



City of Kerman

"Community Comes First"

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FINAL MITIGATED NEGATIVE DECLARATION
MID VALLEY DISPOSAL, INC.
RECYCLING AND TRANSFER STATION EXPANSION PROJECT
State Clearinghouse No. 2012121002

Prepared By:
City of Kerman
Planning and Development Department

Contact: Luis Patlan, City Manager/Planning Director

February 13, 2013

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SECTION 1

EXECUTIVE SUMMARY

1.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Kerman, as the lead agency, prepared an Initial Study to evaluate the potential environmental impacts of the proposed project and determined that an environmental impact report was not be required. Therefore, the City prepared a Draft Mitigated Negative Declaration for the Project (Draft MND) (SCH No. 20120796).

In its role as lead agency, the City of Kerman evaluated the comments received on the Mid Valley Disposal, Inc. Recycling and Transfer Station Expansion Project Draft MND and has prepared the following responses to comments.

As appropriate, this Final MND identifies measures to minimize identified significant environmental effects of the Project, presents corrections, clarifications, or a modification to the Draft MND as noted by comments received during the public review period, and summarizes and responds to public and agency comments on the Draft MND.

None of the corrections or clarifications to the Draft MND identified in this document constitutes "significant new information" pursuant to CEQA Guidelines Section 15088.5. As a result, a recirculation of the Draft MND is not required.

The Final MND includes the following contents:

- Responses to Comments on the Draft MND and Errata (Sections II of this document)
- Draft MND & Initial Study (Appendix A)
- Air Quality Technical Report (Appendix B)
- Transfer/Processing Report (Appendix C)
- Mitigation Monitoring and Reporting Program (Appendix D)
- Response Letter from York Engineering, Inc. (Appendix E)

1.2 - Opportunities for Public Comment

The City of Kerman publicly issued a Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study (Draft MND) and circulated the documents for a 30-day public review period beginning on October 18, 2012, and ending on November 16, 2012, in accordance with Section 15082 of the CEQA Guidelines. However, due to some additional information provided during the original circulation period, the City of Kerman re-circulated the Draft MND for an additional 30-day review beginning on December 3, 2012 and ending on January 2, 2013. The City received thirteen (13) comment letters during the public review period. The written comments on the Draft MND were considered and incorporated in the preparation of this Final Mitigated Negative Declaration & Initial Study.

The City of Kerman Planning Commission held a public meeting on January 28, 2013, at 6:30 p.m. in the Council Chambers to present the Final MND and to solicit any additional comments from the public and any other interested agencies.

The City Council held a public hearing and adopted the Final Mitigated Negative Declaration, including mitigation measures identified in the Mitigation Monitoring and Reporting Program on February 20, 2013.

1.3 - Project Description

The proposed project will expand the existing recycling and transfer station operation in three-phases on 28 acres. Specifically, the proposed project would:

The project will be built in three phases, with a total square footage of 1,655,280 square feet which will increase the permitted tonnage of waste per day from 500 tons to 1,500, adding composting and anaerobic digestion operations, the construction of additional buildings and parking areas and a two phase build out of anaerobic digestion facility and a natural gas production facility.

- Increase waste tonnage from 500 tons per day to 1,500 tons per day.
- Add composting operations.
- Add anaerobic digestion operations and a natural gas production facility.
- Add construction demolition and recycling operation.
- Construct additional buildings, parking and landscaping.

Figure 1-1 shows the site plan for the proposed project.

1.4 - Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that when a public agency approves a project on the basis of an environmental impact report or mitigated negative declaration, the agency must adopt a program of monitoring or reporting on the mitigation measures it has imposed to reduce or avoid significant environmental impacts. The purpose of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the mitigation measures are implemented.

As concluded in this document, the potential impacts of the proposed Project can be reduced, avoided, or minimized with to less than significant with implementation of identified mitigation measures. Therefore, mitigating these effects is mandated as part of approving or proceeding with project implementation. A Mitigation Monitoring & Reporting Program (MMRP) has been prepared, and is attached in Appendix D to this document.



SECTION 2

COMMENTS RECEIVED

2.1 – List of Authors

The City of Kerman was advised by the State Clearinghouse that the Draft MND and Initial Study were circulated to twelve (12) state agencies for review and comment. The City received a total of twelve (12) written comments on the Draft MND during the public review period. A list of public agencies, organizations, and individuals who provided comments on the Draft MND is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following the list, the text of the communication is represented and followed by the corresponding response.

Author	Author Code
State Agencies	
1. California Department of Fish and Game	CALDFG
2. Native American Heritage Commission	NAHC
3. California Department of Resources Recycling and Recovery	CADRE
4. California State Clearinghouse and Planning Unit	CALCPU
5. California Department of Transportation	CALTRANS
6. California Department of Conservation	CADC
7. California Water Resources Board – Central Valley Water Quality Control Board	SVRWQCB
Local Agencies	
8. Fresno Local Agency Formation Commission (LAFCO)	LAFCO
9. San Joaquin Valley Air Pollution Control district	SJVAPCD
10. Fresno County Department of Public Health	FCDPH
Organizations, Businesses and Other Individuals	
11. Ron Goode, Chairperson, North Fork Mono Tribe	GOODE
12. Robert Ledger, Chairperson, Dumna Wo-Wah Tribal Government	LEDGER
13. Bob Pennell, Cultural Resource Director, Table Mountain Rancheria	PENNELL

2.2 - Responses to Comments

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Kerman, as the lead agency, evaluated the comments received on the Draft MND (State Clearinghouse No. 20120121002) for the Mid Valley Disposal, Inc. Recycling and Transfer Station Expansion, and has prepared the following responses to the comments received. This Response to Written Comments document becomes part of the Final MND for the project in accordance with CEQA Guidelines Section 15132.

The comments letters reproduced in the following pages follow the same organization as used in the List of Authors.



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CHARLTON H. 80NHAU. Dn Cfat

November 14, 2012

Olivia Pimentel
 City of Kennan Planning and Development Services Department
 850 South Madera Avenue
 Kennan, California 93630

Subject- Proposed Mitigated Negative Declaration
 Mid Valley Disposal, Incorporated Facility Expansion (Project)
 15300 West Jensen Avenue
 near Kerman in Fresno County

Dear Ms Pimentel

On October 22, 2012, the California Department of Fish and Game (Department) received a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) from your agency for the Project. The Initial Study/Mitigated Negative Declaration (IS/MNO) prepared by your agency for the Project in October 2012, was attached to the NOI. As the Department understands the Project, approval will allow the phased expansion of the existing Mid Valley Disposal, Inc. solid waste recycling and transfer station facility. The existing facility occupies 9.8 acres of land immediately north of West Jensen Avenue, south of the city of Kerman. The expansion would occur on 28 acres of agricultural land (alfalfa) adjoining the existing facility to the north and east. The expansion would include the installation of a natural gas dispensing station and the construction of new structures, paved areas, and anaerobic digesters. Construction would begin in July 2013. The site includes a large area of agricultural (to the east and south) and light industrial uses (to the north and west).

CADFG.1

To reduce Project-related impacts to less than significant levels to the State threatened San Joaquin kit fox (*Vulpes macrotis muticus*) which may traverse and temporarily shelter on-site, the Project proponent intends to implement Mitigation Measure 810-1, applying the *Standard Recommendations for the Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS, 2011). However, your agency concluded in the IS that the State threatened Swainson's hawk (*Buteo swainsoni*) and the projected white-tailed kite (*Elanus leucurus*) are not likely to occur and would therefore not be impacted by the Project. The Department considers the on-site alfalfa planting and adjoining mature trees suitable foraging and nesting habitat for both of these species. Our recommendations on measures to avoid, minimize, and

CADFG.2

Conserving California's Wildlife Since 1870

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minimize and mitigate Project-related impacts to both the Swainson's hawk and white-tailed kite should be included as enforceable mitigation measures in the California Environmental Quality Act (CEQA) document for this Project. Our comments follow.

CADFG-2

Department Jurisdiction

Trustee Agency Authority: The Department is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to the MWD and commenting upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 (commencing with Section 21000) of the Public Resources Code).

CADFG-3

Responsible Agency Authority: The Department also has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001(c), 21083, Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080. The Project has the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in Section 15380 of CEQA).

CADFG-4

Bird Protocol: The Department has jurisdiction over actions which may result in the disturbance or destruction of active nests or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds - of prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird). Appropriate avoidance and minimization measures for raptors and other nesting birds in the Project area should be included in the CEQA document prepared for this Project.

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Fully Protected Species: The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully Protected species is prohibited and the Department cannot authorize their "take" for development. The White-tailed kite is a fully protected species that could nest and/or forage near and at the Site. If this species is detected during preconstruction surveys then appropriate species-specific avoidance and minimization measures should be applied.

CADFG.1

Potential Project Impacts and Recommendations

San Joaquin Kit Fox (SJKF): The Department recognizes that SJKF would be protected under the proposed mitigation measures in the ISMND.

Swainson's Hawk (SWHA): SWHA may forage on-site and nest in the large eucalyptus trees which exist on the adjoining property. Ground-disturbing activities are to occur at the Site during the nesting season (February 1 through September 15). The Department recommends that a qualified biologist conduct surveys for nesting SWHA following the survey method developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC.2000) prior to commencing Project-related activities. These surveys, the parameters of which were designed to optimize detectability, must be conducted to reasonably assure the Department that "take" of this species will not occur as a result of disturbance associated with Project Implementation. Additional pre-construction surveys for active nests should be conducted by a qualified biologist no more than 10 days prior to the start of construction and during the appropriate timing to maximize detectability. Should an active nest be found, a minimum no-disturbance buffer of one mile should be observed until the nesting season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If the Department cannot determine that "take" can be avoided, acquisition of an ITP may be warranted prior to Project Implementation.

CADFG-7

The Project would result in the loss of 28 acres of potential SWHA foraging habitat. The Department's Staff Report Regarding Mitigation for Impacts to Swainson's Hawk (COFG.1994) recommends projects within 1 mile of an active nest tree should provide a minimum of one acre of habitat management land for each acre of development authorized. Funding of a sufficient long-term endowment for the management of the protected property should be paid by the Project proponent. In addition to fee title acquisition of suitable SWHA and white-tailed foraging habitat, mitigation could occur by the placement of conservation or suitable agricultural easements over land already owned by the Project proponent. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal

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gram crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat. Additionally, nest trees are an extremely limited resource in the southern San Joaquin Valley; the Department recommends that lands protected as foraging habitat for SWHA be no more than 10 miles from a SWHA nest in order to be beneficial to the species. Mitigation measures for SWHA should be fully addressed in the ISIMNO.

CADFG-8


Fully Protected Bird Species: Although white-tailed kite is not listed under CESA it is a Fully Protected Species. As with Swainson's hawk, absent an rRP, the buffer for fully protected bird species such as golden eagle, bald eagle, and white-tailed kite should also be at least 1/2 mile. If the nest of a white-tailed kite should be discovered, all work should be postponed until after consultation with the Department and development and implementation of complete avoidance measures, or until a qualified biologist has determined that the young have fledged and are no longer dependent upon parental care. Scheduling work outside the nesting season would also be an acceptable avoidance measure.

CADFG-9

Bird Species: The large mature eucalyptus trees on the adjoining property likely provide nesting and roosting habitat for songbirds and raptors. Ground disturbing activities should occur during the nonbreeding season (mid-September through January). If construction activities must occur during the breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum disturbance buffer of 250 feet should be delineated around active nests of migratory birds and 500 feet around active nests of non-migratory raptors, until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.

CADFG-10

We appreciate the opportunity to provide guidance on this Project. If you have any questions on these issues, please contact Steven Hulbert, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 289.

Sincerely, 
Jeffrey R. Sangle, Ph.D.
Regional Manager

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November 14, 2012
Page 5

Literature Cited

USFWS. 2011. Standard Recommendations for the Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service. January 2011.

COFG. 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. California Department of Fish and Game.

SWHA TAC. 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee. May 31, 2000.

State Agencies

California Department of Fish and Game (CADFG)

Response to CADFG-1

The agency provided a description of the proposed project. No response necessary.

Response to CADFG-2

The agency indicated that the on-site alfalfa planting and adjoining mature trees suitable foraging and nesting habitat for the State threatened Swainson's hawk (*Buteo swainsoni*) and the fully protected white-tailed kite (*Elanus leucurus*). The agency recommends that measures to avoid, minimize, and mitigate project-related impact to both of these species be included as enforceable mitigation measures for the project.

The Final MND has been revised to reflect the agency's recommendation. Refer to Response CADFG-7.

Response to CADFG-3

The agency provided standard language about its statutory responsibilities. No response is necessary.

Response to CADFG-4

The agency provided standard language about the lead agency's responsibilities. No response is necessary.

Response to CADFG-5

The agency provided standard language about its jurisdiction over bird protection and that appropriate avoidance and minimization measures for raptors and other nesting birds in the project area should be included in the CEQA document prepared for this project.

The Final MND has been revised to reflect the agency's recommendation.

Response to CADFG-6

The agency provided standard language about its jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish including the White-tailed kite.

The Final MND has been revised to reflect the agency's recommendation.

Response to CADFG-7

The agency indicated that the on-site alfalfa planting and adjoining mature trees suitable foraging and nesting habitat for the State threatened Swainson's hawk (*Buteo swainsoni*) and the fully protected white-tailed kite (*Elanus leucurus*). The agency recommends that measures to avoid, minimize, and mitigate project-related impact to both of these species be included as enforceable mitigation measures for the project.

The City of Kerman will add Mitigation Measure BIO-2 to the Final MND. Mitigation Measure BIO-2 stipulates that if ground-disturbing activities are to occur at the site during the nesting season (February 1 through September 15), the project applicant will be required to retain a qualified biologist to conduct surveys for nesting Swainson's hawk, including the White-tailed kite, following the survey method developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to commencing project-related activities. Surveys shall be conducted no more than 10 days prior to the start of construction and during the appropriate timing to maximize detectability. If an active nest is located, a minimum buffer of ½ mile shall be delineated and maintained around the nest until a qualified biologist has determined that fledging has occurred.

The Final MND has been revised to reflect the agency's recommendation.

Response to CADFG-8

The Agency indicated that the project would result in the loss of 28 acres of potential SWHA foraging habitat and that the Agency's recommendation regarding mitigation of impacts to Swainson's hawk (CDFG, 1994) recommends projects within 1 mile of an active nest tree should provide a minimum of one acre of habitat management land for each acre of development.

The City of Kerman will add Mitigation Measure BIO-2 to the Final MND. Refer to Response CADFG-7.

Response to CADFG-9

The agency indicated that the White-tailed kite is a Fully Protected Species and that appropriate mitigation measures should be addressed in the Final MND.

The City of Kerman will add Mitigation Measure BIO-2 to the Final MND, which includes the White-tailed kite. Refer to Response CADFG-7.

Response to CADFG-10

The agency indicated that the large eucalyptus tree on the adjoining property likely provide nesting and roosting habitat for bird species such as songbirds and raptors. The agency recommends that ground disturbing activities should occur during the non-breeding season (mid-September through January). If construction activities occur during the breeding season (February through mid-September), the agency recommends that surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction.

The City of Kerman will add Mitigation Measure BIO-3 to the Final MND. Mitigation Measure BIO-3 stipulates that if ground-disturbing activities are to occur at the site during the nesting season (February 1 through September 15), the project applicant will be required to retain a qualified biologist to conduct surveys for nesting shall be conducted by a qualified biologist no more than 30 days prior to the start of construction. If an active nest is located, a minimum buffer of 250 feet should be delineated around active nests of migratory birds and 500 feet around active nests of non-listed raptors, until breeding season has ended or until a qualified biologist has determined that fledging has occurred.

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December 7, 2012

Mr. Luis Patlan, Project Planner

City of Kennan

850 S. Madera Avenue

Kennan, CA 93630

STATE OF CALIFORNIA

Re: SCH2012121002; CEQA Notice of Completion: proposed MITIGATED NEGATIVE
DECLARATION for the "Mid-V. al Y Recvcllna and T, ...nsfer Stltlon EdDtnslon
Proltc:t:" located in the City of Kennan: Fresno County, California

Dear Mr. Patlan:

The California Native American Heritage Commission (NAHC) is the state of
California 'trustee agency' for the preservation and protection of Native American
cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third
Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3d 604).

This letter includes state and federal statutes relating to Native American
historic properties or resources of religious and cultural significance to American Indian tribes
and intended Native American individuals as 'consulting parties' under both state and federal
law. State law also addresses the freedom of Native American Religious Expression in Public
Resources Code §5097.9. This project is also subject to California Government Code Section
65352.3 *et seq.*

The California Environmental Quality Act (CEQA — CA Public Resources Code
21000-21100, amendments effective 3/18/2010) requires that any project that causes a
substantial adverse change in the significance of an historical resource, that includes
archaeological resources, is a 'significant effect' requiring the preparation of an Environmental
Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment
as 'a substantial, or potentially substantial, adverse change in any of physical conditions within
an area affected by the proposed project, including... objects of historic or aesthetic
significance. • In order to comply with this provision, the lead agency is required to determine
whether the project will have an adverse impact on these resources within the 'area of potential
effect' (APE), and if so, to mitigate that effect. The NAHC advises the Lead Agency to request a
Sacred Lands File search of the NAHC if one has not been done for the 'area of potential effect'
or APE previously.

The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and
the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96.
Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public
Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid
unanticipated discoveries of cultural resources or burial sites once a project is underway.

NAHC-1

Cultural affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code § 65040.12(e). Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends avoidance as defined by CEQA Guidelines § 15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of COYenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of public environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all lead agencies to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

NAHC-2

Confidentiality of 'historic properties of religious and cultural significance' should also be considered as protected by California Government Code § 6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a declaration on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code § 27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

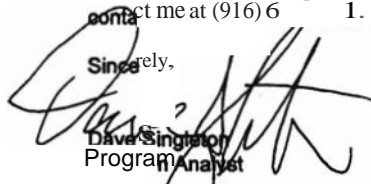
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Anal, when Native American cultural sites and/or Native American burial sites are present within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

NAHC-3

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 611-1111.

Sincerely,


Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment Native American Contact List

Native American Contacts
Fresno County December
7, 2012

NAHC4 of 5

J Sandy Rancheria of Mono Indians
Elizabeth Hutchins Kipp, Chairperson
P.O. Box 337/37302 Western Mono
Auberry, CA 93602
ck@blgsandyrancheria.com
(559) 855-4003
(559) 855-4129 Fax

/sierra Nevada Native American Coalition
Lawrence Bill, Interim Chairperson
P.O. 125 Mono
Dunlap, CA 93621 Foothill Yokuts
(559) 338-2354 Cholnumni

J Cold Springs Rancheria of Mono Indians
Robert Marquez, Chairperson
P.O. Box 209 Mono
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J Able Mountain Rancheria
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J Kings River Choinumni Farm Tribe
John Davis, Chairman
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Clovis, CA 93612 Choinumni
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NAHC-4

This list is current only as of the date of this document.

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Native American Contacts
Fresno County
December 7, 2012

NAHC 5 of 5

Dunlap Band of Mono Historical Preservation Soc
Mandy Marine, Board Chairperson
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Chowchilla Tribe of Yokuts
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Fresno • CA 93720
559-434-3160

Yosemite Wintun-Wah Tribal Government
Eric Smith, Cultural Resource Manager
2216 East Hammond Street Oumna/Foothill
Fresno • CA 93602 Mono
nuem2007@yahoo.com
559-519-1742- office

NAHC: S

Yosemite River Choinumni Fann Tribe
Stan Alec
2248 Vartikian Foothill Yokuts
Clovis • CA 93811 Choinumni
559-297-1787
559-647-3227 - cell

Yosemite Wintun-Wah Tribal Government
John Ledger, Assistant Cultural Resource Manager
2216 East Hammond Street Oumna/Foothill
Fresno • CA 93602 Mono
ledger17bomle@yahoo.com
559-519-1742 - office

The Choinumni Tribe of Yokuts
Rosemary Smith, Chairperson
1505 Barstow Choinumni
Clovis • CA 96311 Foothill Yokut
monoclovla@yahoo.com

This list is current only as of the date of this document.

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SCHIJ2012121002; CEQA NoCiot rrrr prqiCieed O.ChiiiiikM for the Velllr Recycling end T,
s.lon Protect; loc-.clIn the City till<effitW' ; F - County, Celltomla.

State Agencies

Native American Heritage Commission (NAHC)

Response to NAHC-1

The agency provided a standard language about its statutory responsibilities. No response necessary.

Response to NAHC-2

The agency provided standard language about consultation with local tribes identified on the list of Native American Contacts provided as an attachment to the agency's comment letter (refer to Response to NAHC-4 and 5) and that provisions for the inadvertent discovery of human remains be followed.

The City of Kerman sent a letter to the Native American Heritage Commission (NAHC) and to the California Historical Resources Information System (CHRIS) requesting a search of the Sacred Lands File and Cultural Resources Records Search on September 8, 2008 in connection with City of Kerman Wastewater Treatment Plan Expansion Project. The proposed project is immediately east of the Kerman's Wastewater Treatment Plant and, thus, within the area of potential effect. The response from the NAHC and CHRIS dated September 12, 2008 and August 8, 2008, respectively, confirmed that no Native American cultural, archeological or historical resources were recorded within the project site and within a ½-mile radius. However, as stipulated in Mitigation Measure CUL-2, if human remains are encountered during construction activities, the NAHC will be contacted to determine the "most likely descendent."

The City of Kerman sent a letter to the 15 tribal contacts provided by the NAHC requesting information regarding the presence of any known resources within the project site or within 0.25 mile radius. A total of three responses were received from the following representatives: Ron Goode, Chairperson, North Fork Mono Tribe; Robert Ledger, Tribal Chairperson, Dumna Wo-Wah Tribal Government; and Bob Pennell, Cultural Resource Director, Table Mountain Rancheria.

Although written comments provided by the North Fork Mono Tribe and the Table Mountain Rancheria did not indicate that any Native American cultural sources were recorded within the proposed project site, the Dumna Wo-Wah Tribal Government representative did request that a Native American monitor be involved onsite during construction activities.

Mitigation Measure CUL-3 is added to the Final MND requiring that requires the project proponent to consult further with the Dumna Wo-Wah Tribal Government regarding the placement of a Native American monitor onsite during construction activities.

Response to NAHC-3

The Final MND includes three mitigation measures to address the potential for inadvertent discovery of Native American artifacts or burial sites. Refer to Mitigation Measures CUL-1, CUL-2, and CUL-3.

Response to NAHC-4

The agency provided a list of tribal contacts for Fresno County. No response is necessary.



Protection

Edmund G. Brown Jr., Governor

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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01/27/13
1/2/13

R CEIVED

DEC 27 11112

December 27, 2012

Luis Patlan
Planning and Development Services Department
City of Kerman
850 South Madera Avenue
Kerman, CA 93630

STATE CLEARING HOUSE

Subject: SCH No 2012121002 • Initial Study/Mitigated Negative Declaration (ISIMND)
for the Mid-Valley Disposal, Inc. Recycling and Transfer Station Expansion Project in
the City of Kerman. SWIS No. 10-AA-0201, Fresno County

Dear Mr. Patlan:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

CalRecycle staff has reviewed the environmental document cited above and offer the following project description for CalRecycle's staffs reference, analysis, and recommendations for the proposed project based on CalRecycle staffs understanding of the project. If CalRecycle's project description varies substantially from the project as understood by the Lead Agency, CalRecycle staff requests notification of any significant differences before adoption of this Mitigated Negative Declaration and approval of the project. Substantial differences in the project description could qualify as "significant new information" about the project that would require recirculation of the document before adoption pursuant to CEQA Section 15073.5 or possibly the preparation of a new environmental document.

CADRE-1

Project Description

The City of Kerman, Planning and Development Services Department, acting as Lead Agency, has prepared and circulated a Mitigated Negative Declaration in order to comply with the CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The proposed project is located at 15300 West Jackson Avenue, Kerman in Fresno County. The proposal would allow the expansion of an existing recycling and transfer station operations, onto 28 acres bordering the existing transfer station (TS). The projected expansion area is currently used for cultivating alfalfa. The project is will be built in three phases, which will increase the permitted tonnage of waste per day, the construction of additional buildings and parking areas,

CADRE-2

ORIGINAL PRINTED ON 100% POSTCONSUMER WASTE, PROCESS CHLORINE FREE PAPER

additional composting capacity for green waste and food waste feedstocks, and expanding the CODSinction and demolition debris processing area, aDd a two phase buildout of an anaerobic digestion &cility and a natural gas production facility. All of these features are to be constructed wilhin the expanded property of the existiDg transfer station.

Phase I will:

- Inctease the permitted toonage of waste per day (TPD) from 500 to 1,500 TPD;
- IDcreue the e from 10 to 38 acres;
- Add a receiving buildiDg to the TS;
- Install a cov(GORE) composting system on site using organics inclwfiDg food waste for feedstocks;
- Expand the construction and demolition (C&D) debris and organics processing areas;
- Expand onsite storage areas;
- Add a second office, fuel island and truck wash station;
- Adda separate self-haul tipping area.

CADRE-2

Plwe2will:

- Install anaerobic digesters including biofilters and compzessed natural gas (CNG) production;
- Expand the existing MRF aDd TS building;
- Add digestate from the digesters as a feedstock to the composting operation.

Phase 3 will:

- ExpaDd the anaerobic digesters and biofilters.

The Fresno County Department of Community Health [as the Local Enforcement AgerJCY (LEA) for Fresno County]and CalR.ecycle are responsible for proViding regulatory oversight of solid waste handling activities such as transfer aDd proussing, compost including anaerobic digestion (AD) facilities. The penniUing and regulatory requirc:ems for compost are COJJtained in Trtle 14 and Title 27 ofthe California Code of Regulations (14 or 27 CCR). CalR.ecycle staff mcourages the lead agency to utilize the Program EIR, Statewide A.aerobic Digester Facilities for the Treatment of Municipal Organic Solid Waste, dated June 2011, certified by Cai.Recycle as a resource to assist lead agencies in CaliforniL The Final ProEIR as well as other guidance documents can be viewed on CalR.ecycle's webpage at: <http://www.calrecycle.ca.gov/SWfacilities/Compostables/All!!fJ'2hjcDigls!efllllt.htm>.

CADRE..J

Department Staff's Comaaeats

Feed,;tock

Please provide a more detailed description of the feedstocks as well as their sources that will be coroposted and or anaerobically digested onsite. Does the food waste consist of pre-collSUDlel' waste, post-consumer waste from restaurants, groceries, aDdlorresidarts? Waste materials taken out of the waste stream at diffc:rent stages, or from diffetent sources, can have more contaminants (no gestible fraction) than at other stages or sources. How are the waste materials handled before entering the dry fenneotation phase of the process? Will the waste require grinding or be mechanically shredded? Is theze further on-site handling of segregated makrials or bow will contaminatts be removed?

CAORE

As the AD facility is brought on line, will the smaller particle size necessary for the AD system require additional processing of waste materials?

Will the planned AD facility be mesophilic or thermophilic (reach temperature higher than 122 degrees Fahrenheit)? If the AD will be operated at 122 degrees Fahrenheit then the compostable material handling operating requirements will be applied to e activity.

CADRE-4

It is indicated in phase 2 that digestate will be used as compost feedstock. Will all the digestate be composted onsite and undergo pathogen reduction and testing? Will some of the digestate be directed to other uses offsite? Digestate that has not been composted will need to continue to be considered solid waste and handled in a manner consistent with solid waste handling requirements.

.Qd.Q.[

The document does not include a full suite of specific odor mitigation measures, deferring to the development of an odor mitigation impact plan. The document should include specific mitigation measures that will be put in place to minimize odor impacts. The referenced "GORE" system may be effective but must be managed properly. What training will site personnel be provided to ensure that they can manage the system properly? The handling of material before it enters and leaves the AD system can cause odors. CalRecycle developed a list of potential mitigation measures in our program environmental impact report (PEIR) for anaerobic digestion facilities. The odor mitigation portion of the document is attached. What is the specific sizing of the biofilter? Has there been a demonstration that the chosen size and type of biofilter will be adequate? What controls will be in place to address odors during maintenance or replacement of the biofilter matrix? What contingencies will be in place to address odors if the control system fails?

CAORE-5

Ymm1

Source separated food waste often attracts vectors including rodents and birds. What are the operational considerations to eliminate the attraction of vectors to the food waste?

CADRE 0

The project description states that amount of incoming waste will increase from the current permitted limit of 500 to 1,500 tons/day. Will all of the waste be directed through the transfer processing building or will some of the material go directly to the compost area and/or the AD area?

CADRE-7

The Local Enforcement Agency of this proposed project is the County of Fresno, Department of Community Health. Please contact the Local Enforcement Agency to discuss permit requirements for the project and the transfer processing facility.

CADRE-8

Condaliou

CalRecycle staff thank the Lead Agency for the opportunity to review and comment on this environmental document and hopes that this comment letter will be useful to the Lead Agency in carrying out lead agency responsibilities the CEQA process.

CADRE-9

While responses to comments are not required by statute or regulation, by responding, it will increase CalRecycle staff's understanding of your project and facilitate the review of future permits submitted for concurrence by CalRecycle.

CalRecycle staff requests copies of any subsequent environmental documents including the Report of Facility Information, copies of public notices and any Notices of Determination for this project. Refer to 14CCR, Section 15075(d) that states:

If the project requires a discretionary approval from any state agency, the local lead agency shall also, within 5 working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse].

If the document is adopted during a public hearing, CalRecycle staff requests ten days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests ten days advance notification of the date of the adoption and project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6344 or by e-mail at Bill.Wohlwein@calrecycle.ca.gov.

stJ t/e--

 Bill Wohlwein, Waste Management Specialist
Permitting & Assistance Branch
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Glenn Allen, Fresno County LEA
Dave Otsubo, CalRecycle
Ken Decio, CalRecycle

CAORE-9

State Agencies

California Department of Resources Recycling and Recovery (CADRE)

Response to CADRE-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to CADRE-2

The agency provided a general description of the project from which it based its written comments. No response is necessary.

Response to CADRE-3

The agency provided standard language regarding regulatory oversight of solid waste handling facilities. No response is necessary.

Response to CADRE-4

The agency requested more information regarding Feedstock. The requested information is listed in numerical order with responses provided in *italics*.

Feedstock

1. Please provide a more detailed description of the feedstocks as well as their sources that will be composted and or anaerobically digested onsite. *Answer: Organic feedstock will be comprised of the following:*
 - *Curbside collected green waste; and curbside collected green waste mixed with food waste*
 - *Source-separated green waste delivered by gardeners, landscapers and the public*
 - *Source-separated food waste from restaurants, super markets, and other commercial and industrial sources*
 - *Organic residuals from MRF processing*
2. Does the food waste consist of pre-consumer waste, post-consumer waste from restaurants, groceries, and/or residents? *Answer: All of the above are possible. Refer to answer no. 1 above.*
3. How are waste materials handled before entering the dry fermentation phase of the process? *Answer: Food waste and green waste to be used as feedstock for the digesters will be tipped inside the building, mixed as needed with a front loader and loaded into an aerated tunnel for staging. Bulky materials not wanted for digestion will be removed on the tipping floor.*

4. Will waste require grinding or be mechanically shredded? *Answer: Not for the digesters. Grinding will be used to prepare mulches, woodchips for biofuels, and feedstock for composting.*
5. Is there further on-site handling of segregated materials or how will contaminants be removed? *Answer: The dry fermentation process is very robust and forgiving which allows for minimal up front separation of small contaminants. Large contaminants, such as carpeting, bulk metals, lumber will be removed on the tipping floor prior to loading into the digesters.*
6. As the anaerobic facility is brought on line, will the smaller particle size necessary for the anaerobic system require additional processing of waste materials? *Answer: The dry fermentation technology does not require small parcel size. No grinding is necessary. The feedstock is loaded into the digester "tunnel" as is. It breaks down during the digestion process.*
7. Will the planned anaerobic facility be mesophilic or thermophilic (reach temperatures higher than 122 degrees Fahrenheit)? *Answer: The anaerobic facility can either be mesophilic or thermophilic depending on the chosen vendor. Some systems are capable of operating in either temperature range. Regardless of the chosen vendor, all digestate from the system will be composted in the covered GORE systems immediately following anaerobic digestion.*
8. It is indicated in phase 2 that the digestate will be used as compost feedstock. Will all the digestate be composted onsite and undergo pathogen reduction and testing? *Answer: Yes.*
9. Will some of the digestate be directed to other uses offsite? *Answer: No. It will be all composted onsite prior to marketing.*

Response to CADRE-5

The agency requested more information regarding Odor. The requested information is listed in numerical order with responses provided in italics.

Odor

The agency requested more information regarding odor mitigation measures. The requested information is listed in numerical order with responses provided in *italics*.

10. CADRE requested listing of specific mitigation measures that will be put in place to minimize odor impacts. *Answer: The Final MND added Mitigation Measure AIR-3 and AIR-4 to the list of specific mitigation measures that were provided by CADRE in its program environmental impact report (EIR) for minimizing odors from anaerobic digestion facilities.*
11. The referenced "GORE" system may be effective but must be managed properly. What training will site personnel be provided to ensure that they can manage the system properly? *Answer: The MVD consulting team and company managers are touring two*

GORE facilities in Washington State in late January to gain firsthand experience on operations. MVD has been working closely with GORES for several months and operators will be personally trained by GORE representatives.

12. What is the specific sizing of the biofilter? *Answer: No biofilter will be needed for the GORE composting operation. The biofilter for the anaerobic facility will be part of a complete system supplied by the chosen anaerobic digester vendor. The specific size of the biofilter will be determined by the vendor to match the size and number of digesters to be installed. Detailed engineering design and construction plans for the anaerobic facility will be completed during phase 2 of the proposed project.*
13. Has there been a demonstration that the chose size and type of biofilter will be adequate? *Answer: See answer #12.*
14. What controls will be in place to address odors during maintenance or replacement of the biofilter matrix? *Answer: The project developer will be looking at the anaerobic digester vendor for guidance and training in biofilter maintenance and media replacement, including odor control during the process. The biofilter is not used continuously, only during startup (6-8 hours) and shut down (1 hour). Accordingly, biofilter media replacements can be scheduled in between individual digester unloading/loading sequencing with no risk of fugitive odors.*
15. What contingencies will be in place to address odor if the control system fails? *Answer: In the event of a full power failure, the digester will remain air tight. This will prevent odors from escaping the system until proper function can be restored. Additionally, the digester doors will be located inside the MRF building in order to minimize odor. Material may also be moved directly to the covered composting system if the control system cannot be restored to property working order in a timely manner. Food waste could also be re-directed to the American Avenue landfill in the event of a prolonged system failure.*

Response to CADRE-6

The agency requested more information regarding Vectors. The requested information is listed in numerical order with responses provided in *italics*.

Vectors

16. Source separate food waste often attracts vectors including rodents and birds. What are the operational considerations to eliminate the attraction of vectors to the food waste? *Answer: Food waste will be processed as soon as it is received. In phase 1, this material will be mixed with green waste, ground and placed in the GORE composting system, under cover, on a daily basis. In phase 2 and 3, some of this material will be tipped in the building and fed into the digesters as described in answer #3 above.*

Response to CADRE-7

The agency requested more information regarding Tonnage. The requested information is listed in numerical order with responses provided in *italics*.

Tonnage

17. The project description states that amount of incoming waste will increase from the current permitted limit of 500 to 1,500 tons/day. Will all the waste be directed through the transfer processing building or will some of the material go directly to the compost area and/or the anaerobic digester area? *Answer: In phase 1, incoming green waste and food waste will go directly to the compost area for mixing, grinding and introduction into the GORE compost system. In phase 2 and 3, this material will go either to the composting area or into the building for mixing and loading into the digesters.*

Response to CADRE-8

The agency noted that the County of Fresno, Department of Community Health is the Local Enforcement Agency. No response is necessary.

Response to CADRE-8

The agency provided closing remarks to its written comments. No response is necessary.

Response to CADRE-9

The agency requested responses to its comments and copies of any subsequent environmental documents for the project. The agency also wanted advance notice of any public hearing of the date of the adoption and project approval by the lead agency.

On January 25, 2013, the City provided a response to CADRE. On February 8, the City submitted a copy of the Final Mitigated Negative Declaration to CADRE along with a notice of the public hearing ten days in advance of the scheduled public hearing before the City Council of February 20, 2013.

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Edmund G. Brown Jr.
GOVERNOR

January 3, 2013

Luis Patlan
City of Kerman
850 S. Madera Avenue
Kerman, CA 93630

Subject: Mid Valley Recycling and Transfer Station Facility Expansion
SCHN: 2012121002

Dear Luis Patlan:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 2, 2013, and the comments from the responding agency(ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

CALCPU-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

?

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 TOWNHILL STREET P.O. BOX 500 SACRAMENTO, CALIFORNIA 95832-5000
T&L (916) 445-0613 FAX (916) 445-0618 www.sopr.ca.gov

Document Details Report State Clearinghouse Data Base

SCH# 2012121002
Title Mid Valley Recycling and Transfer Station Facility Expansion
LNCI Agency Kerman, City of

Type MND Mitigated Negative Declaration
Description Mid Valley Disposal, Inc. has applied for Annexation No. 12-1, Prezone No. 12.1, and Conditional Use Permit No. 12.2 to expand its current operations, increase daily tonnage from 500 tons to 1,500 tons, adding composting, anaerobic digestion, and material recovery operations on a 30 acre site in multiple phases.

Lead Agency Contact

Name Luis Patlan
Agency City of Kerman
Phone (559) 846-9389 **Fax**
Address 850 S. Madera Avenue
City Kerman **State** CA **Zip** 93630

Project Location

County Fresno
City Kerman
Section Jon
Let/Long Jon
Cross Street Jensen and Madera Avenue (SR 145)
Parcel No. 023-080-15s & 023-080-16s
Township **Section** **Base**

CALCPU-2

Proximity to:

Highway Hwy 145
Airport No
Railroad SJV Rail Road
Water No
Schools
Land Use Agriculture/Fresno County AE 20 Industrial

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeological-Historic/Biological Resources; Flood Plain/Flooding; Geological/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Toxic/Hazardous; Water Quality; Water Supply; Wetland/Riparian; Land Use; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; Resources Recycling and Recovery; California Highway Patrol; Caltrans, District 6; Resources Board, Major Industrial Projects; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control; Native American Heritage Commission

Date Received 12/03/2012 **Start of Review** 12/03/2012 **End of Review** 01/02/2013

State Agencies

State Clearinghouse and Planning Unit (CALCPU)

Response to CALCPU-1

The agency provided standard language regarding its statutory responsibilities. No response is necessary.

Response to CALCPU-2

The agency provided a list of state agencies that received a copy of the Draft MND for review. No response is necessary.

Luis Patlan

From: Michael Navano [michael_navano@dot.ca.gov]

Sent: Thursday, December 13, 2012 11:03 AM

To: Luis Patlan

Subject: RE: Mid Valley Disposal

With that being said, I have no comments. The improvements planned for SR 145/Jensen would easily accommodate the additional traffic. Thank you.

Luis Patlan <LPatlan@cityofkerman.org>

CALTRANS-1

Luis Patlan
<LPatlan@cityofkerman.org>

To

OC

Michael Navano <michael_navano@dot.ca.gov>

12/13/2012 10:56 AM

RE: Mid Valley Disposal

Mike,

That is correct. Our preference would be for most of the traffic from the project to use Jensen Avenue off of Madera Avenue (SR 145) rather than Jensen/Church intersection. Jensen/Madera is planned to have a controlled intersection, which would improve flow and safety. Thanks.

Luis Patlan
 City Manager
 City of Kerman
 850 S. Madera Avenue
 Kerman, CA 93630
 Office (559) 846-9450
 Direct (559) 846-9387
 Cell (559) 647-2053
 Fax (559) 846-1999
lpatlan@cityofkerman.org

From: Michael Navano <michael_navano@dot.ca.gov>

Sent: Thursday, December 13, 2012 10:53 AM

To: Luis Patlan

Subject: Mid Valley Disposal

Good morning Luis,

Last time we met we briefly discussed this project. I seem to recall that you indicated that this project would be required to use Jensen because you wanted to keep them off Church as to not impact the SR 145/Church intersection and since we have improvements planned for SR 145/Jensen. Do I recall correctly?

1/4/2013

State Agencies

California Department of Transportation (CALTRANS)

Response to CALTRANS-1

The agency indicated that it would prefer that truck traffic access the facility from Jensen Avenue.

Although trucks and self-haul vehicles will access the facility off Jensen Avenue and Church Avenue, the primary access to the site area is via State Hwy 45 and Jensen Avenue. This intersection is planned to be controlled with a roundabout, which would improve flow and safety.

CADC

Olivia Pimentel

From: Borack, Alexandra ODOC [Alexandra.Borack@conservation.ca.gov]
Sent: Friday, January 04, 2013 4:40 PM
To: Olivia Pimentel
Subject: RE: Mid Valley Recycling and Transfer Station Facility Expansion (Mitigated Negative Declaration)
Ms. Pimentel

CADC-1

Thank you for following up with me. After reviewing the PEIR for the City's General Plan Update in 2007 with its accompanying Statement of Overriding Considerations, the Department has "no comment" for this project.

Thank you again for providing that additional information,

Alexandra Borack

legislative Analyst
Office of Governmental & Environmental Relations
Department of Conservation
Phone: 915-8735

CONFIDENTIALITY NOTICE This communication is **intended** only for the use of the individual or entity to which it is addressed. This message contains information which may be privileged, confidential and exempt from disclosure under applicable law, including the Electronic Communications Privacy Act. If the reader of this communication is not the intended recipient you are hereby notified that any dissemination, distribution, or copying of this communication may be prohibited.

From: Olivia Pimentel [mailto:OPimentel@cityofkerman.org]
Sent: Friday, January 04, 2013 4:34 PM
To: Borack, Alexandra OOC
Subject: RE: Mid Valley Recycling and Transfer Station Facility Expansion (Mitigated Negative Declaration)
Importance: High

Good Afternoon Ms Borack, I do not show any record of receiving comments from your office yet. I know you had requested additional time to review. Please send me any comments if available. The comment period was extended until January 3, 2013. We are scheduling a public hearing for this project on January 28, 2013 before the Planning Commission. Thank you

Olivia Pimentel
City of Kerman
Planning Technician
Planning & Development Services
(559) 846-9386 ext 101
(559) 846-9348 fax

See response not as an obstacle; but rather an opportunity

Soam
Not spam
Forget previous vote

In/2013

State Agencies

California Department of Conservation (CADC)

Response to CADC-1

The agency indicated that it had no comment. No response is necessary.



CVROCB 1 of 3



Central Valley Regional Water Quality Control Board

TO: DANE S. JOHNSON ^{>4)}
Senior Engineering Geologist
./.- Hfl-/['

FROM: V. SCOTIMOORE
Engineering Geologist
P.G. 6176

DATE: 15 January 2013

SUBJECT: REVIEW OF MITIGATED NEGATIVE DECLARATION FOR PROPOSED
EXPANSION OF MID VALLEY DISPOSAL, INC., RECYCLING AND
TRANSFER STATION, FRESNO COUNTY, SCH # 2012121002

Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff (Staff) received a mitigated negative declaration (mitigated Neg Dec) for the Mid Valley Disposal, Inc., (applicant) site on 4 December 2012. The lead agency is the City of Kerman. The applicant has applied for a new Conditional Use Permit, No. 12-2, to expand its current operations, increasing daily tonnage from 500 tons per day (tpd) to 1,500 tpd, adding composting, anaerobic digestion, and material operations on a 30-acre site in multiple phases. I reviewed the mitigated Neg Dec and my comments are presented below.

CVROCB-1

Applicant's Project Proposal

The applicant currently operates an existing recycling and transfer station on approximately 10 acres located on Jensen Avenue about one-quarter mile west of Madera Avenue and just east of the City of Kerman's waste water treatment plant. The existing recycling and transfer station currently receives, processes, recycles, and converts a wide variety of materials, many of which are diverted from Municipal Solid Waste Landfills. Up to 500 tpd of materials are currently permitted to be received at the existing recycling and transfer station.

The applicant proposes to expand its existing recycling and transfer station operations in three phases on an additional 30 acres immediately east and north of the existing recycling and transfer station. The phase I expansion will include:

cvRcos-2

- Increase the amount of materials received from 500 tpd to 1,500 tpd;
- Increase the site acreage from approximately 10 acres to 40 acres;
- Expand the existing material recovery facility (MRF) and transfer station;
- Construct a new office/maintenance building;
- Open a construction and demolition and green waste materials processing area;
- Open a compost post-processing and load-out area;
- Open a concrete and asphalt crushing area;
- Open an area for open storage of recovered materials in bales;
- Construct finished project storage bunkers; and

KARL E. LONGLEY SCD, P.E. CHAIR | PAMELA C. GREGGON P.E. BCEE, EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | www.waterboards.ca.gov/centralvalley

Construct a self-haul tipping area.

The phase II expansion will include:

Installation of eight-bay, fully enclosed anaerobic digesters;
Expand the existing material recovery facility (MRF) and transfer station from phase I;
Expand the existing material recovery facility (MRF) and transfer station from phase I to include a 'dirty' MRF (mixed MSW and food waste); and
Install a compressed natural gas (CNG) fuel dispenser.

CVROCB-2

The phase III expansion will include

Expand anaerobic digester.

Staff Comments On The Project Proposal

Since the applicant proposes construction on approximately 30 additional acres, it must obtain coverage under the *National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Storm Water Discharges Associated With Construction and Land Disturbing Activities, Water Quality Order No. 2009-0009-DWQ* (Construction General Permit). To obtain coverage, the Discharge must electronically file permit registration documents to the State Water Board's Storm Water Multi-Application and Report Tracking System (SMARTS) website at <https://smarts.waterboards.ca.gov>. The Construction General Permit includes runoff reduction requirements that need to be included in the project design and requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP).

CVROCB-3

Since the on-site storm water percolation/evaporation basin is not lined, the potential exists for storm water runoff that inadvertently contacts wastes (e.g., compost, MSW, etc.) to drain to the storm water percolation/evaporation basin and percolate and possibly degrade groundwater. The applicant states that it plans to revise its current General Industrial Storm Water Permit, WOID# 5F101021076 and develop a new SWPPP and submit them to the State Water Resources Control Board to ensure that storm water runoff does not contain solids or contaminants that would drain to the storm water percolation/evaporation basin. The applicant's plans to revise its current General Industrial Storm Water Permit, WOID# 5F101021076 and develop a new SWPPP and then submit them to the State Water Resources Control, are appropriate.

CVROCB-4

The applicant states that the proposed waste tipping, recycling, and processing will occur within the MRF, "dirty" MRF, and transfer station enclosures, and that the compost piles will be covered. Therefore, precipitation should not contact wastes. However, the applicant does not describe the type(s) of "flooring" (e.g., native soils, compacted native soil, asphalt, concrete, etc.) at the MRF, "dirty" MRF, transfer station, and composting areas. The potential exists, especially in the case of MSW, for leachate to be generated and migrate to groundwater if the "flooring" is native soil. The applicant needs to include a description in the mitigated Neg Dec, of the types of flooring at the MRF, "dirty" MRF, transfer station, and composting area and a demonstration that the "flooring" at the aforementioned areas is adequate to mitigate the potential degradation of groundwater from leachate.

CVRQCB-5

..

Mid Valley Disposal, Inc.

- 2 -

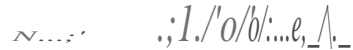
CVRQCB 3 of 3

15 January 2013

The applicant needs to include a description in the mitigated Neg Dec, of the types of flooring at the MRF, "dirty" MRF transfer station and composting area and a demonstration that the "flooring" at the aforementioned areas is adequate to mitigate the potential degradation of groundwater from leachate.

CVRQCB-5

If you have any questions regarding this matter, please call Scott Moore at (559) 314-5476 or by email at vmoore@waterboards.ca.gov.



DANE S. JOHNSON
Senior Engineering Geologist
PG No4239

Enclosure

cc: State Clearinghouse, Sacramento

State Agencies

California Water Boards (CVRWQCB)

Response to CVRWQCB-1

The agency provided general introductory comments to their letter. No response is necessary.

Response to CVRWQCB-2

The agency provided a general description of the proposed project. No response is necessary.

Response to CVRWQCB-3

The agency indicated that because the proposed project proposes construction on approximately 30 acres the applicant must obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CA S000002 for Storm Water Discharges Associated with Construction of Land Disturbing Activities, Water Quality Order No. 2009-0009-DWQ (Construction General Permit).

The development of the proposed project would grading and construction on approximately 28± acres of land. During these activities, there would be the potential for surface water to carry sediment from onsite erosion and small quantities of pollutants into the stormwater system and local waterways. Soil erosion may occur along project boundaries during construction in areas where temporary soil storage is required. Small quantities of pollutants have the potential to enter the storm drainage system, thereby potentially degrading water quality. The Clean Water Act (CWA) requires local jurisdictions to address the problems of pollutants in stormwater runoff from development. To regulate point source pollution, the CWA provides that the EPA may issue National Pollutant Discharge Elimination System (NPDES) permits. California's NPDES permit program is implemented through the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs). In September 2009, the SWRCB adopted a new NPDES General Permit for stormwater discharges associated with construction and land disturbance activities of more than 1 acre. This General Permit requires development of a site-specific Storm Water Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMP) that will prevent construction pollutants from contacting stormwater with the interest of keeping all products of erosion from moving offsite to receiving waters. Mitigation Measure HYD-1 is proposed that would require the project applicant to prepare and implement a SWPPP prior to the issuance of grading or building permits. The SWPPP would identify potential sources of pollutants that are reasonably expected to affect the quality of the stormwater discharges as well as identify and implement BMPs that ensure the reduction of these pollutants during stormwater discharges to the maximum extent possible. The implementation of this measure would ensure that potential, short-term, construction water quality impacts are reduced to a level of less than significant.

Response to CVRWQCB-4

The agency indicated that it agrees with the applicant's plans to revise its current General Industrial Storm Water Permit (WDID #5F10I021076) and develop a new SWPPP and submit them to the State Water Resources Control Board to ensure that water runoff does not contain solids or contaminants that would drain to the storm water percolation/evaporation basin. No response is necessary.

Response to CVRWQCB-5

The agency indicated that the project needs to include a description in the mitigated negative declaration the types of flooring at the MRF, "dirty" MRF, transfer station, and composting area and a demonstration that the flooring at the aforementioned areas is adequate to mitigate the potential degradation of groundwater from leachate.

The floor of the MRF, "dirty" MRF, and transfer station will be concrete, as will the pad under the GORE compost heaps. Inlaid in the concrete under the composting heaps will be leachate collection trenches. The leachate generated is very minor in quantity, roughly 5 gallons per 250 tons of material composted. This leachate is collected and stored in a tank and is used to moisten the feedstock as it is prepared for the composting process. This is a zero discharge leachate system.



Fresno Local Agency Formation Commission

Date: October 22, 2012

To: Olivia G. Pimentel, Planning Technician
City of Kerman
Planning & Development Services
850 S. Madera Avenue
Kerman, California 93630

Subject: Mid Valley Disposal Mitigated Negative Declaration

LAFCo has no comments except that we would like to request that we be added to the list of responsible agencies.

LAFCo-1

We appreciate the opportunity to comment on the mitigated negative declaration for the proposed Mid Valley Disposal Project.

Thank you,

ffw

LAFCo Office, 2607 Fresno Street, Suite 8, Fresno, CA 93721
Phone (559) 601-0604 • Fax (559) 495-0655 • cllemina@co.fresno.ca.us

City of Kerman
Final Mitigated Negative Declaration & Initial Study
MVD, IrK: Recycling & Transfer Station Expansion Project

Local Agencies

Fresno Local Agency Formation Commission (LAFCO)

Response to LAFCO-1

The agency indicated that it had no comment on the project, but requested to be added to the list of responsible agencies. No response is necessary.



SJVAPCD 1 of 3



December 18, 2012

RECEIVED

-- Dora
12/17/12

Olivia Pimentel
City of Kerman
Planning & Development Services
850 S. Madera Avenue
Kerman, CA 93630

Project: MND-Mid Valley Recycling & Transfer Station Facility Expansion
District CEQA Reference No: 20120796

Dear Ms. Pimentel:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of increasing permitted tons per day (TPD) from 500 to 1,500 TPD, adding composting, anaerobic digestion, and material recovery operations on a 30-acre site in multiple phases, located at 15300 W Jensen Avenue, in Kerman, CA. The District offers the following comments:

SJVAPCD 1

1. The District transitioned to the use of the California Emissions Estimator Model (CaiEEMod) when reviewing or preparing air impact assessments in compliance with provisions of District Rule 9510 (Indirect Source Review), California Environmental Quality Act (CEQA), and National Environmental Policy Act (NEPA), within the San Joaquin Valley air basin. CaiEEMod is the newest computer emissions estimating model developed by the California Air Pollution Control Officers Association (CAPCOA). The model calculates criteria pollutant and greenhouse gas (GHG) emissions from a variety of land uses, including residential, commercial, retail, and industrial projects. CaiEEMod also calculates the benefits of implementing mitigation measures, including GHG mitigation measures.

SJVAPCD 2

- The District has announced the transition to CaiEEMod early this year. If your agency has not already signed-up to the District listserv to receive Notices for advisories related to CEQA, the District recommends subscribing to the CEQA listserv at <http://www.valleyair.org/listslist.htm>.

Syed Sadredin
District Director Air Pollution Control Officer

10000 E. Highway 99
4800 E. Highway 99
Modesto, CA 95358-7118
hi. 21915576400 FAX: 209 557 6475

C. J. Lal. Retired
1990 E. Gt. St. Av. N. 100
Fresno, CA 93726-0244
To: 555 230-6000 FAX: 559 230-0611

S. J. Lal. Retired
34846 E. Highway 99
Bakersfield, CA 93308-9725
To: 661 392-5500 FAX: 661 392-5585

www.valleyair.org

www.healthyairliving.com

Printed on recycled paper

- As of July 1, 2012 the District requires the use of CaiEEMod when reviewing or preparing air impact assessments in compliance with CEQA. Therefore, the District cannot make a determination on the impact the project will have on air quality at this time. The District recommends the Air Quality Technical Report (AQTR) be revised using CaiEEMod. The District recognizes that CEQA can involve long lead times, and if Lead Agencies are acting on projects with significant modeling already completed before the July 1st, 2012 deadline, please contact the District at (559) 230-6000 for project-specific discussions.

SJVAPCD-2
- 2. On page 5 of the AQTR Table 2-1 breaks down the anticipated peak daily vehicles by vehicle type. The URBEMIS analysis used default values instead of project specific information that is available at the time. The District recommends the model be updated to include the anticipated vehicle type as shown in Table 2-1 for an accurate project assessment.

SJVAPCD-3
- 3. On page 2 of the AQTR it states "Mid Valley Disposal Recycling and Transfer Station will be critical to the City of Kennan and other jurisdictions of Fresno County as it will provide significant capacity for the regional composting and recycling activities". This indicates material will come from anywhere within Fresno County however, the URBEMIS model used a default trip length of 7.4 miles. The District recommends the AQTR be updated to include an average trip length for the anticipated vehicles indicated in Table 2-1 for an accurate project assessment, or further clarification be provided for the trip length.

SJVAPCD-4
- 4. On page 20 section 3.4.2.1 Toxic Air Contaminants/Hazardous Air Pollutants of the AQTR discusses the health risk of Hazardous Air Pollutants/Toxic Air Contaminants (HAP/TACs) from the stationary sources from the project. The AQTR didn't discuss the health risk of HAP/TACs from mobile sources, mainly the larger trucks needed to haul material in and out of the facility. The most common source of HAP/TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. If the project is located near residential sensitive receptors, the proposed project should be evaluated to determine the health impact of HAP/TACs to the near-by receptors. If the analysis indicates that HAP/TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. More information on TACs, prioritizations and HRAs can be obtained by:

 - E-mailing inquiries to: hramodeler@valleyair.org; or
 - Visiting the District's website at:
http://www.valleyair.org/busind/ptolTox_Resources/AirQualityMonitoring.htm

SJVAPCD-5

5. The District concurs that the project will need to comply with the rules and regulation stated on page 19 of the Mitigated Negative Declaration under the Air Quality section discussion item 3a. To identify any other District rules or regulations that may apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

SJVAPCD-6

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

SJVAPCD-7

If you have any questions or require further information, please call David McDonough, at (559) 230-5920.

Sincerely,

David Warner
Director of Permit Services



Arnaud Maollet
Permit Services Manager

DW: dm
Cc: File

Local Agencies

San Joaquin Valley Air Pollution Control District (SJVAPCD)

Response to SJVAPCD-1

The agency provided general introductory remarks to open written comments. No response is necessary.

Response to SJVAPCD-2

The agency indicated that as of July 1, 2012, they require the use of CalEEMod when reviewing or preparing air impact assessments. The agency recommends that the Air Technical Report be revised use CalEEMod for the project in order for the agency to make a determination on the air quality impacts.

Construction- and operational-phase emission calculations were revised using CalEEMod, as requested by SJVAPCD. In summary, the CalEEMod model predicts slightly higher emissions during both the construction and operational phases of the project than the URBEMIS model used for the AQTR; however, the criteria pollutant emissions during both phases of the project remain below the SJVAPCD CEQA significance thresholds.

Response to SJVAPCD-3

The agency indicated that the URBEMIS analysis in the Air Quality Technical Report (AQTR) for anticipated peak daily vehicles used default values instead of project specific information that was shown on Table 2-1 on page 5 of the AQTR.

The Air Quality Technical Report (AQTR) prepared by Yorke Engineering (Yorke) used default vehicle types for the construction vehicle mix; the actual vehicle types and counts from Table 2-1 of the AQTR were used in the URBEMIS emission calculations for operational emission estimates. A copy of the model output report is provided as Attachment 1 to Yorke's response letter dated January 19, 2013 under separate cover.

Response to SJVAPCD-4

The agency indicated that the URBEMIS model in the Air Quality Technical Report for the proposed project used a default trip length of 7.4 miles rather than using actual miles based on trucks traveling County-wide and/or within the franchise area.

Operational emissions were revised from the default distance of 7.3 miles to 25 miles when the operational emissions were prepared with CalEEMod; 25 miles is one-half the distance from the facility to the county line. The revised operational emissions are shown in Table 1. The emissions reported in the AQTR are presented for comparison purposes. The emissions are also shown in the CalEEMod output report as Attachment 1 to Yorke's response letter dated January 19, 2013.

As shown, the revised operational emissions are less than the SJVAPCD significance threshold for NOx (10 tons per year) and ROG (10 tons per year), thus the conclusion presented in the AQTR that the proposed Project is less than significant for criteria pollutant emissions during operations is unchanged. SJVAPCD has not established numerical significance thresholds for CO, PM10, SO2 or CO2.

Table 1: Operational Source Emissions

Pollutants	2014 Emissions (Tons/Year)	
	URBEMIS (7.4 Mile Collection Radius)	CalEED Model (25 Mile Collection Radius)
ROG	0.67	1.27
NOx	1.09	6.28
CO	6.68	11.21
SO2	0.01	0.02
PM 10	0.56	1.65
CO2	657.05	1,713.46

Response to SJVAPCD-5

The agency indicated that the Toxic Air Contaminants/Hazardous Air Pollutants (HAP/TACs) of the Air Quality Technical Report prepared for the proposed project did not discuss the health risk of HAP/TACs from large trucks hauling material inward and outward from the facility.

Yorke Engineering, Inc. prepared a Health Risk Assessment (HRA) to assess the potential health risk from diesel particulate matter (DPM) emissions from truck traffic at the facility. DPM is considered a carcinogenic compound by the State California; DPM is currently not evaluated for acute or chronic non-cancer impacts. The cancer risk HRA is explained below.

Air Dispersion Model

Air dispersion modeling was performed using USEPA's AERMOD computer model, version 12060. The source of emissions is from diesel vehicles entering and exiting the facility. It was previously estimated that 343 vehicles would enter and exit the site. It was assumed that all 343 vehicles were diesel fueled. Modeling was performed following the SJVAPCD's Guidance for Air Dispersion Modeling. The emissions were modeled as a series of volume sources adjacent to each other along the travel path of the vehicle inside the facility. Each source was modeled to be 6 feet in height and 12 feet in width. The emissions were taken from EMFAC2007 using the default fleet mix for San Joaquin Valley for the year 2013 based on a travel speed of 15 miles per hour. It was assumed that the vehicles would stop at the unloading area and idle for a short amount of time. Diesel trucks must follow the state ATCM and SJVAPCD's guidance which limits idling to 5 minutes.

Modeling was performed for 5 years of meteorological data. The meteorological data is for the city of Sacramento for the years 2004 through 2008. This station was selected as it is the station that is the closest to the Project site with a complete meteorological data that has been compiled for use with the AERMOD model.

Receptors

Based on discussions with the facility and examination of publicly available maps, three offsite worker locations and one residential location were identified and included in the analysis. Because the area is generally rural, developed farmland, with widely scattered businesses and residences, a specific set of receptors was selected for determining health impacts from Project operation, as follows:

- The first offsite worker location is the offices of the water treatment plant located west of the facility. The offices are located at the north end of the water treatment plant facility. Workers typically are not out in the field except for maintenance duties. Since there would be little chance of long term exposure away from the offices, only the office area was analyzed. A 4x4 grid of receptors spaced 25 meters apart was used to represent the office area.
- The second offsite worker location is the business area located immediately north of the facility. Fourteen receptors spaced 25 meters apart were placed along the nearest points of that facility to the Project location.
- The third offsite worker location was found to be the nearest to the project. This location was a business located immediately south of the project. A 3x3 grid of receptors spaced 25 meters apart was used for this location.
- The nearest residential receptor identified is a small home located west of the project along W. Jensen Avenue. A 5x2 grid of receptors spaced 25 meters apart represents this location.

Health Risk Calculations

The air dispersion model estimated the highest ground level concentrations for the receptors used. The point of maximum impact (PMI) was found to be at the fence line of the project. However, as there are no off-site workers or residential receptors located along the fence line, the results for the PMI are not reported. The maximum ground level concentration for each of the off-site worker and residential receptors were then used to calculate the incremental increase in cancer risk at these locations from the proposed project.

Results

Table 1 summarizes the maximum calculated increased cancer risk at the various receptor locations identified. A spreadsheet showing the HRA results and analysis is provided as Attachment 2. The AERMOD modeling files were provided by York electronically under separate cover.

Table: 2 Summary of Health Risk Impacts

Receptor	Description	Cancer Risk (excess cases per million exposed)
Worker #1	Treatment plant office area	0.32
Worker #2	Business north of the project	0.20
Worker #3	Business south of the project	4.91
Residence	Residence to the west of the project	8.43

According to the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), the CEQA significance threshold for projects emitting hazardous air pollutants is the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million. As shown in Table 2, the health risk to exposed receptor locations is in all cases less than 10 per million, thus the proposed Project is expected to have less than significant impact with respect to Public Health.

Response to SJVAPCD-6

The agency indicated it concurs that the project will need to comply with the rules and regulation stated on page 19 of the Mitigated Negative Declaration under the Air Quality section discussion item 3a and identified where additional information may be obtained for any other rules or regulations that may apply to the proposed project. No response is necessary.

Response to SJVAPCD-7

The agency requested that a copy of the agency's comments be provide to the project proponent.

Agency comments were forwarded to project proponent on Monday, January 14, 2013.



DEPARTMENT OF PUBLIC HEALTH
EDWARD L. MORENO, M.D., M.P.H.
DIRECTOR HEALTH OFFICER

RECEIVED

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December 20, 2012

City of Kennan
Attn: Ms. Olivia Pimentel
942 S. Madera Avenue
Kennan, CA 93630

Dear Ms. Pimentel:

Project Name: Notice of Intent to Adopt a Mitigated Negative Declaration for the Mid Valley Recycling and Transfer Station Facility expansion

Project Location: 15300 W. JenMn Avenue, Kerman, APN 023-480-15s & 023-480-16s

The Fresno County Department of Public Health, Environmental Health Division has reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration for the Mid Valley Recycling and Transfer Station Facility Expansion and generally concurs with the information contained therein. However, several items have been identified that may warrant further examination and are offered for your further consideration.

FCOPH-1

- The vehicle count provided within the MND and the Operational Statement are not in agreement with one another.
- It is unclear on whether the Initial Study considered the potential noise impacts upon neighboring residential structures as a result of the processing of construction and demolition materials. Based upon our observations, there are several residences to the east of the proposed processing area within approximately 800-feet. The City may consider further evaluation of the potential impacts to ensure compliance with the Noise Element of General Plan as well as any applicable ordinances.

FCDPH-2

FCOPH-3

- Although covered within the Operational Statement, the Initial Study did not elaborate upon the

FCDPH-4

potential odor nuisance resulting from the composting and/or anaerobic digestion facility.

If I can be of further assistance, please contact me at (559) 271 .

Sincerely,
Digitally signed by Gn Allen
Date: 2012.12.20 17:03:59 -08'00'
R.E.H.S., M.S.
Supervising Environmental Health Specialist
Environmental Health Division

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City of Kennan
Final Mitigated Negative Declaration & Initial Study
MVO, Inc. Recycling & Transfer Station Expansion Project

Local Agencies

Fresno County Department of Public Health (FCDPH)

Response to FCDPH-1

The agency provided general remarks to open its letter. No response is necessary.

Response to FCDPH-2

The agency indicated a discrepancy in the vehicle count provided in the Draft MND and the Transfer/Processing Report (TPR). The vehicle count in the Draft MND total 443 and the vehicle count in the TPR total 437. The vehicle county in the Draft MND was pulled from the Air Quality Technical Report (AQTR) prepared for the proposed project.

The City of Kerman contacted the project proponent on January 17, 2013, requesting clarification on the correct vehicle count. The project proponent responded that the correct vehicle count is 443 as reflected in the AQTR. The project proponent submitted a corrected page 6 showing the correct vehicle count (443) for the TPR.

Response to FCDPH-3

The agency recommended that the noise impact from the proposed project be further evaluated to ensure compliance with the Noise Element of the City of Kerman General Plan.

At full build-out the facility will consist of a material recovery facility (MRF), transfer station, construction and demolition (C&D) debris recycling operation, maintenance shops, truck wash stations, fueling islands, organics chipping and grinding operation, organics composting operation using a GORE Cover (or equivalent), organics/food waste covered composting operation, and future anaerobic digestion.

The proposed project will be located in an industrial zone, primarily in a rural area south of town. This site is surrounded on east by vacant land; on the north by light industrial uses, on the south by agricultural land; and on the west by the City's wastewater treatment and recharge facility. The closest sensitive receptors to the proposed project are two farms to the east about 0.34 miles away (1,795 feet) and to the north about one mile (5,280 feet). The hours of operation for waste receiving will be Monday through Saturday from 6:00 a.m. to 7:00 p.m. Waste processing and waste transfer will be 24 hours per day, seven days per week.

The Noise Element of the General Plan is a planning document providing a policy framework for addressing and minimizing potential noise impacts encountered in the planning processes. The primary goal of the Noise Element is to protect the citizens from the harmful and annoying effects of exposure to excessive noise levels. Of greatest concern is the protection of existing sensitive receptors such as residences, schools, churches, hospitals, etc.

There are two primary ways to accomplish this goal: prevent the introduction of new noise-producing uses in a noise-sensitive area, and prevent encroachment of noise-sensitive land uses upon existing noise-generating facilities. The first objective would be achieved since the proposed project is located within a designated industrial area away from any noise-sensitive receptors consistent with the Land Use Plan. The closest noise-sensitive receptors are two farm houses located approximately 0.35 miles to the east and single-homes located approximately 1 mile to the north. Given these distances, construction and operational noise impacts to the nearby receptors would be negligible.

Response to FCDPH-4

The agency recommended that the Draft MND did not elaborate on the potential odors from the composting and/or anaerobic digestion operations.

The proposed project is a full service organic waste processing operation where green material, wood waste and food waste is received, ground, and either composted on site or sent to biomass power plants and other users. In the future, MVD will be adding anaerobic digesters to convert food waste and organics to CNG. The facility also includes a construction and demolition debris (C&D) recycling operation, a Material Recovery Facility (MRF), and a municipal solid waste (MSW) transfer station with a full Solid Waste Facility Permit (SWFP). C&D is sorted, and shipped off-site to recycling markets. Source separated recyclables and select commercial loads are sorted and recyclables shipped to markets. MSW and non-salvageable residue is trucked to the County landfill.

The proposed project would potentially generate odorous emissions from the composting operations and anaerobic digester.

Page 21, Section 3(e) of the Draft MND identified that the closest sensitive receptors to the proposed project are two farms to the east about 0.34 miles away and to the north about one mile. The Draft MND discussed that the proposed project would potentially generate odorous emission from the composting operations and anaerobic digester. The primary potential sources of odors from the proposed project are organics processing and municipal solid waste transfer. The two key operating procedures to minimize odor are 1) to handle all municipal solid waste inside the building; and 2) to process and remove all organic material into the covered composting system or off site as soon as possible (i.e., within 48 hours).

The Draft MND explained that the proposed project plans to install the Gore™ Cover Composting System which is expected to retain the malodorous volatile organic compounds (VOC) in the compost pile for sufficient time to decompose the compounds and eliminate the majority of the emissions and associated odors.

As described in the Draft MND, anaerobic digestion is the biological decomposition of organic matter in the absence of oxygen. As a result, odorous compounds such as ammonia and H₂S are generated and could be released into the environment. The anaerobic digestion process at the proposed project occurs in a closed system. Volatile organic compounds (VOCs) are broken down through the anaerobic digestion process, and exhaust is processed in a controlled environment.

The propose project will digest organic matter in a closed pressure vessel. The resulting biogas will be stored in a closed tank, processed to remove impurities in a scrubber, and the resulting purified methane would be converted to Compressed Natural Gas (CNG) fuel for the MVD truck fleet. Once the process is complete, the digester is aerated to minimize the potential for odor, and the solid residual (digestate) is moved by loader to the composting site.

The Draft MND further noted that all commercial composting facilities in California are required to prepare, implement, and maintain a site-specific Odor Impact Minimization Plan (OIMP) pursuant to Title 14 California Code of Regulations, Chapter 3.1 § 17863.4.

To meet this requirement, the project proponent prepared an Odor Impact Minimization Plan (OIMP) as part of the Transfer/Processing Report (TPR) filed with the Fresno County Department of Public Health. The TPR is attached to this report as Appendix C. The OIMP was developed to provide guidance to on-site personnel in the handling, storage, and removal of compostable materials, in accordance with 14 CCR 17863.4. The OIMP includes odor monitoring protocol, complaint response protocol, design considerations as well as operational procedures to address odor control. In addition, the composting operation will be subject to SJVAPCD Rule 4565 Biosolids, Animal Manure, and Poultry Litter Operations, and Rule 4566, Organic Material Composting Operations.

With the development and implementation of the OIMP, compliance with SJVAPCD Rules 4565 and 4566, and implementation of Mitigation Measures AIR-3 and AIR-4, the odor impacts from the composting operations and anaerobic digester are expected to be less than significant.

GOODE 1 of 2

Olivia Pimentel

From: Ron Goode [rwgoode911@hotmail.com]
 Sent: Wednesday, December 12, 2012 4:16 PM
 To: Olivia Pimentel
 Subject: RE: Native American Consultation Request - Mid Valley Disposal Expansion Project- Kerman
 Importance: High

Hi Olivia,

Thank you for contacting us. Our tribe does cover all of eastern Madera Co, a portion of SE Mariposa and NE Fresno Co. Our trails did go through Kennan to the Coast. I do/did archaeology for years and was called out a number of times to your area. The Tadle are the closest but don't always respond. Hector 'Lalo' Franco is their cultural specialist. I did a lot of work in and near the Fresno Sewage Plant on Jensen. The Plant is at the confluence of Big Dry Creek and Fancher Creek. High activity of ancient Native American livelihood. One sand pit went ten feet deep pulling up ground stone artifacts. Eight to twenty feet we found paleo remains. If you see chunks of a caldum you're near old remains. In the fields of the local farmers around the Plant for some five miles there were many reports of a human skull, and NA artifacts. Some farmers are helpful and some not so. In the early 1800's there were many skirmishes with the Indians and Spaniards along the San Joaquin down to the bend of the river. A lot of ways from you but not all accounts were recorded. We have a new map on the internet Landlessons.org There is a new State map, really a revised Central CA map and our Tribal Homeland. All free for downloading. Call (559) 355-1144 or email if you need my help in the future or for some reason on this project.

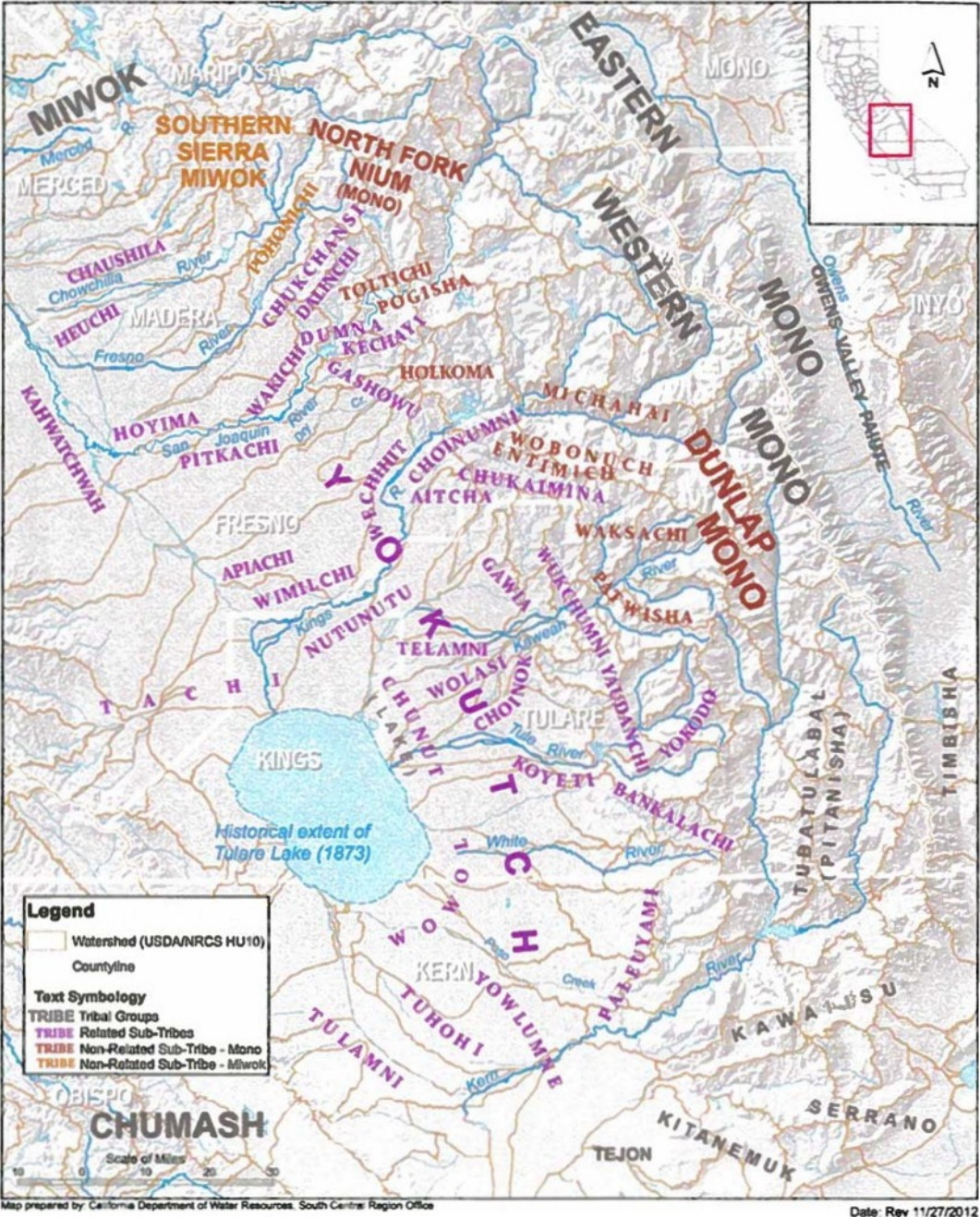
GOODE-1

From: OPimentel@cityofkerman.org
 To: rwgoode911@hotmail.com
 Date: Tue, 11 Dec 2012 16:08:39 -0800
 Subject: Native American Consultation Request- Mid Valley Disposal Expansion Project- Kerman

Olivia Pimentel,
 City of Kerman
 Planning Technician
 Planning & Development Services
 (559) 846-9386 ole.
 (559) 846-9348 fax

See restrictions not as an obstacle; but rather an opportunity

12/12/2012



GOOD
E -2

Historic Tribal Groups of the South Central Homeland

Organizations, Businesses and Other Individuals

North Fork Mono Tribe – Ron Goode, Tribal Chairperson (GOODE)

Response to GOODE-1

The individual provided general comments about tribal area and historical background. No response is necessary.

Response to GOODE-2

The individual provided a map of historical tribal groups of the south central homeland. No response is necessary.

Olivia Pimentel

From: Robert Ledger PedgerrobertOymail.com]

Sent: Thursday, December 13, 2012 7:12AM

To: Olivia Pimentel

Subject: Monitoring

The project area being in our Tribes Cultural area, we also are requesting that the Monitor be there as we know digging up Farm land grazing land, laying concrete, and asphalt, any and all that has to do with the ground, It is the reconunendation of the tribe that Tribal Monitor be in place before any Structures, Buildings Wash Staions are in place all that has to disturbing the ground and the minimal amount of past pedestrian surveys not given to the tribe before, the likelihood of unanticipated discoveries of cultural resources is very high. The DwnnaWo-Wah Tribal Government reconunends Native American cultural monitors be present during ground disturbing activities. Also the Dumna Wo -Wah Tribal Government is requesting a copy of the report, And review any cultural finds and locations for further monitoring locations. Also we Request Compensation for the Monitors as there to Monitor Thank you. Tribal Chainnan Robert G Ledger Sr.

LEDGER-1

Tribal Chairman Robert George Ledger Sr

Durnna Wo- Wah Tribal Government

2216 E Hammond

Fresno Ca

93703

Contact info

559-519-1742

ledgerrobert@ymail.com

12/13/2012

Organizations, Businesses and Other Individuals

Dumna-Wo-Wah Tribal Government – Robert Ledger Sr., Tribal Chairperson (LEDGER)

Response to LEDGER-1

The individual indicated that the project area is located within the tribe's cultural area, and they are requesting that a tribal monitor be in place before any construction activities occur.

Mitigation Measure CUL-3 is added to the Final MND requiring that requires the project proponent consult further with the Dumna Wo-Wah Tribal Government regarding the placement of a Native American monitor onsite during construction activities.



TABLE MOUNTAIN RANCHERIA TRIBAL GOVERNMENT OFFICE

December 19, 2012

Ieanne Walkr-Grant
TriN1 Chairperson

Bev rly J. Hunter
TroN1 Vic Chairperson

Craig Martinez
TriN1 retaryffreasur r

Ray Barn6
Tribal Council Member

Matthw W. Jon
Tribal Council Member

Luis Patlan, City Manager/Planning Director
City of Kerman
850 S. Madera Avenue
Kerman, Ca. 93630

RE: Tribal Consultation Request – Mid Valley Disposal Recycling and
Transfer Station Expansion Project.

To Luis Patlan:

This is in response to your letter dated December II, 2012, regarding the
Tribal Consultation Request – Mid Valley Disposal Recycling and Transfer
Station Expansion Project.

PENNEII-1

We appreciate receiving notice; however, this project site is beyond our area
of interest.

Sincerely,



Bob Pennerr
Cultural Resources Director

23736
Sky Harbour Road
Post Office
Box 410
Friant
California
93626
(559) 822-2587
Fax
(559) 822-2693

Organizations, Businesses and Other Individuals

Table Mountain Rancheria – Bob Pennell, Cultural Resources Director (PENNELL)

Response to GOODE-1

The individual indicated that the project site is beyond its organization's area of interest. No response is necessary.

SECTION III

MITIGATION MEASURES

The Project includes mitigation measures to reduce impacts to a less than significant level to air quality, cultural resources, geology and soils, hydrology and water, hazards and hazardous material. The mitigation measures identified include:

1. Aesthetics

The following mitigation measures will be implemented to reduce impacts to air quality during construction of the Project.

- AES-1: All outdoor lighting shall be designed to aim downward onto the project site and not glare skyward or onto adjacent parcels (e.g., by incorporating cut-off shields, or the equivalent).

Mitigation Measures:

2. Agricultural Resources

The following mitigation measures will be implemented to reduce impacts to potential unknown cultural resources.

- AIR-1: Implement the control measures identified in the SJVAPCD Regulation VIII to control PM10 emissions from construction activities.
- AIR-2: Prepare, implement, and maintain a site-specific Odor Impact Minimization Plan (OIMP).
- AIR-3: Applicants for the development of anaerobic digester (AD) facilities shall comply with appropriate local land use plans, policies, and regulations, including applicable setbacks and buffer areas from sensitive land uses for potentially odoriferous processes.
- AIR-4: If an AD facility handles compostable material and is classified as a compostable material handling facility, the facility must develop and Odor Impact Minimization Plan (OIMP) pursuant to 14 CCR 17863.4. Otherwise, applicants shall develop and implement an Odor Management Plan (OMP) that incorporates equivalent odor reduction controls for digester operations and is consistent with local air district odor management requirements. These plans shall identify and describe potential odor sources, as well as identify the potential, intensity, and frequency of odor from these likely sources. In addition, the plans will specific odor control technologies and management practices that if implemented, would mitigate odors associated with the majority of facilities to less than significant. However, less or more control measures may be required for individual projects. Odor control strategies and management practices that can be incorporated into these plans include, but are not limited to, the following:

- Require substrate to the AD facility within covered, liquid leak-proof containers.

- Establish time limit for on-site retention of undigested substrates (i.e., feestocks should be processed and placed into the portion of the system where liquid discharge and air emissions can be controlled within 24 or 48 hours of receipt).
- Provide enclosed, negative pressure building for indoor receiving and pre-processing. Treat collected foul air in a biofilter or air scrubbing system.
- Establish contingency plans for operating downtime (e.g., equipment malfunction, power outage).
- Manage delivery schedule to facilitate prompt handling of odorous substrates.
- Handle fresh unstable digestate within enclosed building, or mix with green waste and incorporate into a composting operation within the same business day, and/or directly pump to covered, liquid leak-proof containers for transportation.
- Protocol for monitoring and recording odor events.
- Protocol for reporting and responding to odor events.

3. Biological Resources

The following mitigation measures will be implemented to reduce impacts to geology and soils during construction of the Project.

- BIO-1: prior to and during construction activities, the following measures shall be implemented to reduce impacts to the San Joaquin kit fox:
 - Project-related vehicles should observe a 20 mile-per-hour speed limit within the project site boundaries; this is particularly important at night when kit foxes are most active. Construction shall not occur during nighttime hours (8:00 p.m. to 6:00 a.m.). Off-road traffic outside of designated project construction areas is prohibited.
 - To prevent inadvertent entrapment of kit foxes or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they would be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures outlined below must be followed.
 - Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at the construction site for once or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direction of a qualified biologist, the pipe may be moved once to remove from the path of construction activity, until the fox has escaped.
 - All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the project site.

- To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on the project site.
 - Use of rodenticides and herbicides in project construction areas is restricted to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture and other state or federal legislation, as well as additional project-related restrictions deemed necessary by USFWS. If rodent control is conducted, zinc phosphide should be used because of proven lower risk to kit fox.
 - A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped individual. The representative shall be identified during the employee education program. The representative's name and telephone number shall be provided to USFWS.
 - An employee education program for the project's construction workers shall be conducted. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors. A fact sheet shall be prepared for distribution to the above-mentioned people and anyone else who may enter the project site.
 - In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape and USFWS should be consulted.
 - Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to his or her representative. This representative shall contact the CDFG immediately in the case of a dead, injured, or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045.
 - The Sacramento USFWS office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species. The CDFG contact is Mr. Ron Schlorff at 1416 9th street, Sacramento, California 95814, (916) 654-4262.
- BIO-2: prior to commencing project-related activities, the following measures shall be implemented to reduce impacts to the Swainson's Hawk:
 - If ground-disturbing activities are to occur at the site during the nesting season (February 1 through September 15), the project applicant will be required to retain a qualified biologist to conduct surveys for nesting Swainson's hawk, including the White-tailed kite, following the survey method developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to commencing project-related activities. Surveys shall be conducted no more than 10 days prior to the start of construction and during the appropriate timing to maximize detectability. If an active nest is located, a minimum buffer of ½ mile shall be delineated and

maintained around the nest until a qualified biologist has determined that fledging has occurred.

- If the Department of Fish and Game cannot determine that “take” can be avoided, acquisition of an ITP may be warranted prior to project-related implementation.
- BIO-3: prior to commencing project-related activities, the following measures shall be implemented to reduce impacts to raptors:
 - The City of Kerman will add Mitigation Measure BIO-3 to the Final MND. Mitigation Measure BIO-3 stipulates that if ground-disturbing activities are to occur at the site during the nesting season (February 1 through September 15), the project applicant will be required to retain a qualified biologist to conduct surveys for nesting shall be conducted by a qualified biologist no more than 30 days prior to the start of construction. If an active nest is located, a minimum buffer of 250 feet should be delineated around active nests of migratory birds and 500 feet around active nests of non-listed raptors, until breeding season has ended or until a qualified biologist has determined that fledging has occurred.

4. Cultural Resources

The following mitigation measures will be implemented to reduce impacts to hazards and hazardous material during construction of the Project.

- CUL-1: If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:
 - There shall be no further excavation or disturbance of the area where the human remains were found or within 50 feet of the find until the Fresno County Coroner and the City of Kerman are contacted. Duly authorized representatives of the Coroner and the City's Planning Director shall be permitted onto the project site and shall take all actions consistent with Health and Safety Code Section 7505.5 and Government Code Section 27460, et seq. Excavation or disturbance of the area where the human remains were found or within 50 feet of the find shall not be permitted to re-commence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines the remains are Native American, the Coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 50976.98.

- CUL-2: If in the event that unanticipated cultural or paleontological resources (including structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) are encountered during construction, all earthmoving activities within 100-foot radius of the identified resources shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public resources Code section 21083.2. Upon the City's approval of the recommended mitigation measure, the project developer shall implement such measures. The developer shall fund the costs of the qualified archaeologist and required analysis, and shall include his mitigation measure in every construction contract to inform contractors of this requirement.
- CUL-3: The project developer shall consult with the Duma-Wo-Wah Tribal Government regarding the placement of a Native American monitor onsite during construction related activities. Should a Native American monitor be required the cost of the monitor shall be covered by the project developer.

5. Geology and Soils

The following mitigation measures will be implemented to reduce impacts to hydrology and water quality during construction of the Project.

- GEO-1: Prior to issuance of building permits for the proposed project, the project applicant shall submit geotechnical report to the City of Kerman for review and approval. The report shall demonstrate that the proposed project's plans for that structure incorporate all applicable seismic design standards of the latest adopted edition of the California Building Standards Code. The recommendations from the approved geotechnical report shall be incorporated into the project plans, and the project applicant shall adhere to these approved plans in developing the project site.

6. Hydrology and Water Quality

- HYD-1: Prior to the issuance of a grading permit or building permit for the project, the project applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the Central Valley RWQCB that identifies specific actions and Best management Practices (BMPs) to prevent stormwater pollution during construction activities to the maximum extent practicable. The City of Kerman shall confirm that the RWQCB has approved the SWPPP prior to issuance of the grading permit or building permit. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contact. The SWPPP shall include but not limited to the following elements:
 - Temporary erosion control measures shall be employed for disturbed areas.

- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- Silt fence – installation of silt fence in order to detain sediment-laden water, promoting sedimentation behind the fence.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of containment reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water Quality Control Board to determine adequacy of the measure.

7. Noise

- NOI-1: Construction activities will be limited to the hours between 7 a.m. to 8 p.m. daily. The City of Kerman shall have the discretion to permit construction activities to occur outside of the allowable hours if compelling circumstances warrant such an exception (e.g., weather conditions to pour concrete).
- NOI-2: All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

SECTION IV

FINDINGS AND DETERMINATION

Environmental Review Process

The City of Kerman conducted an Initial Study for the proposed Project in accordance with CEQA. The purpose of the Initial Study was to evaluate the potential environmental impacts of the Project and to determine what level of environmental review was appropriate.

Based on the environmental analysis in the Initial Study, the City of Kerman determined that the Project would not result in any potentially significant environmental impacts that could not be reduced to below the threshold of significance with the implementation of mitigation measures. Therefore, the City of Kerman determined that the preparation of an environmental impact report would not be required and prepared a Mitigated Negative Declaration.

The City of Kerman completed a Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study and submitted the document to the State Clearinghouse in the Office of Planning and Research for a 30-day public review period beginning March 12, 2008, and concluding on April 11, 2008.

In accordance with CEQA Guidelines, the City of Kerman, as the lead agency, completed a Notice of Intent to Adopt a Mitigated Negative Declaration which was originally circulated for a 30-day period from October 18, 2012 to November 16, 2012. The document was re-circulated for an additional 30-day period from December 3, 2012 to January 2, 2013. The reason for the extended review period was to include a supplemental document (Transfer/Processing Report) that was provided by the project applicant after the initial public review period closed. The Transfer/Processing Report provided by the project applicant included significant new information regarding the operations of the proposed project that warranted additional review by responsible agencies. During the public review period, the City of Kerman received comment letters from several state and local agencies as well as other organizations, businesses and individuals.

None of the comment letters received raised any new potentially significant environmental impacts that had not already been adequately addressed in the Draft Mitigated Negative Declaration/Initial Study. Changes, modifications, or clarifications to the Draft Mitigated Negative Declaration and Initial Study are reflected in the Final Mitigated Negative Declaration and Initial Study.

Relationship of the Project to the General Plan EIR

The City of Kerman 2007-2027 General Plan update was adopted by the City Council in February 2007. The General Plan serves as a "blueprint" for the physical development and population growth in the City over a 20 year planning period. The General Plan reflects residential and commercial development primarily to the north, east and west quadrants of the City, while industrial uses are exclusively designated to the south of the City. The General Plan projects a population increase of between 26,613 and 40,561 through the year 2027, based on historical growth rates.

Although the Mitigated Negative Declaration and Initial Study completed for the proposed Project was an independent CEQA analysis, the background and setting information applicable to the Project are based upon studies and analyses performed for the 2007-2027 General Plan Environmental Impact Report (SCH# 20060091148).

Summary of Environmental Impacts of the Project

The following summarizes the conclusions of the analysis of the project-specific environmental impacts contained in the Initial Study for each of the environmental topic affected. All referenced project mitigation measures are included in the Initial Study. Implementation of the mitigation measures identified in the Initial Study and incorporated into the Project would reduce all potentially significant impacts to a less-than-significant level.

1) Aesthetics

The project site is located in a primarily rural, agricultural area of the City, and is not part of any scenic vista. There are no structures on the site and those that surround it do not have characteristics which would qualify them as a resource of historic significance. There are no rock outcroppings or other unique and scenic natural features within or adjacent to the proposed project site. The Project would not contribute additional light or glare. Thus, the Project would have no impact on aesthetics and no mitigation is required.

2) Agriculture

The project site consists of 28± acres of Prime Farmland and Farmland of Statewide Importance. The development of the proposed project would permanently convert all of the Prime Farmland and Farmland of Statewide Importance to urban uses. The 2007-2027 General Plan included policies and action programs to lessen the impacts on agricultural land as the city urbanizes, but not to an insignificant level. The relevant General Plan policies and action programs to mitigate the impact of urbanization on agricultural lands are included in the Final MND. As such the Program EIR for the General Plan included adoption of a statement of overriding consideration that the economic, social, health and welfare and other benefits to be effected by implementation of the General Plan outweigh the unavoidable adverse impacts to the conversion of agricultural lands in accordance with Section 15093 of the CEQA Guidelines.

3) Air Quality

The Air Quality Technical Report prepared for the project concluded that the operational and construction emissions generated by the project would not exceed emissions above the SJVAPCD thresholds and determined that emissions resulting from the project would represent a less than significant impact. The project will be required to install Best Available Control Technologies (BACT) and permitted by the SJVAPCD to comply with all applicable rules for Ozone and PM 2.5. Implementation of mitigation measures would reduce any PM₁₀ emissions (dust/dirt) generated during construction of the Expansion Project to below a level of significance in compliance with SJVAPCD Regulation VIII, Fugitive PM₁₀ Prohibitions.

4) Biological Resources

The Environmental Impact Report for the Kerman Walmart project (August 30, 2010) and the Environmental Impact Report for the City of Kerman 2007-2027 General Plan update consulted the California Natural Diversity Database (CNDD) as well as the USFWS for a list of special-status plant species and special-status wildlife species. The nearest occurrence record of special-plant species is for a strand of Lesser Saltscale (*Atriplex minuscule*) located nearly two miles south of the project site. Several regional occurring special-status wildlife species were determined not to have potential to occur within the project site (*Cooper's Hawk*, *Sharp-shinned hawk*, *Swainson's hawk*, *White-tailed kite*, *Hoary bat*, *San Joaquin kit fox*). The occurrence of these regional species on the project site is low because there is no recorded occurrence of these species within 5 miles of the site and the site is, and has been, under cultivated agriculture for some time with no structure, mature trees, dense shrubs, fallow land, suitable for these species. However, implementation of mitigation measures will reduce any impacts to a less than significant level.

5) Cultural Resources

A cultural resources records search was conducted for the Expansion Project through the California Historical Resources Information System (CHRIS), Southern San Joaquin Valley Archaeological Information Center. The records search concluded that there are no recorded archaeological sites within the Expansion Project area or within a ½ mile radius and there are no cultural resources within the project area that meet state or federal recording eligibility criteria. Therefore, no cultural resources survey is recommended for the project. In addition, a Sacred Lands File (SLF) records search was conducted through the Native American Commission (NAHC). The SLF failed to indicate the presence of Native American cultural resources in the immediate project area. Finally, a written tribal consultation request was made with fifteen NAHC recommended Native American tribes. Of the fifteen tribes contacted, two three tribes responded that there are no known cultural resources in the project area (North Fork Mono Tribe and Table Mountain Rancheria). One tribe indicated that the project area is located in its cultural resource area and recommended that a Native American monitor be on site during construction activities. Implementation of mitigation measures would reduce any impact to less than significant.

6) Geology and Soils

The Project site is not located on any known active faults. Due to the relatively flat terrain of the project site, the probability of seismically induced landslides occurring on the project site is considered remote. The Project, during construction, would involve site grading and some excavation that could result in onsite erosion. The implementation of mitigation measures during construction of the Project will reduce impact related to soil erosion to a less than significant level.

7) Hazards and Hazardous Materials

The proposed project is a recycling and transfer station operation which receives, processes, recycles, and converts a wide variety of household and commercial waste, green waste, and construction and demolition debris. The proposed project will not transport, use, or dispose of hazardous materials on the project site. . However, there may be a need to dispose of a limited quantity of hazardous waste discovered through the facility's load checking program. If hazardous waste is discovered, the facility has procedures for handling, manifesting, and reporting the discovered waste. A temporary hazardous waste storage area will be located on the site, and all hazardous waste incidentally recovered from the waste stream will be temporarily stored onsite, manifested, and transported off site according to Federal and State regulatory requirements.

Implementation of mitigation measures will reduce hazards and hazardous materials impacts that may be caused during construction of the Project to less than significant.

8) Hydrology and Water Quality

The Project would be designed in accordance with applicable local, state, and federal requirements and would not conflict with any applicable legal requirement regarding water quality or waste discharge. The development of the proposed project would grading and construction on approximately 28 acres of land. During these activities, there would be the potential for surface water to carry sediment from onsite erosion and small quantities of pollutants into the storm water system and local waterways. Soil erosion may occur along project boundaries during construction in areas where temporary soil storage is required. Hydrology and water quality impacts of the project are anticipated to be less than significant and implementation of mitigation measures will further reduce impacts to a less than significant level.

9) Land Use and Planning

The project site is surrounded primarily by existing industrial, agricultural and two rural residential uses and will not physically divide an established community. The Project is consistent with the City's adopted General Plan and Zoning Ordinance. The Project would not be subject nor will it conflict with any habitat conservation plan or natural community conservation plan. As a result, no impacts to land use and planning would occur and no mitigation is required.

10) Mineral Resources

No known mineral resources exist at the project site and no mitigation is required.

11) Noise

Construction of the Project would require various types of construction equipment, such as scrapers, loaders, graders, and backhoes, which would create temporary noise during construction. However, construction activities will be limited to daytime hours as specified in the City of Kerman Municipal Code. The Project will not create noise levels exceeding standards or permanent noise above ambient levels for the area. The Project is not within an airport land use plan or within the vicinity of a private airstrip and would not expose people working in the project area to excessive noise levels. Thus, the noise impacts are anticipated to be less than significant with implementation of mitigation measures.

12) Population and Housing

The project site currently carries a general plan land use designation of Industrial (I). This designation would allow for future development consistent with industrial uses (e.g., manufacturing, transportation, recycling, etc.). The project site is located within the City of Kerman's designated industrial park area. There are no existing residential or housing development within or adjacent to the project site. Water, sewer, and roads exist to serve the site. No extensions of these facilities, except through the project site itself and connecting to existing developed sites will occur. The Project would not displace existing housing or people. As a result, population and housing impacts are anticipated to be less than significant and no mitigation is required.

13) Public Service

The proposed project includes the development of an expansion to an existing recycling and transfer station facilities and operations on a 28 acre site. There have been no reportable incidents or major issues with the operation of the existing recycling and transfer station. The proposed project will be required to install appropriate fire hydrants for use in fire suppression and provide all appropriate markings and designation for fire lanes and other emergency access points. The proposed project will be served by North Central Fire District (under contract with the City of Fresno Fire Department). The proposed project will be required to comply with all building and fire code requirements and will be verified at various points in the projects' progress, including a plan check and prior to issuance of the certificate of occupancy. Thus, the impacts on public services are anticipated to be less than significant and no mitigation is required.

14) Recreation

The project would not increase recreational use or require expansion of recreational facilities nor would the Project include or require expansion of recreational uses. The Project does not include outdoor parks or require the construction of recreational facilities. Therefore, no impacts to parks or other recreation facilities would result from the proposed project and no mitigation is required.

15) Traffic

The project will not cause an increase in traffic above the existing traffic load and capacity nor will the project exceed the level-of-service standard established by the Circulation Element contained in the 2007-2027 General Plan. The proposed project will incrementally contribute to the existing traffic load on Jensen, Church and Madera Avenues. Jensen and Church Avenues are designated collectors. Madera Avenue is designated arterial and is under the jurisdiction of the California Department of Transportation (Caltrans). The existing level of service (LOS) at the Madera/Jensen Avenue intersection is B at AM Peak Hour and Cat PM Peak Hour. The minimum level of service at this intersection is C (per Caltrans). Trucks inbound and outbound will primarily use Jensen Avenue/Madera Avenue (SR 145) intersection, which is planned for a controlled intersection sometime in 2014. The project would not alter or add to the existing road system nor would the project require any road closures that would cause safety risks, increase hazards or conflict with alternative transportation plans. Thus, the proposed project would result in less than significant impacts to traffic/circulation and no mitigation is required.

16) Utilities and Service Systems

The proposed project consists of expanding an existing recycling and transfer station operation. The project site is currently served by existing municipal utilities. The development of the proposed project would extend existing utilities to serve the expansion. Minor roadway improvement on the south side of Church along the property frontage will be required including the extension of sewer, water, and storm drain to serve the site.

Environmental Determination

The Draft Mitigated Negative Declaration/Initial Study (see Appendix A) was prepared to identify the potential effects on the environment from the construction and operation of the proposed project and to evaluate the significance of these effects.

Based on the Initial Study, the Project as proposed by the City of Kerman would be mitigated to less-than-significant effects or no impacts in the areas of aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, noise, population and housing, recreation, transportation and traffic, and utilities and service systems.

A Mitigation Monitoring and Reporting Program (Appendix D) has been prepared to ensure that the mitigation measures are properly implemented. The plan describes specific actions required to implement each mitigation measure, including information on the timing of implementation and monitoring requirements.

The City Council of the City of Kerman determined that there is no substantial evidence, in light of the whole record, that the Project will have a significant effect on the environment and, as such, adopted the Final Mitigated Negative Declaration and Initial Study based on the following findings:

1. That the City Council held a public hearing on the Final Mitigated Negative Declaration and Initial Study prepared for the Mid Valley Disposal, Inc. Recycling and Transfer Station Expansion Project, and, having considered all the comments received thereon, determined that the Final Mitigated Negative Declaration and Initial Study to be adequate.
2. That the City Council determined that the Final Mitigated Negative Declaration and Initial Study was prepared in compliance with the California Environmental Quality Act of 1970, as amended.
3. That the City Council reviewed and adopted the measures to mitigate potentially significant impacts to air quality, biological resources, cultural resources, geology and soils, hydrology and water, hazards and hazardous materials in the Final Mitigated Negative Declaration and Initial Study.
4. That the City Council adopted a Mitigation Monitoring and Reporting Program for the Project to monitor and ensure that the mitigation measures are implemented in compliance with the MMRP.
5. That the Final Mitigated Negative Declaration and Initial Study reflect the independent judgment and analysis of the City of Kerman acting as the lead agency for the Project.

Copies of the Initial Study, the Mitigated Negative Declaration, and supporting documentation materials may be obtained from the Planning and Development Department, City of Kerman, 850 S. Madera Avenue, Kerman, CA 92630.

Date of Draft MND: November 19, 2012



Luis Patlan
Director, Planning & Development

Date of Final MND: January 18, 2012