exceedance of one or more significance thresholds for criteria pollutants.

Further, there is substantial evidence demonstrating that there are other nearby probable future projects that should have been considered in a cumulative impact analysis in the IS/MND. Notably, the Keller County Landfill itself is undergoing an expansion, from a maximum daily tonnage limit for disposal from 3,500 to 4,900 tons per day (TPD).[240] The expansion is a cumulative project. As GHG emissions arise from flaring and are directly related to landfill tonnage, flare GHG emissions will increase. I cannot estimate the increase because the record in this case does not disclose baseline emissions. Comment 2.5.1. Further, to accommodate tieing into the PG&E pipeline, PG&E will need to expand the existing valve lot about 100 feet to the south with a width of about 75 feet to accommodate the new gas receiving equipment and add new poles.[241].

15-51

Finally, the Project is located in Pittsburg. As Dr. Fox explains, many projects are proposed in Pittsburg that will cumulatively combine with the Project's

15-52

[239] PRC § 21083(b)(2); 14 CCR § 15130; *Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 721.
[239] 219 Cal. App. 4th at 841-42.
[240] Keller Canyon Landfill – Application to Amend Land Use Permit; https://www.contracosta.ca.gov/4984/Keller-Canyon-Landfill. See also: https://www.contracosta.ca.gov/DocumentCenter/View/2886/EXECUTIVE-SUMMARY-Full?bidId=.
[241] Exhibit 22, pp. 2-3.

emissions, including the Faria/Southwest Hills Annexation Project,[242] the Alves Ranch Project,[243] and others.[244]

15-52

In sum, the IS/MND fails as an informational document under CEQA for failing to evaluate cumulative impacts.

A. The Project Will Result in Cumulative Impacts to Biological Resources

The IS/MND does not analyze potential cumulative impacts contributed by the project to biological resources. A large expanse of residential development recently took habitat to the north and northeast of the project, and additional projects have been proposed or are underway in the area. Many special-status species of wildlife are obviously at risk of cumulative impacts in the area. A fair argument can be made for the need to prepare an EIR to adequately analyze potential cumulative impacts to wildlife.[245]

IX. MITIGATION

15-53

CEQA requires a lead agency to adopt mitigation measures sufficient to minimize, reduce, or avoid a Project's potentially significant adverse environmental impacts, or to rectify or compensate for those impacts.[246] Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified.[247] A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

A public agency may not rely on mitigation measures of uncertain efficacy or feasibility.[248] "Feasible" means capable of being accomplished in a successful

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[242] City of Pittsburg, Faria/Southwest Hills Annexation Project; http://www.ci.pittsburg.ca.us/index.aspx?page=945.
[243] 2018 Alves Ranch Project; http://www.ci.pittsburg.ca.us/index.aspx?page=1022.
[244] Contra Costa County, Advertised & Upcoming Construction Projects; https://www.contracosta.ca.gov/261/Advertised-Upcoming-Construction-Project.
[245] Smallwood Comments, p. 8.
[246] Pub. Resources Code, §§ 21002.1(a), 21100(b)(3); CEQA Guidelines, § 15370.
[247] CEQA Guidelines, § 15126.4(a)(1)(B).
[248] E.g. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).

manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.[249] Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.[250]

CEQA also disallows deferring the formulation of mitigation measures.[251] An agency may only defer the formulation of mitigation measures when it possesses "'meaningful information' reasonably justifying an expectation of compliance."[252] A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved.[253] This approach helps "insure the integrity of the process of decision-making by precluding stubborn problems or serious criticism from being swept under the rug."[254]

15-53 Moreover, deferring the development of specific mitigation measures effectively precludes public input into the development of those measures. CEQA prohibits this approach.[255] While specific details of a mitigation measure may be developed after project approval, an agency may only do so when it is impracticable or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the types of potential actions that can feasibly achieve that performance standard.[256]

A. The IS/MND's Mitigation Measures for Biological Resources are Inadequate, Vague, and Unenforceable

The IS/MND's mitigation measures designed to minimize impacts to biological resources are largely ineffective. The list of 7 measures offered for impacts to wildlife, for example, in actuality represent only two distinct actions:

[249] CEQA Guidelines, § 15364.
[250] CEQA Guidelines, § 15126.4(a)(2).
[251] CEQA Guidelines, § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309.
[252] *Sundstrom*, *v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308; see also *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-1029.
[253] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727.
[254] *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.
[255] E.g., *Sundstrom*, *v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308.
[256] *Id*. § 15126.4(a)(1)(B).

payment of fees to the East Contra Costa County Habitat Conservancy, and preconstruction surveys for various species. Dr. Smallwood notes:

Preconstruction surveys should be performed. However, it needs to be understood that preconstruction surveys, which are also referred to as take-avoidance surveys, are really just last-minute salvage efforts to prevent injury or death of the most readily detectable individuals. Preconstruction surveys are limited in their mitigation effect as they detect only a small fraction of bird nests and special-status species occurring on a project site. Members of most special-status species are rare and cryptic, often requiring surveys at night or using special equipment or methods. Most bird nests are concealed so that they are not discovered and their occupants destroyed by predators. Locating hummingbird nests, for example, can be nearly impossible. Preconstruction surveys alone fail to prevent the deaths of most of the animals at risk, nor do they do anything to prevent habitat destruction and lost reproductive capacity.[257]

Detection surveys, Dr. Smallwood states, should precede preconstruction surveys, and they should also precede circulation of the environmental review documents intended to inform the public and decision-makers. "This timing of detection surveys is needed not only to inform the preconstruction surveys, but also to provide the bases for impact estimates and the formulation of mitigation measures, including compensatory mitigation for those impacts than cannot be avoided."[258] No detection surveys have been performed at the project site. Therefore, according to Dr. Smallwood, none of the special-status species in Table 1 can be determined absent. Detection surveys need to be performed. They need to be performed not only for adequate impacts analyses, but also to support the proposed preconstruction surveys.

15-53

Additional mitigation measures for impacts to biological resources are too vague to be considered adequate mitigation. Biology 10, which simply directs the Applicant to "submit the Aquatic Resources Delineation to the ECCCHC for review and approval, and as required, to the Army Corps, CDFW, and RWQCB" does not amount to a mitigation measure at all. It identifies an already-existing obligation of the Applicant.

Biology 11 similarly directs the Applicant to implement the permit conditions handed down by the aquatic resources agencies. The Applicant is obligated to abide

[257] Smallwood Comments, p. 9.
[258] *Id.*

15-53

by the requirements of the various agencies that govern the various required permits in order to move forward with the Project. Consenting to those requirements does not release the Applicant from its obligation to mitigate impacts to less-than-significant levels.

B. The IS/MND's Measures Designed to Control Fugitive Dust are Insufficient

11-54

The Project is subject to the LP89-2020 Conditions of Approval, including COA 20.5 mandating suppression of fugitive dust from construction: "The applicant shall apply water or proven environmentally safe dust suppressants at least twice daily to working faces of the landfill, unpaved access roads, storage pile disturbances and construction areas."[259] This measure falls far short, however, of what is necessary to control fugitive dust at the most crucial times.

As Dr. Fox points out, high winds also occur at night. Thus, unless the construction contractor is required to water throughout the night to maintain soil moisture, wind erosion could occur in the period when the water from the last watering event in the evening has evaporated and before the first watering event the next morning. COA 20.5 does not require dust control when the site is not being actively constructed during shorter periods, such as nighttime hours and weekends. This is of particular concern during the hot summer months, when average high temperatures can exceed 100°F and evaporation rates are high.[260]

If high winds occurred during grading, cut and fill, or soil movement, or from bare graded soil surfaces during non-working hours, even if periodically wetted, significant amounts of fugitive dust would be released. Additional mitigation for fugitive PM10 and PM2.5 emissions should be required, including those measures recommended in Table 8-3 in the BAAQMD CEQA Guidelines, which provides methods for controlling construction emissions.[261]

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[259] IS/MND, p. 62.
[260] Fox Comments, p. 6–7.
[261] BAAQMD, California Environmental Quality Act Air Quality Guidelines, May 2017 (BAAQMD CEQA Guidelines, Table 8-3.

C. Mitigation Measures Proposed for Construction Emissions Are Vague and Inadequate

Though the IS/MND concludes that impacts from construction emissions will be less than significant, it nonetheless proposes eight mitigation measures to minimize impacts from construction emissions. The measures, however, are vague and inconsistent. Some are so ambiguous as to be nonsensical.

The CalEEMod file indicates that the construction emissions assumed "Tier 4 Final" for all off-road construction equipment mitigation.[262] If lower tier equipment were used, NOx emissions would be significantly higher and exceed the 54 lb/day significance threshold. The list of construction mitigation presented before the emission analysis in Table 3-4 and without any connection to it, asserts: "Diesel-powered construction equipment (e.g. graders, scrapers, compactors) shall be specified to use cleaner Tier IV diesel engines."[263]

11-55

However, Tier 4 and Tier 4 Final engines do not have the same NOx emissions. The Tier 4 Final NOx emission factor is 0.30 g/bhp-hr while the Tier 4 NOx emission factors for engines of 56 to 130 kW are 1.7 to 2.5 g/bhp-hr and for engines of 130 to 560 kW, the Tier 4 Final NOx emission factor is 1.5 g/bhp-hr.[264] The IS/MND does not disclose the NOx emission factor that was used for construction equipment. However, it does state that Tier 4 final engines were assumed for all construction equipment.[265] Thus, NOx emissions would be 5 to 8 times higher[266] than reported in IS/MND Table 3.4 if Tier 4 engines were used, rather than Tier 4 Final engines. The construction mitigation only requires Tier 4 diesel engines.[267] This would increase NOx emissions reported in IS/MND Table 3-4 from 26.52 lbs/day to 133 lb/day to 212 lb/day, which are highly significant. Thus, proposed construction mitigation must be modified to specify Tier 4 Final engines in all off-road construction equipment.

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[262] CalEEMod Output, pp. 1, 2.
[263] IS/MND, pdf 68.
[264] DieselNet, United States: Nonroad Diesel Engines, Tables 3-4; https://dieselnet.com/standards/us/nonroad.php.
[265] CalEEMod Output, p. 2.
[266] Increase in NOx emission factor if Tier 4 rather than Tier 4 Final engines are used: for 56-130 kW engines: 2.5/0.3 = **8.3**. For engines 130-560 kW: 1.5/0.3 = **5.0**.
[267] IS/MND, pdf 68.

And EIR must be prepared to include a legally adequate mitigation, monitoring, and reporting plan for the Project which includes mitigation measures that are certain, feasible, effective, and enforceable.

X. CONCLUSION

There is substantial evidence supporting a fair argument that the Project will have potentially significant, unmitigated impacts on air quality, greenhouse gases, public health, worker safety, and biological resources. The IS/MND is also inadequate as a matter of laws because it fails to (1) completely and accurately describe the project, (2) set forth the existing environmental setting, and (3) identify, analyze, and mitigate all potentially significant impacts to biological resources, air quality, greenhouse gases, public health, and worker safety. Due to these deficiencies, the County cannot conclude that the Project's impacts have been mitigated to a less than significant level.

11-56

The CEQA Guidelines require that an EIR be prepared if there is substantial evidence supporting a fair argument that any aspect of a project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial.[268] As discussed in detail above, there is more than a fair argument based on substantial evidence that the Project would result in significant adverse impacts not identified in the IS/MND. Moreover, there is substantial evidence the proposed mitigation measures will not reduce potentially significant impacts to a level of insignificance.

We urge the County to fulfill its responsibilities under CEQA by withdrawing the IS/MND and preparing an EIR to address the issues raised in this comment letter, the attached comments from Dr. Fox and Dr. Smallwood, and other public comments in the record. This is the only way the County, decisionmakers, and the public can ensure the Project's significant environmental, public health and safety impacts are mitigated to less than significant levels.

Sincerely,

Kendra Hartmann

KDH:acp
Attachments

[268] CEQA Guidelines § 15063(b)(1).

15. Letter 15: Adams Broadwell Joseph & Cardozo

Response to Comment 15-1: The comment stating that a full Environmental Impact Report (EIR) is required is not supported by the evidence regarding the project's impacts, which can be mitigated to a less-than-significant level. The Lead Agency determined that a Mitigated Negative Declaration (MND) is the appropriate document consistent with the California Environmental Quality Act (CEQA) Guidelines. This determination is supported by the analysis in the MND, and the substantial evidence provided in the MND and its supporting documents.

While the Project's impacts are less than significant with mitigation, the Applicant has realigned the proposed RNG pipeline in the PG&E property in response to the City of Pittsburg's comment. The RNG pipeline would tie-in to existing PG&E Line 191-1 thereby eliminating a wide range of impacts that are described in the draft MND. Please see the Section III. Revised Project Description of this Final MND for a detailed description of the revised RNG pipeline alignment.

Response to Comment 15-2: The project description in an Initial Study/MND is supposed to be "brief." The project description presented in the MND related to project purpose, design features, construction, and operation more than satisfies that standard.

Response to Comment 15-3: The revised Project Description has eliminated Horizontal Directional Drilling (HDD) from the pipeline construction in the PG&E property. Therefore, potential impacts related to HDD and undercrossing for the Contra Costa Canal will not occur. The concerns expressed about HDD no longer apply. The entire pipeline will be constructed by trenching, with no drilling of any kind.

Response to Comment 15-4: The revised Project Description has eliminated HDD from the pipeline construction. Thus, potential impacts related to HDD and its use to undercross the Contra Costa Canal will not occur. The concerns expressed regarding the potential for Inadvertent Fluid Returns [IFR], or hydraulic fracturing to longer apply to the proposed project, and would also not occur.

Response to Comment 15-5: The MND clearly stated (Pages 2, 12, 199) that the pipeline would be installed by digging a trench, placing the pipeline, and backfilling except in the area where the line crosses the Contra Costa Canal, where HDD was proposed to pass beneath the canal and nearby stream/riparian area. HDD has subsequently been eliminated from the project due to a change in the project's alignment.

Response to Comment 15-6: The IS/MND completed for the proposed project covers only the operation of the proposed RNGPF as described. The landfill flares were destroying approximately 2,950 scfm of LFG in 2019 (the year the engineering design for the project was started), which upon startup would be shifted to the RNGPF. It is anticipated that over time the amount of gas generated in the landfill will increase beyond the 4,700scfm capacity of the RNGPF. The rate at which LFG generation and collection increases is variable, and it would be speculative to predict

when generation will increase to a particular point. It would also be speculative to predict whether or not market conditions or regulatory requirements would support a future expansion of the proposed RNG project. KCL is a separate entity from Ameresco, and KCL is responsible for its own gas collection and abatement. KCL maintains an enclosed flare facility of sufficient capacity to abate all LFG generated by the site. While the proposed RNGPF would act as part of KCL's abatement system, it is not intended or required to abate all future LFG generated by the landfill, nor for that matter any particular quantity of LFG at all. If the proposed project were to upgrade its capacity at any point beyond what is detailed in the project description, it is understood that further CEQA analysis would be necessary for those changes.

Response to Comment 15-7: The Setting for each environmental issue in the MND Checklist includes field studies conducted for biological resources, geology and geotechnical, noise sampling and modeling, and computer modeling of potential stormwater effects.

Response to Comment 15-8: The baseline that was utilized in the MND for the proposed operation is the approximate "permitted flow" of the existing landfill flares. In response to this and other comments, an alternative analysis has been prepared assuming a baseline flow of 2,950 scfm, as detailed in the Summary Responses. Regarding the "permitted flow" of the landfill flares, the comment cites the Bay Area Air Quality Management District's (BAAQMD) letter in stating that the permitted flow is "… approximately 4,900 scfm …". The BAAQMD provides an approximation because the actual permit condition is heat input measured in millions of BTU per day and per year. The BTU value per unit volume of LFG is variable, so the "permitted flow" is correspondingly variable and always represents an estimate with underlying assumptions. The RNGPF has been designed for essentially the same estimated flow of LFG as the flares – a ~4 percent difference in that calculated estimate for flow is so small in this context that either number could be correct at any given time. Any LFG flow directed to the proposed RNGPF would be displaced from the landfill flares (i.e., no longer combusted in the landfill flares but instead sent to the RNGPF). Regardless of flow, the same percentage improvement per unit of landfill gas directed to the RNGPF is achieved.

Response to Comment 15-9: The issue of the assumed design flow of 4,700 scfm used in the analysis in the MND versus an alternative baseline scenario is addressed in Summary Response H, in Section IV. Summary Responses in the Final MND. Additional information related to this comment is provided below.

The RNGPF will be a separate facility from the landfill and will have a separate air permit. The commenter incorrectly classifies the project as a modification to an existing project and BAAQMD's Regulation 2, Rule 2-2-603 is not applicable to the proposed project. The air permit application is for a new source from a standalone facility under 2-2-604.1. Evaluations for new sources are based on their potential to emit. 2-2-603 is for changes (either an increase or decrease in emissions) to an already existing source. The MND describes the baseline emissions of the RNGPF in the same manner the emissions are provided for, and will be permitted by, the BAAQMD - the project's maximum flow of 4,700 scfm at 50 percent methane, as the proposed

project could displace this amount of LFG from being combusted at the existing flares. In response to this and other comments, an alternative analysis has been prepared assuming a baseline flow of 2,950 scfm, as detailed in the Summary Responses, which approximates the flow expected upon startup of the RNGPF.

It would not be accurate to compare the maximum capacity of the proposed project to the current emissions of the existing landfill flares, as noted in response 15-8 above. Any change in the flow from 4,700 scfm shown in Table 3-2, page 153, of the MND, will have the same percent reduction in the emissions. The IS/MND does not govern the gas throughputs or emissions limits of the landfill flares or the RNGPF; this will be addressed by the BAAQMD in the facilities permits issued once the IS/MND is approved. An amendment of KCL's BAAQMD permit will be required before the RNGPF will be allowed to process LFG from the landfill. The BAAQMD will set throughput limits in the landfill's amended permit and the RNGPF Permit to Operate to maintain existing gas flow limits at the site similar to the existing permits that allow the existing LFGTE energy plant to operate.

Response to Comment 15-10: The issue of the assumed design flow of 4,700 scfm used in the analysis in the MND versus an alternative baseline scenario is addressed in Summary Response H, in Section IV. Summary Responses in the Final MND. Additional information related to this comment is provided below.

The RNGPF's maximum capacity will be 4,700 scfm, which is based on the capacity of the equipment as discussed in the MND. This has no relation to the landfill flare capacity. It is accurate that the RNGPF will not process 4,700 cfm of LFG in the initial years of operation. On startup, the RNGPF will process approximately 2,950 scfm, corresponding to lower emission reductions as compared to future operations. However, the emission reductions would be proportionate to the quantity of LFG processed, so when future operations increase the amount of LFG processed, greater emissions reductions will be achieved.

Response to Comment 15-11: The opinion of the commenter is noted. See following responses to comments which address the analyses of the project.

The MND indicates on page 74 that multiple field surveys were conducted from November 2017 to March 2020. To clarify, at total 16 site visits were conducted by biologists approved by US Fish and Wildlife Service and California Department of Fish and Wildlife to conduct site assessments surveys and HCP planning surveys. These surveys served as site assessments to evaluate habitat conditions within the project area and a 100-foot buffer on either side of the pipeline. The surveys occurred in multiple times of the year over multiple years and are more than sufficient to evaluate the onsite conditions and special status species potential to occur. Surveys were conducted on:

1. November 14, 2017
2. June 12, 2018
3. October 25, 2018

4. November 15, 2018
5. November 16, 2018
6. November 26, 2018
7. January 25, 2019
8. May 9, 2019
9. May 10, 2019
10. June 19, 2019
11. June 27, 2019
12. September 11, 2019
13. September 12, 2019
14. February 26, 2020
15. March 4, 2020
16. June 10, 2020

Response to Comment 15-12: As described in the MND the evaluation was not limited to desktop review, see comment 15-11 above further clarifying the assessments completed. Per Tables 4-1 and 4-2, species lists were developed from multiple records in addition to the CNDDB and took into account previous CEQA documents completed within the Special Buffer Area. The species included in the analysis are adequate. See response to comment 15-53 for further discussion. The information provided based on the commenters experience on a nearby property is noted.

Response to Comment 15-13: Please see Response to Comment 15-12 and 15-53 regarding the species evaluated in the IS/MND. The MND on page 78 describes 53 special status wildlife species and 63 special status plants that were identified and potentially using the project site. Table4-2 on pages 104 to page 128 of the MND evaluates the potential to occur for all of these species. In addition, the MND provides discussion on three special status plant species and 18 wildlife species with the moderate to high potential to occur. The majority of the special status species the commenter includes in his analysis are grassland birds which are protected under Fish and Game Code and the Migratory Bird Treaty Act. Their potential to occur is discussed under general habitat discussions for annual grassland on page 76 and many are further evaluated. The analysis is discussed on page 78 through 87, with a discussion on direct impacts of those with the highest potential to occur on pages 87 to 88.

The potential for the species to occur is based on the potential for them to occur at the project site which is defined as the KCL property and PG&E property. It is not based on other nearby project documents. The 3-acre pond feature referenced in the comment letter is documented and discussed within the MND in species habitat discussions on pages 87 and 88 and in Table 4-2 and is described in the MND as the “mitigation wetland”. The mitigation wetland is not within the study area or impact area and therefore is not discussed further. The Aquatic Resources Delineation evaluated all potential jurisdictional resources within the pipeline and a 100-foot buffer thoroughly analyzed

the wetland features. Review and approval of the ARD will be completed per the MND enforceable measures included in Biology 1 and Biology 10. Consultation with the Army Corps of Engineers, the Water Board and the Department of Fish and Wildlife will be completed to ensure all wetlands identified within the study area that will be impacted are properly addressed and mitigated.

The discussion on the potential for California tiger salamander and California red-legged frog within the study area and within the mitigation wetland is discussed on pages 79 and 80 of the MND and the potential for their presence is documented. The discussion documents livestock ponds and the mitigation pond as suitable breeding habitat within the study area and therefore assumes the potential for presence of the species as moderate to high within the impact area. Impacts to upland habitat for California tiger salamander and California red-legged frog to occur within the study area is acknowledged in the discussions on pages 87 and 88 of the MND. There are no impacts to breeding habitat, including the mitigation wetland which is outside of the study area, and all impacts to the upland habitat and impacts to individuals are addressed through the coverage under the HCP/NCCP which provides take coverage and compensatory mitigation. See Response to Comment 15-53 for additional discussion on the net benefit of the compensatory mitigation provided through participation in the HCP/NCCP.

Response to Comment 15-14: Please see response to comment 15-1.

Response to Comment 15-15: The Lead Agency determined that a Mitigated Negative Declaration (MND) is the appropriate document consistent with the California Environmental Quality Act (CEQA) Guidelines. This determination is supported by the rigorous analysis in the MND, and the substantial evidence provided in the MND and its supporting documents.

Response to Comment 15-16: Please see Responses to Comment 15-13 and 15-53 which demonstrate that the MND adequately analyzed the potential for all special status species to occur.

Regarding comments specifically focused on California tiger salamander, the quoted reference from the comment is preceded in the IS/MND by a statement that documents that suitable breeding habitat is adjacent to the study area (1st paragraph on page 80). As stated in Response to Comment 15-13, the mitigation wetland the commenter is focused on is not within the study area or the impact area. Suitable breeding habitat is acknowledged as being adjacent to the study area within the mitigation wetland and other livestock ponds within the Special Buffer Area and adjacent lands, upland dispersal habitat is acknowledged to be present, the species is recognized to have moderate to high potential to occur and impacts to habitat and individuals are assumed.

The reference within the IS/MND to the hydroperiod of the mitigation pond does not indicate an evaluation of the lack of the pond to serve as potential breeding habitat. There is no assumption that the mitigation wetland's hydroperiod leads to reduction in the potential for the species to occur within the project area.

Response to Comment 15-17: Please see response to Comment 15-53 for further discussion. All direct and indirect impacts to special status species are mitigated through the enrollment within the HCP/NCCP which provides a net conservation benefit (H. T. Harvey & Associates 2015). Impacts to individuals that may be present or moving through the project site during construction is addressed through the HCP/NCCP process.

Response to Comment 15-18: Please see response 15- 53.

Response to Comment 15-19: With the elimination of Horizontal Directional Drilling in the PG&E property, the impacts to potential wetlands and waterways have been eliminated. There is no longer the need to submit a frac-out plan. The applicant shall apply for other permits from the appropriate agencies and shall obtain approval prior to receipt of the grading or building permit for the project. Approvals and permits from the ECCHCP, Regional Water Quality Control Board, California Department of Fish and Wildlife and the US Army Corps of Engineers will ensure impacts to aquatic resources are properly addressed and mitigated.

Response to Comment 15-20: The MND provides a good faith attempt to accurately describe the Project and its environmental impacts.

(1) In regard to the PM emission factors utilized for the enclosed flare, the factors for NOx emission factors were accidentally replicated in the PM emissions factors, yet the correct emissions factor utilized for PM is the same value as that used for the proposed thermal oxidizer (TOX), 17 pounds per million standard cubic feet as methane. As noted previously, the baseline emissions were established based on permitted emissions to best compare the proposed project's permitted operation to the existing permitted conditions. Additionally, the proposed project would not generate new emissions from the use of the LFG as currently this LFG is being combusted at the existing landfill flares. Currently emissions from the combustion of the LFG simply flow out of the existing flares. The proposed project would not only allow for a beneficial use of the LFG, rather than just being combusted, the only new sources in the proposed project (TOX and process enclosed flare) would have far less potentials to emit/emissions than the existing landfill flares because they would be combusting a small fraction of the LFG processed.

With regard to non-methane organic compounds (NMOC's) for the Project, BAAQMD has not completed its engineering evaluation of the Authority to Construct for the proposed project. Thus, their emissions calculations should not be considered final for the proposed project as the applicant is continually working with the BAAQMD to confirm final emissions for the proposed project.

The emission calculations are the modeled as accurately as possible based on existing information at the time the MND was prepared provide a reasonable estimate of reality. The KCL flares' NMOC emissions were permitted using a previous District and Federal AP-42 standard which dictates VOCs are 39 percent of the NMOC fraction. The MND characterized the RNGPF emissions and compared them to existing conditions at AP-42 values of 39 percent as well.

Regardless of the assumed VOC percentage, the project reduces VOC emissions in comparison to the current KCL flare emissions by over 30 percent.

(2) It is incorrect to state that the proposed RNG Project will not achieve emissions reductions compared to current or future Keller operations. The current KCL flares, A-1 and A-2, are fueled with the same LFG stream that will be diverted to the proposed RNGPF where it will be conditioned and injected into the natural gas pipeline system. By diverting the LFG away from the flares and toward the proposed RNGPF, the LFG is no longer combusted at the KCL flares and therefore is no longer contributing to the emissions produced by the flares. Thus, in actual operation, every cubic foot of LFG that goes to the RNG Plant means is one less cubic foot that would be combusted by the KCL flares.

The two KCL landfill flares currently operate as the landfill gas system's control devices and will remain available to fulfill this function when the RNG plant is in operation. The landfill must still have a collection and control system, and a means to destroy the LFG generated to be in compliance with Regulation 8-34-301. KCL's Title V permit, Condition #20, requires "All landfill gas collected by the gas collection system for S-1 shall be abated at all times by the on-site enclosed flares, A-1 or A-2 or shall be vented off-site to the Ameresco Keller Canyon LLC facility (Site # B7667) for gas processing and control." KCL currently has sufficient capacity to combust all LFG collected from the gas collection system in the flares but is allowed by their BAAQMD Air Permit to vent 1300 scfm to the Ameresco LFGTE for combustion in beneficial use to generate electricity. Once the Ameresco RNG Facility Land Use Permit Amendment is approved, KCL will apply to the BAAQMD to adopt a similar allowance to vent gas to the proposed Ameresco RNG Facility as well.

(3) With regards to PM10 emissions, Ameresco continues to work with the BAAQMD outside of the CEQA process to address their concern. In this case, using AP-42 values for PM10 for the RNGPF waste gas gives an extremely high value because the gas is chilled, refrigerated and filtered in multiple processes that removes particulates before being sent to the RNGPF flare and TOX. Regarding the BAAQMD's assessment, BAAQMD has not completed their engineering evaluation of the Authority to Construct for the proposed project but as part of the ongoing evaluation, the District will be using a PM emission factor of 0.0171 lbs. of PM10/MMBTU. Please note that this emission factor is the same as used by the facility in its initial air district application and in the IS-MND emissions calculations.

See response 15-20 (1) above about NMOC concentrations.

(4) The GHG emissions were compiled in the same way as the criteria pollutants to establish a baseline of permitted emissions to compared to the proposed project emissions. See response 15-20 (2) above addressing the reductions in emissions regardless of whether the existing flares are "shuttered" as every cubic foot of LFG that goes to the RNGPF means is one less cubic foot that would be combusted by the KCL flares.

(5) See response (2/3) above. The applicant has not received authorization from the BAAQMD for the project. Limiting and monitoring fugitive emissions from leaking parts and components will likely be a permit condition. In addition, there will be many safe guards in place to prevent fugitive emissions and leaking. Such safe guards include methane detectors located in strategic locations in the plant, visual cues on certain equipment to detect leakage and periodic component screening of the RNGPF with an FID.

(6) See response to comment 15-55. Note that Tier IV means Tier IV final in the MND.

Response to Comment 15-21: The applicant will obtain all necessary permits from the BAAQMD, which will include final emission calculations and the applicable inputs used for each phase and piece of equipment associated with the project.

It is noted that measures will be taken to mitigate emissions, and it is requested that the impacts prior to the mitigation measures must be described to allow for full evaluation of project. The mitigations included within the MND related to project design, and planned construction and operation. They are incorporated into the plans of the proposed project, as they are measures which help to mitigate emissions, but they are additionally a part of the planned construction and operations. Removing the portions of the construction and operation which are identified as mitigation measures would not accurately represent the proposed project. It would be inaccurate to separate out the mitigation measures and solely evaluate the emissions of the proposed project, as that would over represent the impact of the proposed project but additionally it would inaccurately represent what is being proposed.

Response to Comment 15-22: The issue of project emissions from the assumed design flow of 4,700 scfm used in the analysis in the MND versus an alternative baseline scenario is addressed in Summary Response H, in Section IV. Summary Responses in the Final MND. Additional information related to this comment is provided below.

Project emissions were calculated to capture all the emissions from all planned phases of the Project. As noted below in the individual responses below (15-23 through 15-27), the assumptions made by the commenter of emissions being omitted are incorrect as the IS-MND fully evaluated the potential impacts from the proposed project.

Response to Comment 15-23: No stainless steel is to be utilized in the proposed pipeline. The proposed pipeline is to be comprised of 4.500” OD, 0.237” WT, API 5L Grade B Carbon Steel materials. These materials are anticipated to be joined utilizing manual Shielded Metal Arc Welding (SMAW) processes in accordance with API 1104, using cellulosic rods. Specifically, it is expected that E6010 and E7010-P1 rod shall be used in the welding process. While particulate is generated as a result of utilization of cellulosic rod, the particulate matter as it pertains to public health is insignificant as the welding will be done in well ventilated [outdoor] conditions and is not known to travel at distance. Hazards as a result of exposure to welding fumes are generally limited to occupational exposures, and are not seen as a danger to public health.

i. Pipeline welding: The MND addresses pipeline construction including welding operations, and the mitigation measures that will be implemented to minimize PM emissions that could result from travelling on unpaved roads, grading operations etc. With regard to welding, records referenced by the commenter for emissions from welding various materials do not include the material of the pipeline that would be welded for the proposed project. Thus, the material provided by the commenter does not indicate that welding would cause measurable amounts of dangerous particulates. A limited amount of welding will be conducted adjacent to residential properties, primarily at, and adjacent to, the PG&E Line 191-1 tie-in location. The Line 191-1 tie-in is ~70' generally down-prevailing wind (i.e., north) from the closest property line (see Plats 2 and 5, Revised Project Description).

Response to Comment 15-24: *ii. Windblown/fugitive dust emissions*: Regarding the potential PM emissions resulting from windblown dust, these are reduced using BAAQMD's best management practices. (BAAQMD CEQA Air Quality Guidelines.) BAAQMD does not have a numeric threshold for fugitive dust. The proposed project has included the best management practices suggested by BAAQMD for managing the fugitive emissions caused by construction. Because there is no numerical threshold for fugitive dust to which to compare the project's potentials to emit such dust, it is uninformative to calculate the project's fugitive dust emissions. In addition, such emissions would be low due to the use of BAAQMD's best management practices.

Response to Comment 15-25: *iii. Default emissions factors*: The issue of the assumptions used in the construction emissions analysis is addressed in Summary Response I, in Section IV. Summary Responses in the Final MND. Additional information related to this comment is provided below.

Default emissions factors were utilized throughout the CalEEMod calculations as they are best available data for the proposed project and default values typically are more conservative than the actual emissions. No part of the project requires excavation 15-20 feet below ground into the sandy soil layer. In addition, the pipeline route changes no longer require boring beneath the CCWD canal through this sand layer.

iv. Jack and bore emissions: Construction emissions associated with Horizontal Directional Drilling (HDD) have been eliminated with the revised project. The emissions for the CalEEMod estimates presented in the MND include the drill rig and associated mud pump. These two pieces of equipment would not be required under the revised project and therefore the CalEEMod emissions for this equipment was removed from the MND.

v. Pipeline trenching: Equipment associated with the pipeline trenching was included in the CalEEMod calculations.

Response to Comment 15-26: *vi. Worker and vendor trips*: The workers and vendors are anticipated to use local motels and hotels during construction based on similar previous projects and therefore would be close in proximity for the duration of the construction. In addition, the

project location is not like remote locations of many power plant projects where the nearest source of workers can be 50 or 100 miles away, instead the project is surrounded by a metropolitan area with many construction workers and many hotels and motels. It is speculative to suggest additional emissions from the travel of the workers and vendors to and from the project site would make the emissions for proposed construction potentially significant considering how far below the construction emission are below the thresholds dictated by the BAAQMD CEQA Guidelines.

vii. Worker vehicles: It is a generalization to state construction workers often drive large pickup trucks, and further appears to be an attempt to overstate project's potential to emit emissions during the construction phase of the proposed project. Without substantial evidence of the type of vehicles which the workers will utilize, the mix of vehicles used in the CalEEMod model provides a reasonable assumption for the potential variation of the vehicles to be driven to the site by the workers.

viii. Construction equipment emissions: CalEEMod calculations are based on a fleet average emission factor that includes many types of equipment and has been determined to be reasonably accurate based on years of study. CalEEMod is the latest California statewide land use emissions model. The program was released in February 2011 and contains up-to-date, accurate information and local default values. The model includes mitigation measure options (recently developed and adopted by the California Air Pollution Control Officers Association (CAPCOA)). The data-based methodology of CalEEMod makes it the standard for use in estimating construction emissions by most air districts in California, including the BAAQMD, despite the commenter's assertions.

Response to Comment 15-27: Dust control measures described in the MND, such as water sprays and paving surfaces, would be implemented as quickly as possible once construction commences. As the comment notes, historically, the highest wind speed was 110 mph in 2016 and wind speeds have exceeded 50 mph. If wind speeds reach this rate, construction would have to halt as health and safety for the construction workers would be as a concern. If excessive wind speeds were projected during construction all measures would be taken to secure all equipment and minimize emissions.

BAAQMD provides numeric thresholds for PM from exhaust emissions and not from dust. Instead, BAAQMD specifies that fugitive emissions are reduced to less than significant levels if a lead agency requires a project to comply with BAAQMD's best management practices (BMPs) for fugitive dust. The project would not result in significant air quality emissions from fugitive dues because it will follow BAAQMD's best management practices (BMPs). As there is no numerical threshold for PM from dust, providing a numeric emission estimate for the project's dust emissions would not yield useful information.

Response to Comment 15-28: Inclusion of geotechnical conditions would not increase NOx emissions over the significance threshold. Contrary to the commenter's claim, the CalEEMod emissions model addressed the following conditions:

- 89,000 cubic yards of imported earth to create the level pad and perimeter slopes for the plant;

- Earth fills varying in thickness from a few feet up to about 45 feet are planned across the level pad - this is included in the 89,000 cubic yard earthfill work that the commenter acknowledged were addressed in the CalEEMod model.

  Both reinforced and non-reinforced fill slopes varying from about 25 ft. to 58 ft. in height will be constructed along the northern and western margins of the pad this is included in the 89,000 cubic yard earthfill work that the commenter acknowledged were addressed in the CalEEMod model.

- An MSE wall varying from about 5 feet to 20 feet in height will be constructed along the southwestern perimeter. The equipment emissions required to build the MSE wall are included in the 89,000 cubic yard earthfill work as it is part of the fill work that the commenter acknowledged were addressed in the CalEEMod model.

- Remedial removal of soft to firm fine-grained, colluvial soils prior to pad construction - This work will be done concurrently with the fill – the soil removed will be backhauled during the soil import phase. The equipment used was included in the 89,000 cubic yard earthfill work as it is part of the fill work that the commenter acknowledged were addressed in the CalEEMod model.

- The commenter also claims that the air emissions modelling should address "severe" corrosion potential to buried ferrous metals. Corrosion potential due to local soil conditions are detailed in the project Geotechnical report. The project does not have any buried ferrous metals other than the pipeline which is wrapped and protected from corrosion as described in the in the Project Description of the MND. Regardless, buried ferrous metal corrosion does not create emission sources as stated by the commenter because the metal is buried 4' below ground with no path to create air emissions.

Response to Comment 15-29: As explained above, the emissions calculations done for the MND used the proper emissions factors. Further, as the commenter's table shows, even using the commenter's inflated emissions and assuming onsite and offsite construction occur simultaneously, the project would still result in less than significant NOx emissions with mitigation. To ensure emissions are not significant, onsite and offsite construction will not overlap in time. The proposed project CalEEMod was completed in accordance with the guidelines of CalEEMod and using the best data available.

Response to Comment 15-30: The issue of the assumed design flow of 4,700 scfm used in the analysis in the MND versus an alternative baseline scenario is addressed in Summary Response H, in Section IV. Summary Responses in the Final MND. Additional information related to this comment is provided below.

The emissions estimates provided in the MND are the maximum emissions based on the most conservative scenario of the potentials to emit. It is expected that upon initial operations the flow to the RNGPF will be less than 4,700 scfm, yet the emissions are estimated at this maximum value to allow for operation up to this rate of flow. In response to this and other comments, an alternative analysis has been prepared assuming a baseline flow of 2,950 scfm, as detailed in the Summary Responses. Over the lifetime of the proposed project, the landfill is projected to generate more than 4,700 scfm at the flares, but is currently generating closer to 2,950 scfm, approximating the startup condition for the RNGPF.

The responses to V.B.a above clarify how the baseline of emissions was established to best represent the proposed project and how it compares to the existing flare emissions.

Response to Comment 15-31: The issues of the operation of the RNGPF in relation to the existing landfill flares and assumed baseline flow are addressed in Summary Response D and H, respectively, in Section IV. Summary Responses of this Final MND. Additional information on these issues is presented below.

(1,2,3) The permitted operation of the existing flares is dependent on the KCL's choice to submit their own application to amend its BAAQMD Title V permit. It is true that the existing landfill flares are permitted to operate up to ~4,900 scfm. This permit limit should remain because the existing flares would be a necessary back up to the proposed project in the event that unforeseen circumstances would require the landfill to control most or all of the LFG generated from the well field. It is possible, even likely, that KCL will decide to apply for less than continuous operation of their existing flares, which would reduce their annual potentials to emit; however, that decision would be at the discretion of KCL rather than the applicant for the proposed project. Any flow directed to the proposed RNGPF will directly offset flow from the landfill flares. Generation of LFG within the landfill will not be affected by construction of the proposed project any more than it would if KCL replaced an existing flare with a larger one – there is only so much LFG available to collect from the landfill at any given time. In response to this and other comments, an alternative analysis has been prepared assuming a baseline flow of 2,950 scfm, as detailed in the Summary Responses to provide an estimate of emission reductions at the time the proposed RNGPF starts operations.

Response to Comment 15-32: The issue of the operation of the RNGPF in relation to the existing landfill flares is addressed in Summary Response D Project Design, respectively, in Section IV. Summary Responses of this Final MND.

The comments incorrectly attribute the flare operations referenced on page 65 of the MND to the existing flares owned and operated by KCL. Instead, the 20 percent of operations used to establish criteria pollution limits for operations is for the proposed RNGPF enclosed flare, and are included in the proposed project. Operations of the proposed RNGPF enclosed flare and the gas routed to it will only be for gas volumes that have been diverted from the KCL flares to the RNGPF.

The IS/MND correctly states that the Project would reduce the use of the two existing landfill enclosed flares, resulting in reduced emissions of criteria pollutants at the Keller Canyon Landfill site in general. The RNGPF's fuel source will be the same fuel that is currently being destroyed by the existing landfill flares. LFG production within the landfill generally increases over time, and this increase is provided for under KCL's Title V permit issued by the BAAQMD. KCL is required to have the capacity to handle all LFG volumes produced in the event that either the RNGPF or existing LFGTE power plant are not operational for any reason. In the event the volume of LFG production was to exceed the total capacity of the RNGPF or LFGTE to use, then the existing landfill flares would operate on a continuous basis. This this does not negate the emissions reductions from operating the RNGPF. Instead of combusting 4,700 cfm of LFG in the flares, that gas would be directed to the RNGPF for processing and the methane fraction injected into the RNG pipeline system.

Response to Comment 15-33: The process of the RNGPF does require the removal of CO2, H2S, VOCs, and Nitrogen (N2) from the gas stream, but they would not be the source of additional emissions. These compounds are separated in the process to upgrade the landfill gas to RNG which is clearly addressed by the "Description of RNG Processing" on Page 7 of the IS-MND. All other compounds removed in form of waste gases are sent to the TOX and/or RNGPF Flare for thermal destruction. There are no other emission sources. All equipment that are emission sources are accounted for in the IS-MND and will be included in the BAAQMD permit application.

Response to Comment 15-34: The IS/MND includes all sources of emissions and supporting documentation as to how those emission levels were calculated. The modeling conforms to standard industry practice and is designed to provide a clear and conservative estimate of the project's emissions and potential impacts on the environment.

Response to Comment 15-35: The issue of the assumed design flow of 4,700 scfm used in the analysis in the MND versus an alternative baseline scenario is addressed in Summary Response H, in Section IV. Summary Responses in the Final MND. Additional information related to this comment is provided below.

Table 8-2 on page 153 of the MND and as updated in Summary Response H accurately reflects estimated emissions based on the proposed design and operation of the RNGPF. The IS-MND compares the proposed project's emissions to local and BAAQMD thresholds of significance. The project is far below those thresholds, including the cumulative effects of construction and operational emissions.

Response to Comment 15-36: The issue of the assumed design flow of 4,700 scfm used in the analysis in the MND versus an alternative baseline scenario; and assumptions used for construction emissions are addressed in Summary Responses H and I, in Section IV. Summary Responses in the Final MND. Additional information related to this comment is provided below.

Construction-related GHG emissions are accurately tabulated in Table 8-3 page 155 of the MND and in the updated Table 8-3 in Summary Response I. The BAAQMD has not adopted thresholds for GHGs associated with construction activities. The project's construction emissions are far below this threshold.

Response to Comment 15-37: As noted previously, the BAAQMD CEQA Guidelines do not currently include thresholds of significance for construction-related GHG emissions. The Contra Costa County CAP and AB 32 also do not address construction-related GHG emissions. The proposed project can only be designed and evaluated by its conformance with current plans and policies, and not future undefined plans and polices that may be adopted in the future. In fact, the basis of the policies enacted by State and local government is for projects with long lifespans to achieve a future goal, such as a reduction in emissions.

With regard to the comparing the construction emissions to the threshold of 10,000 MT per year of CO2e for stationary-source projects, reference response 15-36 and "Summary Response for Constructions Emissions."

Response to Comment 15-38: Please see responses 15-9, 15-32 and Summary Response H. in Section IV. Summary Responses of this Final MN which addresses the baseline emissions at a flow of 2,950 scfm which is the average 2019 LFG from the landfill as confirmed by BAAQMD.

Response to Comment 15-39: The issues of the assumptions used in the baseline construction emissions analysis is addressed in Summary Response I, in Section IV. Summary Responses in this Final MND. Additional information related to this comment is provided below.

Please see response 15-36. The project GHG construction emissions are below the significance threshold for stationary sources set by SMAQMD and SCAQMD even though the BAAQMD does not have a significance threshold.

Response to Comment 15-40: Please see response 15-9. Also, in response to this and other comments, an alternative analysis has been prepared assuming a baseline flow of 2,950 scfm, as detailed in e Summary Response H of Section IV. Summary Responses in this Final MND.

Response to Comment 15-41: The issue of the assumptions used in the construction emissions analysis is addressed in Summary Response I, in Section IV. Summary Responses in the Final MND. Additional information related to this comment is provided below.

Construction vehicles with Tier 4 Final engines, which are equipped with DPM traps, were used in the emissions calculations. Also, construction emissions are temporary and will end once the construction phase is completed. The revised project reduces the pipeline construction length and the requirement to run the pipeline "immediately adjacent to a residential neighborhood" with the pipeline now being thousands of feet away from residences other than at the Line 191-1 tie-in location. BAAQMD has neither adopted nor recommended methodology for assessing health risk

analysis associated with non-stationary short-term sources at construction sites. Health risk assessments are associated with long-term exposure periods of 9, 40, and 70 years.

Response to Comment 15-42: The health risk analysis is adequate and does not indicate an EIR is required. See response to comment 15-41.

Response to Comment 15-43: Please see 15-9 and 15-41 and response City of Pittsburg Letter comment 11-18. Contrary to the commenter's assumptions and calculations, the RNGPF will not be increasing emissions of any HAP as the LFG processed by the project is permitted for combustion in the LFG flares. The project as shown in the MND reduces the levels of HAP's generated from the landfill through RNG processing and increased combustion efficiency of the Thermal Oxidizer.

Response to Comment 15-44: This comment refers to the alleged disposal of radioactive material at KCL. This issue is unrelated to the proposed project, is beyond the scope of the MND, and was the subject of a multi-agency review and evaluation, which concluded that the alleged disposal of radioactive materials was "highly unlikely".

Response to Comment 15-45: Please see response 15-44. See Summary Responses regarding preparation of an EIR.

Response to Comment 15-46: The MND fully discloses and evaluates the potential for impacts to wetlands and hydrology in the Environmental Checklist Sections 4. Biological Resources and 10. Hydrology and Water Quality. As stated in several sections of the MND, project design features, applicant-proposed control measures, and applicable conditions of approval in KCL LP89-2020 are cited as appropriate in the evaluation of potential significant impacts. No significant impacts were identified; however, in some cases the County has prescribed mitigation measures that will further reduce the potential for significant impacts. The revised pipeline route no longer requires any Horizontal Directional Drilling meaning a frac-out plan is no longer necessary.

Response to Comment 15-47: The Lead Agency's basis for requiring a MND is explained in response 15-1. The basis for requiring additional measures is as described in various environmental issues in the MND. In any case, as stated above in response 15-46, mitigation measures to be imposed will be binding and will be included in the Mitigation Monitoring Reporting program for the project and/or conditions of approval in the land use permit for the proposed project. Also see Summary Responses regarding preparation of an EIR.

Response to Comment 15-48: The MND in Section 8, Project Description, and Environmental Checklist Sections 9. Hazards and Hazardous Materials, 15. Public Services, 19. Public Utilities, and 20. Wildfire addresses the design features, systems, potential impacts, and mitigation measures that address potential risk of upset of hazardous materials, gases, fire, explosion. The RNGPF will have methane detectors in key areas of the facility to monitor for leaks. The project design includes an H2S removal system at the beginning of the process which removes H2S to avoid affecting

downstream process equipment. The RNGPF control systems include a high-pressure alarm to alert the operator if pressure has increased beyond the normal operating range and a high-pressure trip condition that will shut the RNGPF down to prevent an un-safe/overpressure condition that could lead to leaks. The plant RNGPF safety systems include spring return, fail closed process valves arranged to transition the RNGPF to a low-energy state in the event of an emergency condition (e.g., fire, seismic, methane leak, etc.). During the emergency condition, both the TOX and process enclosed flare at the plant RNGPF would be automatically shut down.

Response to Comment 15-49: The Project Description in the MND includes a wide range of regulatory standards and project design and safety features. These elements serve as the basis for addressing the potential effects of accidents at the proposed RNGPF and pipeline system. The RNGPF is 150' away from the LFGTE power plant which is not "adjacent" and represents sufficient separation to avoid affecting the other facility or employees at the other facility. The revised pipeline alignment moves the pipeline away from residences and eliminated the associated impacts. See Summary Responses regarding preparation of an EIR and pipeline design and construction standards.

Response to Comment 15-50: No significant impacts, individual or cumulative, were identified that could not be mitigated to a less-than-significant level. The basis for this finding is explained in Environmental Checklist Section 21 Mandatory Findings of Significance. See Summary Responses regarding cumulative impacts

Response to Comment 15-51: The issue of a possible amendment of KCL LP89-2020 is addressed in Summary Response 10 Cumulative Analysis in Section IV. Summary Responses in this Final MND. Additional information is provided below.

This comment refers to the possible amendment of the KCL LP89-2020 to allow for possible daily tonnage increase and alteration of the landfill Extent of Waste Placement. The amendment would not expand the landfill's total capacity or total area designated for disposal. The proposed RNG project involves the use and management of LFG, irrespective of the landfill disposal area or daily tonnage limits. Notwithstanding the above, the permitting action subject of the comment was set aside, rendering any daily tonnage increase or modification of defined operational areas for the landfill as speculative. Even if re-started today, approval of such an amendment would occur after the proposed RNGPFP project is constructed.

Response to Comment 15-52: The proposed project would process LFG produced at the KCL and thereby make use of LFG that is already being produced. Rather than the LFG being combusted in the existing landfill flares, the LFG will be processed into a beneficial renewable natural gas that would displace the use of fossil fuel. Future development projects beyond the KCL property have no impact on the proposed project and vice versa. Potential impacts related to existing land uses are presented in the MND (e.g., aesthetics, hazards, noise, public services, transportation). See Summary Response J regarding cumulative impacts.

Response to Comment 15-53: An assessment was performed on the net effects of the HCP/NCCP, including both the beneficial and adverse effects of all covered development activities and conservation measures, on 59 special-status species that are not covered by the HCP/NCCP, called "CEQA species" (H. T. Harvey & Associates 2015). This "CEQA Species Assessment" considered the extent of habitat and populations of these species that could be affected within areas of anticipated development, as well as in areas that may be preserved, enhanced, and managed for covered species and communities by the HCP/NCCP, to determine the net cumulative impact of the HCP/NCCP on each CEQA species. The cumulative impacts to each CEQA species were categorized into one of four groups: beneficial, neutral, adverse but less than significant, or potentially significant.

The CEQA Species Assessment found that the cumulative effects of the HCP/NCCP, including the proposed project, on 57 of the 59 CEQA species fell into one of the first three groups and are therefore less than significant.

The CEQA species evaluated in the IS/MND were either evaluated in the CEQA Species Assessment or utilize similar habitats. The proposed project does not support the two species found in the CEQA Species Assessment to have potentially significant effects from the HCP/NCCP covered activities.

Because the proposed project is covered by the HCP/NCCP, the CEQA Species Assessment serves as a cumulative impact assessment for all of the CEQA species that may be impacted by the Project. As per the Mitigation Measures in the IS/MND the proposed Project will be implemented in accordance with the HCP/NCCP's conditions. Through payment of HCP/NCCP fees or equivalent mitigation, the Project will contribute to the HCP/NCCP's conservation strategy, thereby benefiting all CEQA species addressed in the CEQA Species Assessment (H. T. Harvey & Associates 2015). Therefore, with incorporation of HCP/NCCP fees or equivalent mitigation and adherence to other HCP/NCCP conditions, this Project's individual impacts and its contribution to cumulative impacts to CEQA species are less than significant.

Participation in the HCP/NCCP is not deferred mitigation and is an enforceable measure in the MND. The applicant must demonstrate compliance with the HCP/NCCP conditions and regulatory agency requirements prior to project implementation.

Mitigation through the HCP/NCCP fees and any equivalent mitigation required under the regulatory permits and adherence to the HCP/NCCP conditions ensures mitigation is implemented and impacts to CEQA species are less than significant. The HCP/NCCP conditions include the requirements for planning surveys, preconstruction surveys, general and species-specific avoidance and minimization measures and compensatory mitigation to address impacts.

As discussed in the MND, multiple surveys and field assessments were conducted over the course of three years (2017 to 2020) and have been used to inform the need for the preconstruction surveys identified within the IS/MND.

Mitigation Measure Biology 10 and 11 collectively require the applicant obtain required permits, avoid, minimize, and compensate for impacts. The applicant is required through an enforceable measure to comply with the conditions of the permits which will require compensatory mitigation.

Also, see Summary Responses regarding cumulative impacts.

Response to Comment 15-54: If the proposed project is approved, conditions of approval in LP89-2020 may be modified by the County to reflect the control measures and mitigation measures incorporated into the land use permit for the proposed project. The applicant will implement the best management practices listed in the BAAQMD CEQA Guidelines (May 2017) to minimize fugitive dust emissions. While high winds can occur at night, the vast majority of fugitive dust from construction results from the passage of vehicles and equipment, which would only occur during the day when the unpaved roads are being wetted. Also, the majority of the project will be constructed in relatively sheltered areas rather than on ridge-tops or other locations more prone to very high winds. The soil borrow area and related haul roads to be utilized for the proposed RNGPF are existing infrastructure constructed and maintained by KCL, and so are a baseline condition. Taken together, the fugitive dust related to the proposed project will be less than significant with mitigation.

Response to Comment 15-55: The comment assumes that all phases of the construction are conducted at the same time. This is not the case. The construction of the RNGPF is a phased project with the planned project sequence starting with phase 1 to complete the mass fill work first to build a pad for the RNGPF construction. The next phase of the RNGPF construction, the RNG processing facility will be built on this pad, so the construction cannot be started until the mass fill is complete. This portion of the project is planned for the winter of 2021-2022. The pipeline portion, the third phase of the project, would follow in the spring to avoid the rainy season. None of the construction segments would overlap because each portion of the project needs to be built before the next is started due to project logistics. The construction phases are clearly delineated in the CalEEMod report. Even with Tier 3 engines, the construction emissions would be below the BAAQMD thresholds. The project will be constructed using equipment with far cleaner Tier 4 and Tier 4 Final engines.

Response to Comment 15-56: No significant impacts were identified that could not be mitigated to a less-than-significant level. The basis for this finding is explained in Environmental Checklist Section 21 Mandatory Findings of Significance. Also see response 15-1 regarding why the Lead Agency determined that an EIR is not required.

VI. STAFF-INITIATED TEXT CHANGES TO THE DRAFT MND

This section includes edits to the text of the draft MND. Received. The associated revised and/or deleted figures are included in the following Section VII. Deleted text is shown with ~~strikethrough text~~ and new text is indicated by double underlined text. Selected portions of text are separated by a line of asterisks (**********).

Environmental Checklist (page 1)

4. Project Location: Keller Canyon Landfill, 901 Bailey Road, Pittsburg, CA 94565 in the Pittsburg area in unincorporated Contra Costa County (Assessor's Parcel Numbers 094-360-008, -019, -020, -022; 094-080-012~~; 094-090-002; 094-160-004, -005, -006~~)

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Environmental Checklist (pages 2 - 15)

8. Description of Project: (page 2, full paragraph 2)

The RNG pipeline would carry the RNG from the new processing facility to a proposed PG&E metering station for connection with the existing PG&E Line 191-1 natural gas transmission pipeline network northeast of the site. The design of the pipeline would meet and/or exceed all regulatory requirements and/or industry standards. The pipeline would start at the RNG processing facility located on a portion of the KCL Primary Project Area, traverse through the KCL-owned property known as the Special Buffer Area (SBA), and into the contiguous PG&E-owned utility corridor. Within this utility corridor, the pipeline would ~~go under the Contra Costa Canal~~ tie in with existing PG&E Line 191-1. The pipeline would connect to a PG&E metering station and ~~terminate in an~~ interconnect station to be owned and operated by Ameresco. Both facilities would be located on Keller Canyon Landfill property. ~~The interconnect station would then connect with the existing PG&E STANPAC 3 gas transmission pipeline at a PG&E-owned STANPAC 3 valve lot.~~ The estimated total pipeline length is approximately 2.85 ~~3.4~~ 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 ~~680~~ pounds per square inch.

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Proposed RNG System (page 6, full paragraph 1)

The proposed RNGPFP would be located west of the existing LFGTE plant and blower/flare station. The project includes RNG processing equipment to separate methane from the balance of the LFG. The proposed RNG processing facility would not be connected to the operation of

the existing LFGTE plant. In addition to the new processing facility, a new pipeline is proposed to connect the RNG processing equipment with the existing PG&E Line 191-1 ~~STANPAC 3 gas~~ pipeline. The proposed RNG pipeline will be buried underground with a minimum 48 inches of cover and will be a four-inch steel-wrapped pipe designed for operation at an estimated pressure of 400 ~~680~~ pounds per square inch gauge (psig). The proposed location of the RNG processing facility and transmission pipeline are shown on revised Figure 4.

RNG Processing Facility (page 6, full paragraph 2; and partial paragraph 3)

The RNG processing facility will operate 24 hours per day/7 days per week and its operation would be overseen by two employees for 40 hours per week. The processing equipment includes compressors, filters, direct fuel recuperative thermal oxidizer, enclosed flare, thermal and pressure swing adsorption units, and media beds to treat LFG to meet PG&E's Rule 21 standards. The first portion of the treatment process will remove any entrained water vapor and non-methane organic compounds from the LFG. The gas will then be compressed to around 250 psig and processed to remove carbon dioxide (CO_2), nitrogen (N_2), oxygen (O_2) and other trace constituents. The process will increase the calorific value (heat content) of the LFG from approximately 480 BTU/standard cubic foot (BTU/scf) to approximately 980 BTU/scf. A polishing unit at the end of the treatment process may be used to ensure that none of the trace constituents (including the carcinogenic, non-carcinogenic and pipeline integrity constituents) meet ~~exceed~~ Rule 21 or other pipeline requirements. The RNG will then be compressed up to pipeline pressure and piped to ~~a nearby~~ existing PG&E ~~natural gas transmission main~~ Line 191-1.

A site plan of the RNG processing facility area is shown on revised Figure 5. A detail of the proposed general arrangement of the equipment and list of major components are shown on revised Figure 6.

****

Step 4. Product Compression (page 8, paragraph 2)

After the impurities are removed from the PPRNG, the resulting product is RNG and is sent to product compressors where it is pressurized to approximately 400 ~~680~~ psig for delivery to existing ~~a~~ PG&E ~~gas transmission line~~ Line 191-1. At the PG&E metering station, the RNG will be metered and analyzed prior to entry into the utility gas line. The RNG leaving the product compressor will be odorized in accordance with regulations before being sent to the RNG pipeline.

****

RNG Pipeline Design Features (page 10, paragraphs 1, 2 and bullets 1, 2, 5)

Design of the RNG pipeline would meet and/or exceed all regulatory requirements and/or industry standards. Design features below represent control measure to meet the regulations required for the proposed project. Items to be considered and included in the design are:

The pipeline will be designed to meet or exceed Class 4 requirements, a standard that is above and beyond the required criteria for the proposed project;

- The pipe itself will be designed to operate under 10 ~~20~~ percent Specified Minimum Yield Strength (SMYS). The actual percent SMYS for the other system components will be determined after facility requirements have been specified. If flanges and/or flanged assemblies are required, they may be the pressure limiting factors of the system. The design will ensure that the flanged systems and any other appurtenances meet the design requirements;

- The system will be designed to handle a Maximum Allowable Operating Pressure (MAOP) of 400 ~~680~~ psi. Relief systems outside the pipeline design will be included as required to ensure the pipeline does not over pressure;

- The pipe to be used in the Project will be 4.5" outside diameter, 0.237" nominal wall thickness, Grade B, with a MAOP of 400 ~~680~~ psig. This corresponds to less than 10 ~~about 18.5~~ percent of SMYS; and

****

RNG Pipeline Route (pages 10 and 11, paragraph 3, bullets 1 and 2)

The proposed pipeline will connect the proposed RNG processing facility to a proposed PG&E metering station and the existing PG&E ~~STANPAC 3 gas transmission pipeline~~ Line 191-1. The proposed pipeline plan is shown on revised Figure 9. The proposed pipeline route through the PG&E utility corridor is shown on revised Figure 10. The pipeline will be buried underground and will be a four-inch steel-wrapped pipe designed for operation at an estimated pressure of 400 ~~680~~ pounds per square inch. The estimated total pipeline length is approximately 15,050 ~~18,030~~ lineal feet (LF) in plan or about 2.85 ~~3.4~~ miles. Two main pipeline segments are proposed:

- *The KCL Segment ~~1~~* is located entirely on KCL property and includes approximately 14,015 ~~13,760~~ LF (2.6 miles) of buried pipeline. The KCL Segment ~~1~~ comprises approximately 3,195 ~~3,340~~ LF (0.6 mile) in the Primary Project Area, and 10,820 ~~10,420~~ LF (2.1 ~~2~~ miles) within the SBA. The KCL Segment ~~1~~ would connect the proposed RNG processing facility to the PG&E utility corridor located east of, and contiguous with, the KCL property.

- *The PG&E Segment ~~2~~* is located entirely within the ~~in~~ PG&E utility corridor and includes approximately 1,030 ~~4,270~~ LF (0.2 ~~0.8~~ mile) of buried pipeline. The PG&E Segment ~~2~~ would begin at ~~in~~ the PG&E property boundary ~~after~~ at the end of the KCL Segment ~~1 exits the KCL property~~ and run ~~proceed~~ in an ~~a northerly~~ easterly alignment along an existing paved road ~~to~~ and connect to the ~~proposed PG&E metering station and~~ ~~the~~ existing ~~STANPAC 3 gas pipeline~~ PG&E Line 191-1 located in the ~~City of Pittsburg~~ unincorporated County area.

****

Unnamed Seasonal Stream Crossing (page 12, bullet 2)

- Construction of a series of bio-engineered improvements (e.g. log drop-structures) to trap sediment and protect the grade downstream of the road. The type, number, and precise location of these bio-engineered improvements would be determined by the project biologist in coordination with County and State resource agencies. The combination of exclusionary fencing, and bio-engineered solutions would be designed to endure over the projected 20-year lifespan of the proposed project. These erosion control features are intended to be semi-permanent, and will be regularly maintained as part of the overall project maintenance.

****

PG&E Utility Corridor (page 12, paragraphs 1 - 3)

An existing PG&E 20-inch diameter L-191-1 gas transmission pipeline runs along the eastern edge of the PG&E-owned utility corridor, east of the SBA. The alignment of the proposed RNG transmission pipeline would ~~run parallel to, and west of,~~ tie-in directly to the existing PG&E Line ~~L-~~191-1 pipeline along the eastern edge of the PG&E property. ~~The pipeline alignment in the PG&E property is potentially limited by environmental concerns, proximity to existing high voltage transmission lines and water lines, and location of the Contra Costa Canal crossing.~~ A photo of a portion of the PG&E utility corridor is shown on Figure 15. The tie-in ~~pipeline alignment through~~ to the existing PG&E Line 191-1 ~~property~~ will be finalized during detailed design and approved by PG&E and the PUC.

Construction through the PG&E utility corridor will require careful consideration regarding the crossing of existing gas and electric transmission lines. The RNG pipeline will adhere to PG&E clearance requirements. ~~The proposed pipeline would cross under the Contra Costa Canal per Contra Costa Water District (CCWD) specifications. The approved canal crossing location will determine the construction method used. Trenchless options such as a Horizontal Directional Drill (HDD) will be evaluated for use as the selected route is optimized.~~

~~The proposed PG&E metering station and associated Ameresco interconnect station are shown on Figure 16.~~ PG&E will add a metering station on Keller Canyon Landfill property ~~approximately 50 feet to the south of the existing valve lot with a width of approximately 40 feet and length of 100 feet (4,000 square feet) to accommodate the new gas receiving equipment~~. An isometric view of the PG&E metering station is shown on Figure 17. The metering station ~~Noise and lighting for this expanded~~ area will be similar to the existing station and will be surrounded by an approximately 7-foot tall security fence. PG&E equipment will be powered by electricity so new poles may be necessary to connect the new PG&E equipment to existing electric lines. ~~The new pole height and line configuration will be similar and connect to the existing electrical service pole for the STANPAC 3 valve lot.~~ Attached to the PG&E metering station (or included inside the station depending on PG&E design) will be an Ameresco interconnect station which would have a pipeline riser, valving, and pig receiving station for future pipeline inspections. This equipment would be constructed in a fenced enclosure (~~if not~~ included within ~~in~~ PG&E's metering station) of no larger than 45 feet in width x 60 feet in length (2700 square feet). The line from the PG&E metering station will connect to the existing ~~STANPAC 3 valve lot~~ PG&E Line 191-1.

****

Construction (page 13, paragraph 2)

The level pad area of the RNG processing equipment would cover an area of approximately 84,000 square feet (1.9 acres), adjacent to the existing LFGTE plant. Construction of the level pad area would require approximately 89,000 cubic yards of imported earth fill. The 4-inch diameter steel pipeline will be installed utilizing an excavator that will create a trench and the pipeline will be placed and backfilled at a depth of four feet in most locations. Under drainages the pipeline will be buried to a depth of at least six feet. Pipeline construction activities will occur within 15 feet on either side of a 15-foot wide workspace centered on the pipe center line. After the pipeline is installed the trench will be backfilled and the site will be re-graded and restored to its approximate original contours. Wherever possible the pipeline will be designed to follow existing ranch/fire roads on the KCL property to minimize temporary and permanent construction impacts. The pipeline trench will be backfilled and restored immediately upon installation of the pipeline to the maximum extent possible. All construction impacts are expected to be temporary. ~~HDD would be required for the pipeline to pass beneath the canal maintained by the CCWD.~~

****

Construction Access and Staging Areas (page 14, paragraphs 1 and 2)

The proposed underground RNG pipeline route spans a variety of terrain ranging from level to hilly. The 2.85 ~~3.4~~-mile length of the pipeline requires strategic locations for safe and efficient vehicle and equipment access and the staging (laydown) of equipment and construction

materials. Proposed access and equipment staging/laydown areas are shown on revised Figure 18. Access for construction on KCL property would be via Bailey Road and internal facility roads. The construction access for the RNG processing facility will be provided by the paved asphalt road and turnaround adjacent to the proposed site. The projected traffic associated with construction of the RNG processing facility and pipeline is an average of approximately 20 inbound trips.

During the 8 to 12-month construction period, there would be ~~Access for~~ one staging location off-site of the ~~on~~ Keller Canyon Landfill property for which access may be required from the landowners and for one ~~two~~ location~~s~~ on the PG&E property ~~would require approvals from the landowners or the City of Pittsburg~~. These locations include:

- John Henry Johnson Parkway to Ripple Rouge Road (near the Diablo Valley Radio Controllers' miniature airstrip) to access a laydown area to be located on Keller Canyon Landfill property; and

- Access through an existing access gate located near the intersection of Alta Vista Circle and Alta Vista Court to provide access to the PG&E utility corridor.~~; and~~

- ~~Access from the parking lot of the former Delta View Golf Course, located at the end of Golf Club Road to provide access to the PG&E valve lot.~~

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Contingency (page 15, paragraphs 2 and 3)

Unforeseen events could temporarily affect the RNG processing and pipeline operations that could preclude the processing and pipeline export of RNG. These potential events could include:

- Local or regional power failure or outage;
- Upset in the GCCS systems upstream of the RNG processing facility including collection well failures, blower/flare station upsets;
- Equipment shutdown or control issues at the LFGTE plant;
- RNG processing facility equipment failure;
- Pipeline leakage ~~rupture~~; and
- Natural disaster such as an earthquake.

Based on the occurrence of these events, Ameresco would implement the following contingency measures:

1. The RNG processing facility control system is designed to operate and maintain the RNG process under normal conditions. If conditions occur outside of the normal operating range, the RNG processing facility will shut down and the ~~any potentially hazardous~~ processing equipment or the pipeline will be depressurized using ~~conditions will be combusted in~~ the enclosed ~~upset~~ flare constructed for that purpose at the RNGPF.

****

Environmental Checklist (page 17)

9. **Surrounding Land Uses and Setting:** (full paragraph 1)

A portion of the RNG transmission pipeline would be in PG&E property east of, and contiguous to, the SBA. The PG&E property consists of five parcels that total approximately 212 acres, including four parcels in the City of Pittsburg that total approximately 52 acres and one parcel of approximately 160 acres in unincorporated Contra Costa County. The four parcels located in the City of Pittsburg are not included in the proposed project. The PG&E property is open space land that serves as a north-south utility corridor and contains large electrical transmission lattice towers, overhead high-voltage electrical transmission lines, and an underground gas transmission pipeline. The northernmost PG&E parcel includes the STANPAC 3 valve lot. A portion of the Ameresco RNGPFP pipeline would be located on the following PG&E-owned parcels.

Location	APN
County	094-080-012
~~Pittsburg~~	~~094-090-002~~
-	~~094-160-004~~
-	~~095-160-005~~
-	~~095-160-006~~

****

Environmental Checklist (page 17 - 18)

10. **Other public agencies whose approval is required (e.g., permits, financing, approval, or participation agreement:**

Bay Area Air Quality Management District (BAAQMD)

California Department of Fish and Wildlife

California Public Utilities Commission (PUC)

~~City of Pittsburg~~

~~Contra Costa Water District (CCWD)~~

East Contra Costa County Habitat Conservancy
Pacific Gas and Electric Company (PG&E)
Regional Water Quality Control Board San Francisco Bay Region
U.S. Army Corps of Engineers
~~U.S. Bureau of Reclamation~~
U.S. Fish and Wildlife Service

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Environmental Checklist Section 1: Aesthetics (page 46)

Applicant Control Measure #2 for Tree Planting (Item #2)

2. Although the project would not be visible from the Santa Maria Drive roadway or sidewalk, this tree planting control measure will further reduce the potential for significant impacts. The applicant shall plant coast redwoods (Sequoia sempervirens) on the KCL property to screen the view from residences located to the north, subject to review and approval by the DCD. The applicant shall coordinate with a landscape designer specializing in visual screening. Minimum height of the planted redwoods shall be 10 feet to 12 feet, at a tree spacing of 15 feet to 25 feet on-center, with 13 to 21 trees, with final number ~~in numbers~~ and locations to be determined.

****

Environmental Checklist Section 4: Biological Resources (pages 91 - 96)

Mitigation Measure Biology 3: Golden Eagle (page 91, full paragraph 2)

> *Construction Monitoring: Construction monitoring shall focus on ensuring that no covered activities occur within the buffer zone established around an active nest. Although no known golden eagle nest sites occur within or near the Urban Limit Line (ULL), covered activities inside and outside of the HCP Preserve System designated in the HCP/NCCP have the potential to disturb golden eagle nest sites. The majority of the project activities fall outside of the ULL. Construction monitoring shall ensure that direct effects to golden eagles are minimized through direct consultation with USFWS and CDFW on appropriate buffer zones and construction monitoring requirements, a qualified biologist will monitor all activities to ensure the buffer zone is maintained and the qualified biologist shall have stop work authority. All buffers shall be shown on all sets of construction drawings.*

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Mitigation Measure Biology 6: San Joaquin Kit Fox (page 93, full paragraph 7 to top of page 94)

- *Construction Monitoring: If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones shall be circular, with a radius measured outward from the den entrance(s). No covered activities shall occur within the exclusion zones. A qualified biologist shall monitor all activities to ensure exclusion zones are maintained and the qualified biologist shall have stop work authority. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox. All exclusion zones shall be shown on all sets of construction drawings.*

****

Mitigation Measure Biology 7: Special Status Bats (page 94, full paragraph 3)

- *Preconstruction Surveys: If the project does not avoid impacts to suitable habitat for special status bats, a preconstruction survey shall be required to determine whether the sites are occupied immediately prior to construction or whether they show signs of recent previous occupation. Preconstruction surveys are used to determine what avoidance and minimization requirements are triggered before construction and whether construction monitoring is necessary. Copies of the preconstruction surveys shall be submitted to the CDD, the ECCCHC, and CDFW. If occupied habitat is determined present and cannot be avoided, consultation with CDFW shall occur in order to determine the appropriate plan for eviction and compensatory mitigation.*

****

Mitigation Measure Biology 9: Special Status Bats (page 95, full paragraph 5 to top of page 96)

> ***Biology 9:*** *Develop Temporary Restoration Plan. Prior to the issuance of grading or building permits, whichever occurs first, the applicant shall develop a Temporary Restoration Plan to ensure the site is restored to pre-project conditions. This may include measures such as topsoil preservation per station segments and reseeding with native seed mixes. The Temporary Restoration Plan will include updated mapping of current Sensitive Natural Communities, monitoring of topsoil preservation in areas that are directly impacted (California buckeye groves and Gum Plant patches) and monitoring and reporting of SNCs that are to be avoided (rock outcrops and associated California match weed patches). The Temporary Restoration Plan shall be submitted to the shall be submitted to the CDD and the ECCCHC for review and approval.*

****

Environmental Checklist Section 9: Hazards and Hazardous Materials (pages 163 – 170)

Applicant Consistency Measure #13 for RNG Pipeline (page 163, Item #13)

13 The pipeline system shall be designed to handle a maximum allowable operating pressure (MAOP) of 400 ~~680~~ pounds per square inch gauge (psig). Pressure and flow shall be monitored and any change outside of normal operating parameters shall shut off the pipeline and when necessary shut down the RNG processing facility.

****

Potential Impact Radius (PIR) (page 165, paragraphs 1 and 2)

Potential Impact Radius (PIR) is a calculation that determines the size of the area that would be impacted if there were to be an incident. The PIR is defined as the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property and are related to identifying HCAs as defined by 49 CFR 192 and the Pipeline and Hazardous Materials Safety Administration. The PIR for the proposed pipeline was calculated as 55 ~~72~~ feet.

PIR = 0.69 x 4.00 x SQRT (400)
= 0.69 x 4.00 x 20.00
= 55.20
~ 55'

Figure 9-1 (Revised) illustrates the relationship of the 55-foot PIR to the proposed pipeline. Figure 9-2 (Revised) ~~(9100)~~ illustrates the 55 ~~72~~-foot PIR for the entire pipeline system. The PIR is shown in green ~~orange~~ shading. ~~A detailed illustration of the 72-foot PIR for the PG&E property from the point where the pipeline would enter PG&E property to a point just north of the Contra Costa Canal is shown on Figure 9-3 (9101). The section of pipeline from north of the Contra Costa Canal to the PG&E STANPAC facility is shown on Figure 9-4 (9102).~~

****

Pipe Leakage vs. Rupture of the Proposed Pipeline (page 166, full paragraph 1)

Potential rupture failure is a function of pipeline design, MAOP, hoop stress ~~i.e. the percent SMYS of the pipe~~, pipeline material, installation and welding techniques, the age and condition of the pipe, extent of internal pipe corrosion, and the depth at which the pipeline would be buried. Generally, pipelines operating at a sufficiently low hoop stress (below 20%

to 30% SMYS) are less likely to fail in rupture mode and more likely to fail in leak mode. The proposed pipeline would be designed to operate at less than 10 ~~approximately 18.5~~ percent SMYS. Other factors related to susceptibility of pipe rupture versus leakage included the following:

****

Design Criteria (page 167, bullets 1, 2, 5)

- The pipe itself will be designed to operate less than 10 ~~under 20~~ percent SMYS, which places the proposed pipeline in a lower risk category per federal Pipeline and Hazardous Materials Safety Administration guidelines, and requires less stringent test requirements; however, the pipeline will be tested to 1.5 times the MAOP of 400 psig or approximately 600 ~~1,020~~ psig in accordance with regulations governing design to meet higher risk. If flanges and/or flanged assemblies are required, they may be the pressure limiting factors of the system. The design will ensure that the flanged systems and any other appurtenances meet the design requirements.

- The system will be designed to handle a MAOP of 400 ~~680~~ psig to be consistent with the existing PG&E Line 191-1 ~~pipeline~~ that would receive the RNG. Relief systems at the discharge of the gas compression and before entering the pipeline would be included as required to ensure the pipeline does not experience an over-pressurized event.

- The pipe to be used in the project will be 4.500" OD, 0.237" WT, GR B. With a MAOP of 400 ~~680~~ psig, this corresponds to the pipeline operating at approximately 18.5 percent of SMYS.

****

Pipeline System Sensors (page 168, full paragraph 2)

Sensors in the pipeline system would detect an incidence of pipe leakage or rupture. Should either of these events occur, the system would shut down accordingly and the system operators would be notified. Ruptures or explosions are almost always possible only when a pipeline operates at a stress level higher than 20 percent SMYS. In the proposed project, the pipeline would be designed to operate at less than 10 ~~20~~ percent ~~(at approximately 18.5 percent)~~ SMYS, and therefore, any incidents that might be possible would almost always be a leak rather than a rupture.

****

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ***(Less than significant)*** (page 170, full paragraph 2)

During the 8 ~~12~~ to 12 ~~14~~-month construction period, there would be one staging location off-site of the ~~on~~ KCL property for which access may be required from the landowners and one ~~two~~ location~~s~~ on the PG&E property ~~for which access may be required from the landowners or City of Pittsburg~~. The locations include:

- John Henry Johnson Parkway to Ripple Rouge Road (near the Diablo Valley Radio Controllers' miniature airstrip) to access a laydown area 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.~~; and~~
- ~~Via the parking lot of the former Delta View Golf Course, located at the end of Golf Club Road to provide access to the PG&E valve lot.~~

****

REFERENCES (page 228)

- Ameresco Keller Canyon, 2018. *Proposed Gas Processing and Pipeline Project.*
- Ameresco Keller Canyon, 2018. *Project Plans, Proposed Gas Processing and Pipeline Project.*
- Darwin Myers Associates, 2020. *Geologic Peer Review /Geotechnical Reports & CEQA Assessment, LP18-2022/APN 094-360-019, etc. & 094-080-012, Bay Point Area, Contra Costa County, DMA Project # 3006.20.*
- Environmental Management et al., 2020. *Ameresco IS-MND Chp. 2 Project Description.*
- Environmental Management et al., 2020. *Aesthetics - Ameresco IS-MND Section 1.*
- Environmental Management et al., 2020. *Agricultural and Forest Resources - Ameresco IS-MND Section 2.*
- Environmental Management et al., 2020. *Air Quality - Ameresco IS-MND Section 3.*
- Environmental Management et al., 2020. *Energy - Ameresco IS-MND Section 6.*
- Tetra Tech BAS, 2019 and 2020. *Geology and Soils – Ameresco IS-MND Section 7.*
- Environmental Management et al., 2020. *Greenhouse Gases - Ameresco IS-MND Section 8.*
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- Environmental Management et al., 2020. *Public Services - Ameresco IS-MND Section 15.*

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- FirstCarbon Solutions, 2020. *Cultural Resources - Ameresco IS-MND Section 5.*
- FirstCarbon Solutions, 2020. *Tribal Cultural Resources - Ameresco IS-MND Section 18.*
- Illingworth & Rodkin, 2020. *Noise - Ameresco IS-MND Section 13.*
- Swaim Biological Inc. et al., 2020. *Biological Resources - Ameresco IS-MND Section 4.*
- Tetra Tech et al., 2020. *Hydrology & Water Quality - Ameresco IS-MND Section 10.*

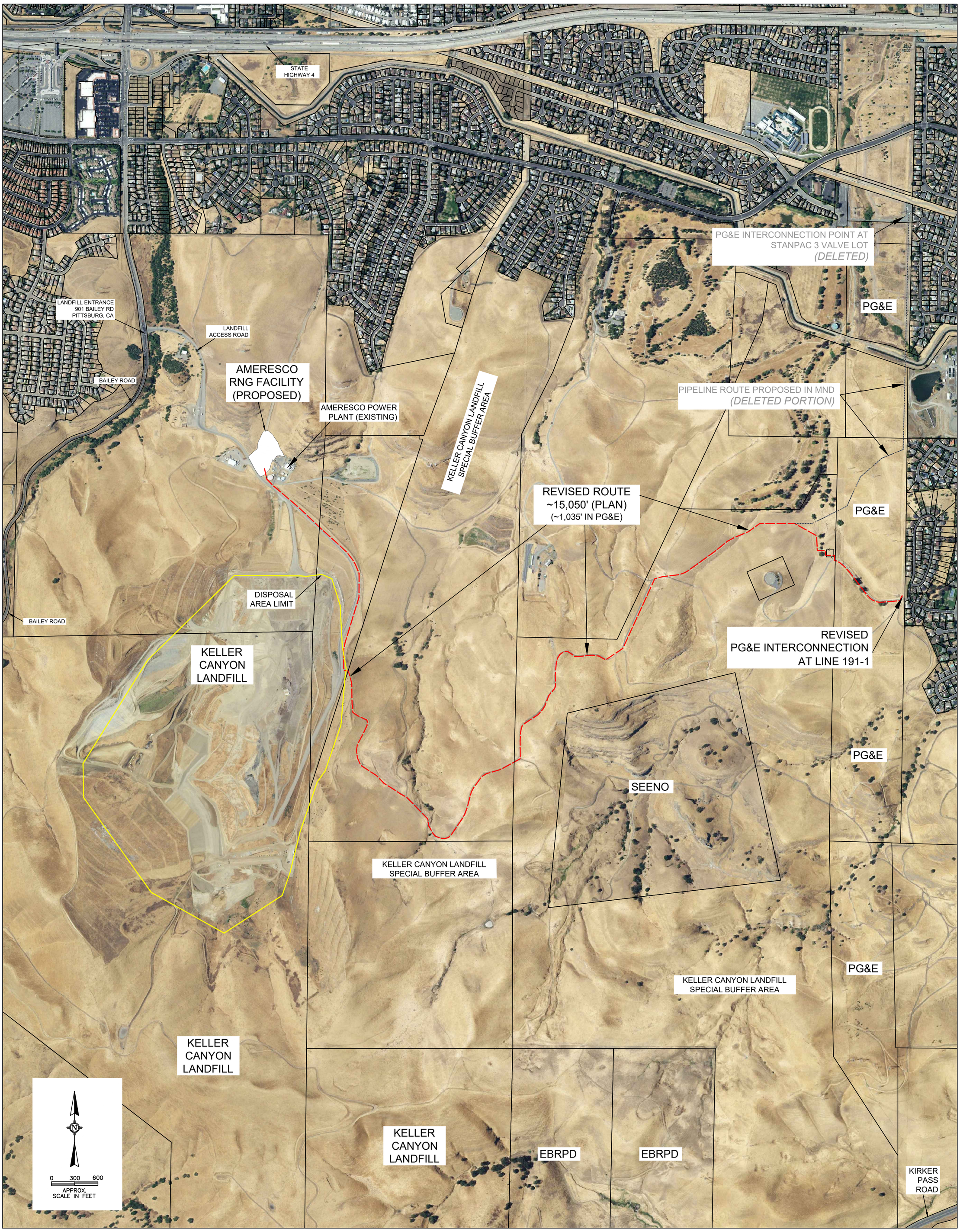
VII. REVISED MND FIGURES

This section includes a list of revised and deleted MND figures associated with the preceding Section VI, followed by the revised figures.

List of Revised and Deleted Figures

Title/Draft MND Page ..... Revision

- Project Area, pg. 6 ..... Revised pipeline alignments
- Figure 4 Project Area, pg. 22 ..... Revised pipeline alignments
- Figure 5 RNGPF Site Plan, pg. 23 ..... Revised site plan/equipment layout
- Figure 6 General Arrangement, pg. 24 ..... Revised equipment arrangement
- Figure 9 Pipeline Plan, pg. 30 ..... Revised pipeline alignments
- Figure 10 Pipeline in PG&E Property, pg. 31 ..... Replaced with New Figure 10
- Figure 16 PG&E Metering Station, pg. 40 ..... Deleted – location eliminated
- Figure 17 PG&E Metering Station ..... Deleted
  Isometric View, pg. 41
- Figure 18 Laydown Areas, pg. 42 ..... Revised for eliminated laydown areas
- Figure 9-1 Ameresco Keller Canyon RNG ..... Revised to show new PIR of 55 feet
  Pipeline PIR of 72 feet, pg. 172
- Figure 9-2 (9100) Ameresco Keller Canyon RNG ..... Replaced with new Figure 9-2
  Processing Facility and Pipeline, pg. 173
- Figure 9-3 (9101) Ameresco Keller Canyon RNG ..... Deleted
  Processing Facility and Pipeline, pg. 174
- Figure 9-4 (9102) Ameresco Keller Canyon RNG ..... Deleted
  Processing Facility and Pipeline, pg. 175



AM-KCL RNG FIG 4-9 (REV06-01-21).DWG

2018 AERIAL PHOTO FROM TERRAIN NAVIGATOR PRO (TRIMBLE, INC.)
PROPERTY BOUNDARIES FROM CONTRA COSTA COUNTY GIS

PERMIT DRAWING – NOT FOR CONSTRUCTION
LENGTHS, AREAS, AND PROPERTY LINE LOCATIONS ARE APPROXIMATE

PROJECT AREA (REVISED)

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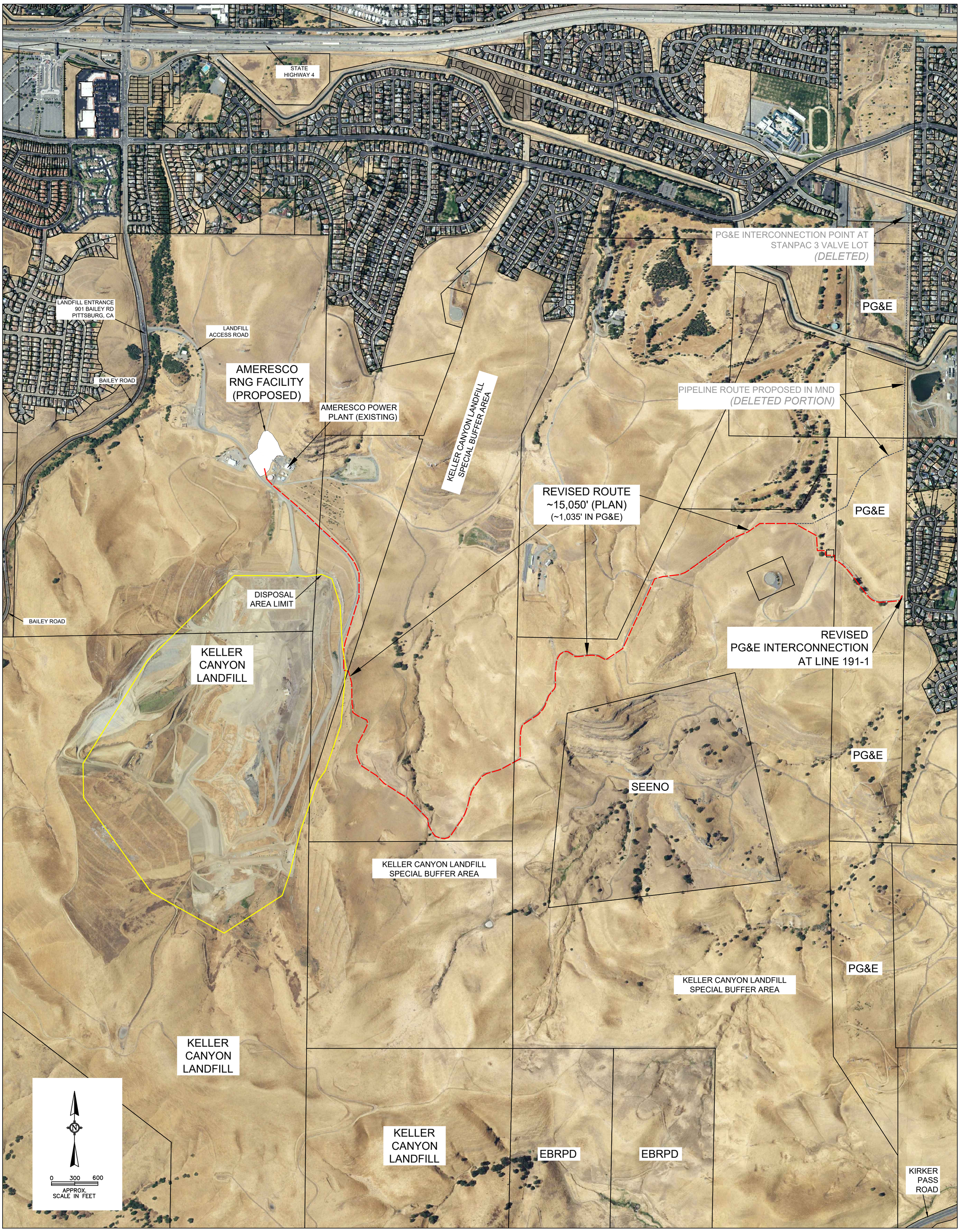

AM-KCL RNG FIG 4-9 (REV06-01-21).DWG

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FIGURE 4 - PROJECT AREA (REVISED)

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C:\Land Projects 2006\Ameresco Keller Canyon\dwg\2021 Figures\Final MND\Am-KCL RNG Fig 5 (rev06-01-21).dwg

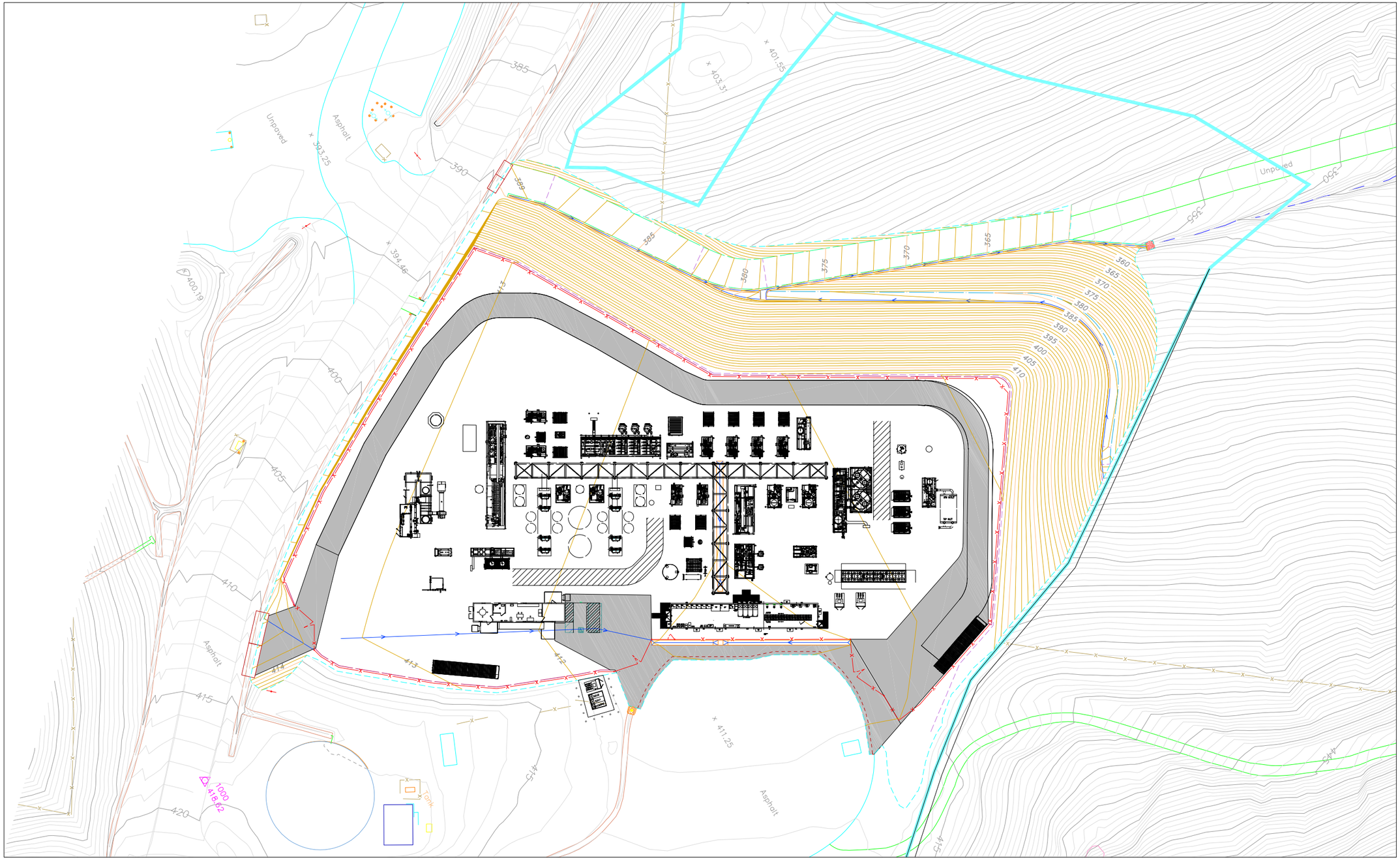

FIGURE 5
RNG PROCESSING FACILITY SITE PLAN (REVISED)

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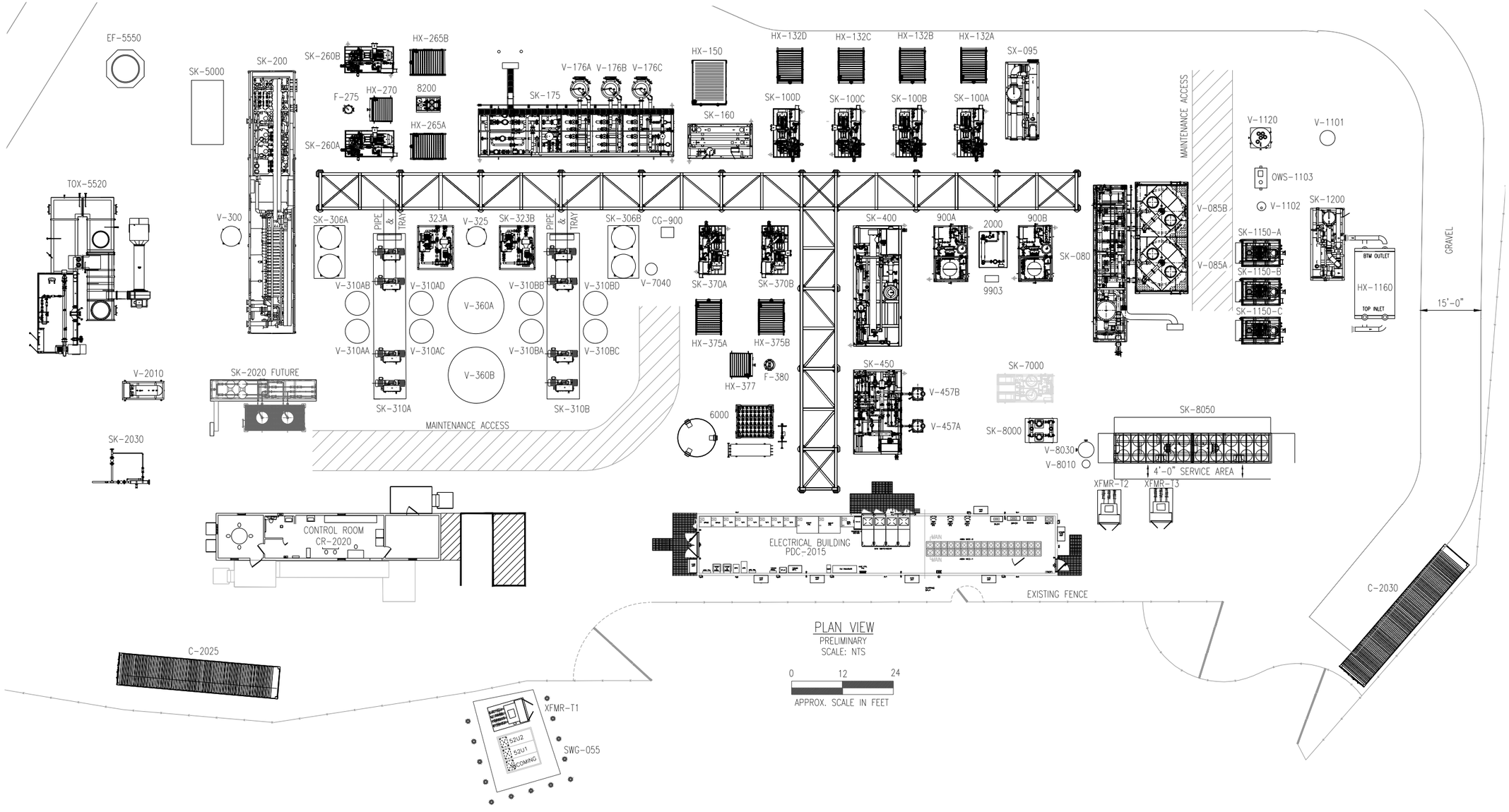
FIGURE 6
RNG PROCESSING FACILITY GENERAL ARRANGEMENT (REVISED)



PLAN VIEW
PRELIMINARY
SCALE: NTS

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EQUIP TAG	EQUIPMENT NAME	EQUIP TAG	EQUIPMENT NAME	EQUIP TAG	EQUIPMENT NAME	EQUIP TAG	EQUIPMENT NAME	EQUIP TAG	EQUIPMENT NAME
SK-080	DESULFUR VALVE SKID	SK-260A	RECIRCULATION COMPRESSOR A SKID	SK-323A	NRU REGENERATION SKID	V-1102	CONDENSATE VESSEL	SK-7000	COMPRESSED AIR SKID
V-085A	DESULFUR MEDIA VESSEL A	SK-260B	RECIRCULATION COMPRESSOR B SKID	SK-323B	NRU REGENERATION SKID	OWS-1103	OIL WATER SEPARATOR	V-7040	VERTICAL DRY RECEIVER
V-085B	DESULFUR MEDIA VESSEL B	HX-265A	RECIRC COMPRESSOR A OIL AMBIENT COOLER	V-325	VENT VESSEL	V-1120	CONDESATE SUMP	SK-8000	CHILLED PUMP SKID
SX-095	FEED COMPRESSOR INLET DEHYDRATION SKID	HX-265B	RECIRC COMPRESSOR B OIL AMBIENT COOLER	V-360A	PRODUCT VESSEL	SK-1150-A	FEED BLOWER SKID	V-8010	CHILLED WATER EXPANSION TANK
SK-100A	FEED COMPRESSOR A SKID	HX-270	RECIRC COMPRESSOR AFTER COOLER	V-360B	PRODUCT VESSEL	SK-1150-B	FEED BLOWER SKID	V-8030	CHILLED THERMAL STORAGE TANK
SK-100B	FEED COMPRESSOR B SKID	F-275	2ND STAGE FILTER	SK-370A	2ND STAGE COMPRESSOR A SKID	SK-1150-C	FEED BLOWER SKID	SK-8050	CHILLER UNIT - CHILLED WATER SYSTEM
SK-100C	FEED COMPRESSOR C SKID	V-300	NRU HIGH PRESSURE RECEIVER	SK-370B	2ND STAGE COMPRESSOR B SKID	HX-1160	RAW GAS AMBIENT COOLER	V-9903	USED OIL STORAGE TANK
SK-100D	FEED COMPRESSOR D SKID	SK-306A	NRU DRYER SKID A	HX-375A	2ND STAGE A OIL AMBIENT COOLER	SK-1200	RAW GAS DEHYDRATION SKID	SK-8200	HOT GLYCOL SKID
HX-132A	FEED A AMBIENT OIL COOLER	SK-306B	NRU DRYER SKID A	HX-375B	2ND STAGE B OIL AMBIENT COOLER	SK-2000	R21 PRETREATMENT SKID	SK-5000	FLARE VALVE SKID
HX-132B	FEED B AMBIENT OIL COOLER	SK-310A	NRU PSA VALVING SKID A	HX-377	AMBIENT COOLER	V-2010	ODORIZER	XFMR-T1	MAIN 3000 Kva TRANSFORMER T1
HX-132C	FEED C AMBIENT OIL COOLER	SK-310B	NRU PSA VALVING SKID B	F-380	2ND STAGE FILTER	PDC-2015	POWER DISTRIBUTION CENTER	XFMR-T2	AUX TRANSFORMER T2
HX-132D	FEED D AMBIENT OIL COOLER	V-310AA	ABSORPTION MEDIA VESSEL AA	SK-400	DEOXO SKID	CR-2020	OFFICE & CONTROL ROOM	XFMR-T3	AUX TRANSFORMER T3
HX-150	FEED COMPRESSOR GAS AMBIENT COOLER	V-310AB	ABSORPTION MEDIA VESSEL AB	SK-450	TSA DRYER	SK-2020	FUTURE R21 FILTER	SWG-055	SWITCH GEAR
SX-160	FEED COMPRESSOR DEHYDRATION SKID	V-310AC	ABSORPTION MEDIA VESSEL AC	V-457A	TSA ABSORBTION MEDIA VESSEL A	C-2025	CONEX		
SK-175	TSA SILOXANE REMOVAL SKID	V-310AD	ABSORPTION MEDIA VESSEL AD	V-457B	TSA ABSORBTION MEDIA VESSEL B	C-2030	CONEX		
V-176A	TSA SILOXANE MEDIA VESSEL A	V-310BA	ABSORPTION MEDIA VESSEL BA	CG-900	GAS CHROMATOGRAPH	SK-2030	PIG LAUNCHER		
V-176B	TSA SILOXANE MEDIA VESSEL B	V-310BB	ABSORPTION MEDIA VESSEL BB	SK-900A	3RD STAGE COMPRESSOR A SKID	TOX-5520	THERMAL OXIDIZER		
V-176C	TSA SILOXANE MEDIA VESSEL C	V-310BC	ABSORPTION MEDIA VESSEL BC	SK-900B	3RD STAGE COMPRESSOR B SKID	EF-5550	ENCLOSED FLARE		
SK-200	CO2 MEMBRANE SYSTEM (DMT CONTAINER)	V-310BD	ABSORPTION MEDIA VESSEL BD	V-1101	RAW GAS SEPARATOR	6000	LIQUID NITROGEN AREA		

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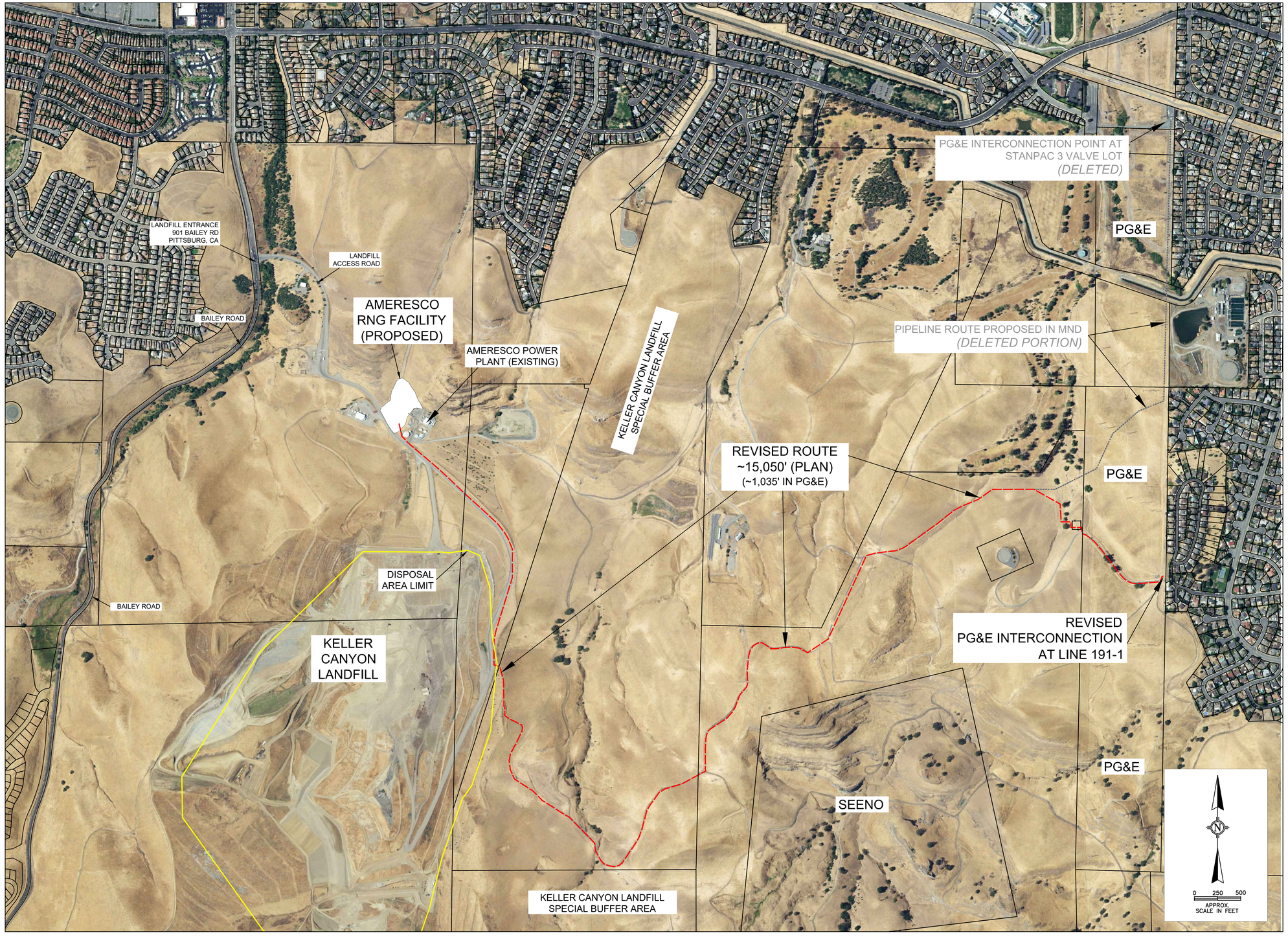

AM-KCL RNG FIG 4-9 (REV06-01-21).DWG

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PROPERTY BOUNDARIES FROM CONTRA COSTA COUNTY GIS

LENGTHS, AREAS, AND PROPERTY LINE LOCATIONS ARE APPROXIMATE

FIGURE 9 - PIPELINE PLAN (REVISED)

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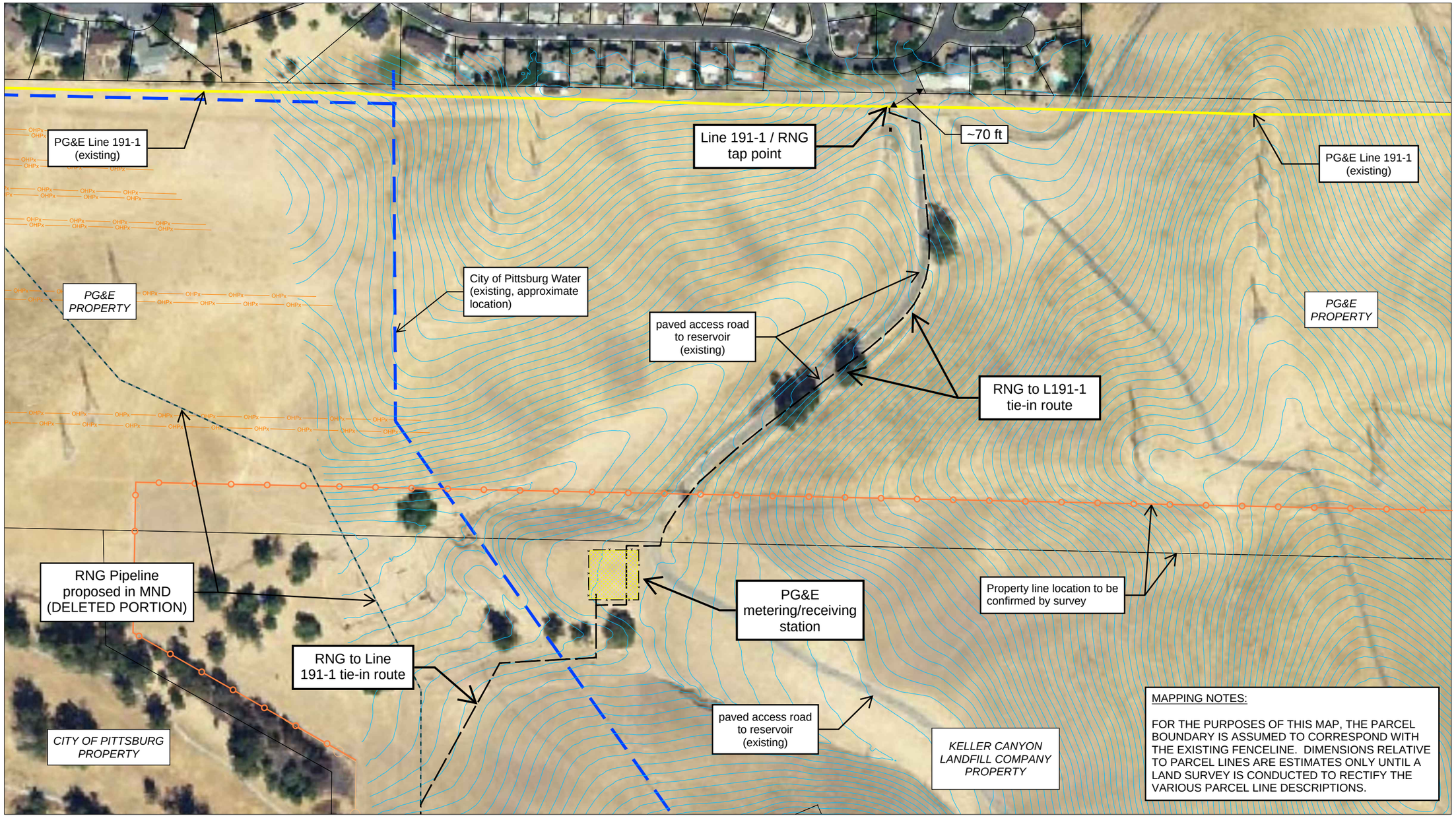

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PROPERTY LINES FROM CONTRA COSTA COUNTY GIS - CONFIRM BY SURVEY PRIOR TO CONSTRUCTION.
AERIAL PHOTO FROM TRIMBLE NAVIGATION, INC.
TOPOGRAPHY FROM LIDAR PROCESSED BY TETRA TECH

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FIGURE 10 - PIPELINE IN PG&E PROPERTY (REVISED)

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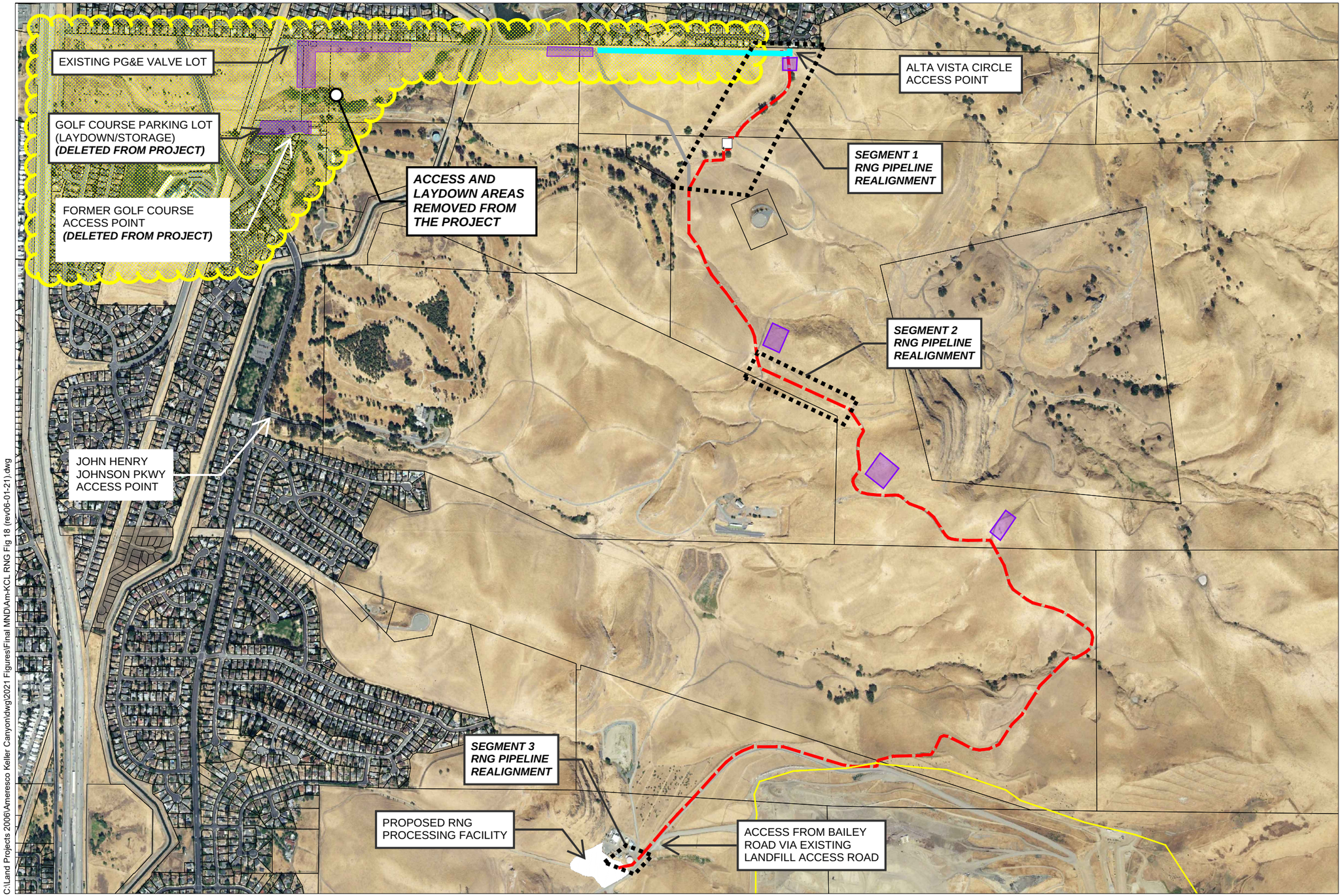

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FIGURE 18 (REVISED)
ACCESS AND LAYDOWN AREAS DURING PIPELINE CONSTRUCTION

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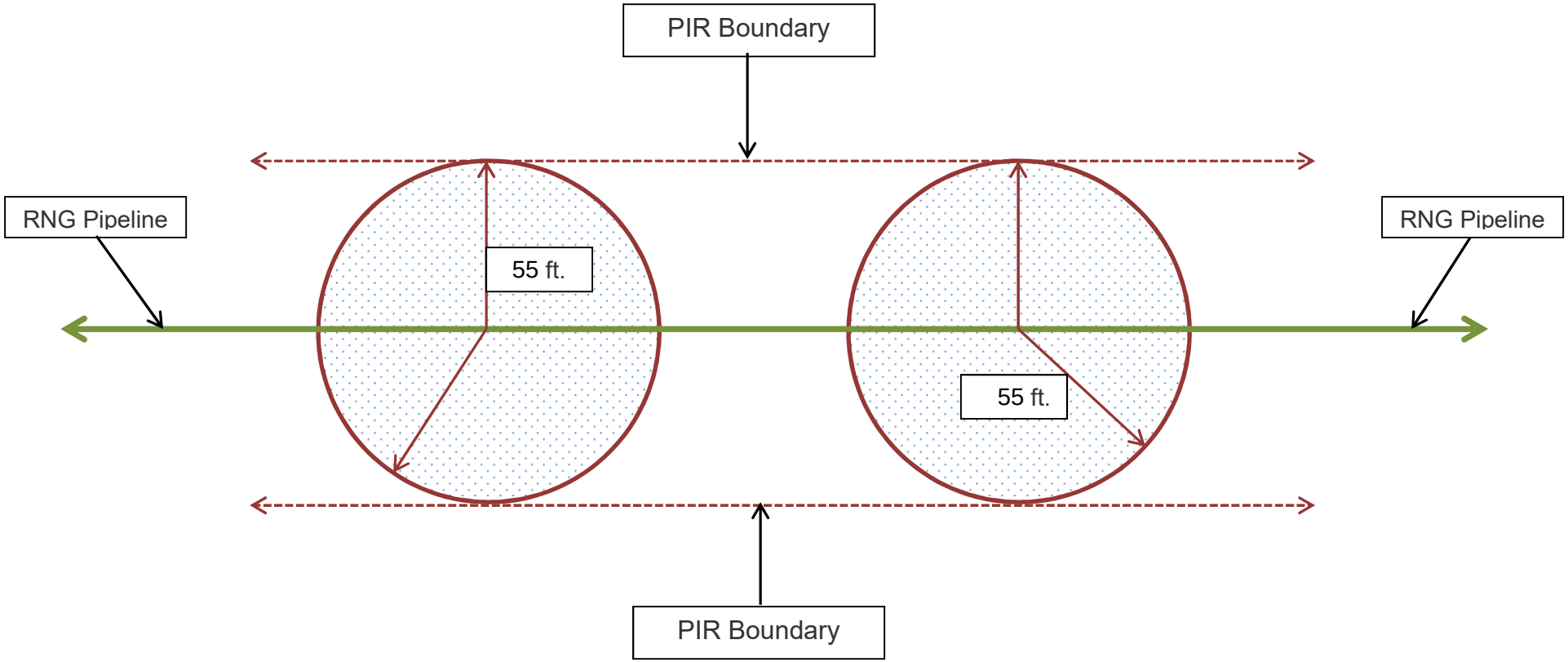
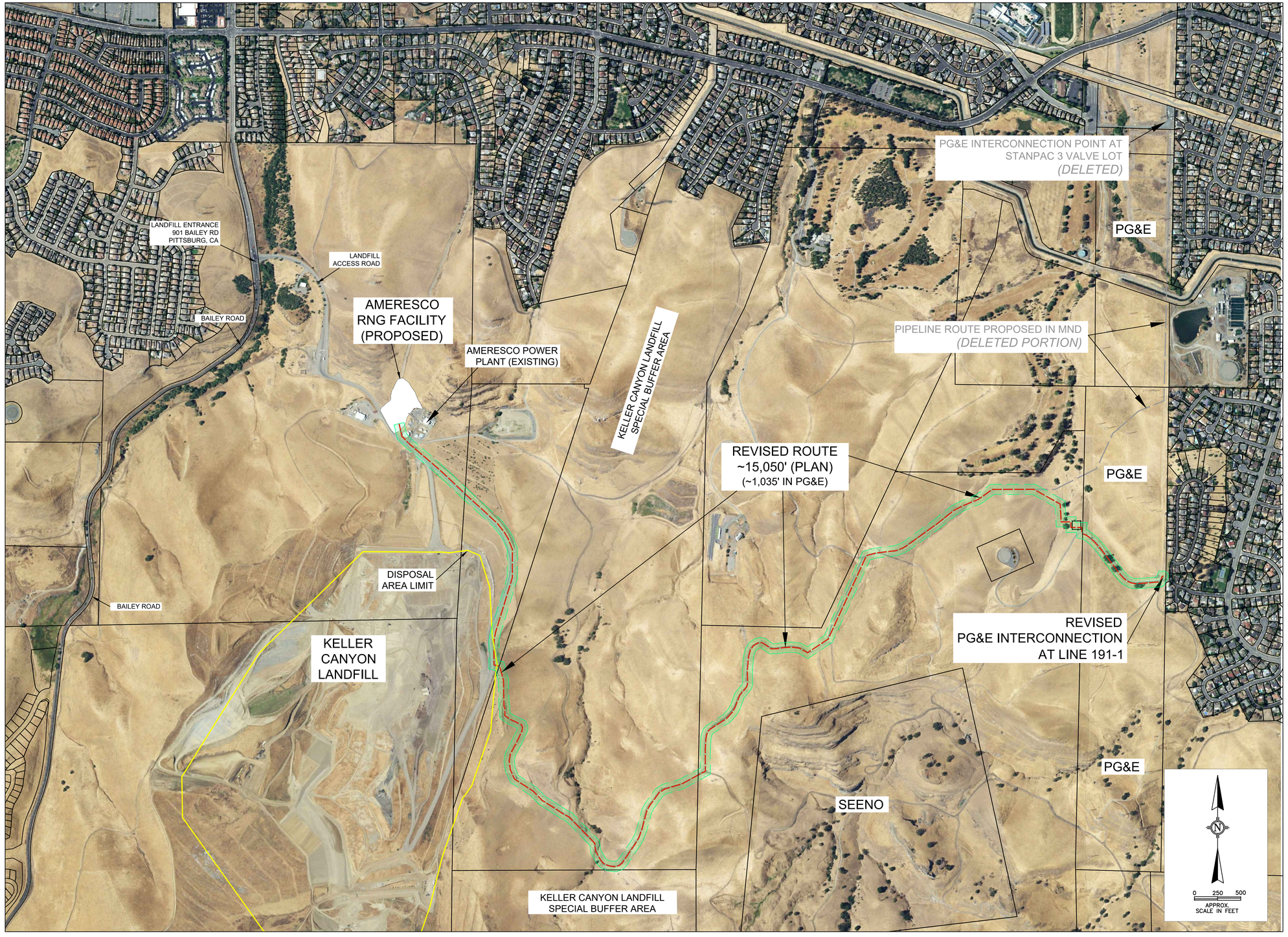
Figure 9-1 (Revised)

Ameresco Keller Canyon RNG Pipeline
Potential Impact Radius (PIR) of 55 feet



Source: Ameresco, May 2020. Revised June 2021



AM-KCL RNG FIG 4-9 (REV06-01-21).DWG

2018 AERIAL PHOTO FROM TERRAIN NAVIGATOR PRO (TRIMBLE, INC.)
PROPERTY BOUNDARIES FROM CONTRA COSTA COUNTY GIS

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FIGURE 9-2 - PIPELINE PLAN WITH 55' POTENTIAL IMPACT RADIUS

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