

# CITY OF PITTSBURG

## MT. DIABLO RESOURCE RECOVERY PARK

### FINAL ENVIRONMENTAL IMPACT REPORT

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SCH No. 2011052053

*Prepared for:*

CITY OF PITTSBURG  
65 CIVIC AVENUE  
PITTSBURG, CA 94565

*Prepared by:*

**PMC**<sup>®</sup>

2729 PROSPECT PARK DRIVE, SUITE 220  
RANCHO CORDOVA, CA 95670

**APRIL 2015**



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**APRIL 2015**



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# **1.0 INTRODUCTION**

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This Final Environmental Impact Report (Final EIR; FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Pittsburg (City) is the lead agency for the environmental review of the proposed Mt. Diablo Resource Recovery Park project (proposed project; project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval and implementation of the proposed project, as well as responds to comments received on the Draft EIR (DEIR).

### 1.1 BACKGROUND AND PURPOSE OF THE EIR

#### OVERVIEW OF CEQA REQUIREMENTS FOR PREPARATION OF AN EIR

The City, acting as the lead agency, has prepared this EIR to provide the public and responsible/trustee agencies with information about the potential environmental effects of the proposed project. As described in the State CEQA Guidelines Section 15121(a), an EIR is a public informational document that assesses potential environmental effects of the proposed project and identifies alternatives and mitigation measures to the proposed project that could reduce or avoid its adverse environmental impacts.

CEQA requires the preparation of an environmental impact report prior to approving any "project" which may have a significant effect on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (State CEQA Guidelines Section 15378[a]). With respect to the proposed project, the City has determined that the proposed action is a project within the definition of CEQA.

#### PROJECT SUMMARY

The proposed project consists of a Conditional Use Permit (CUP) for the physical and operational expansion and reorganization of the existing Mt. Diablo Recycling Facility (MDRF) and Recycling Center and Transfer Station (RCTS) and design review for the new building. The expanded facility will be called the Mt. Diablo Resource Recovery Park (MDRRP). The MDRRP will consist of the Mt. Diablo Recycling Facility, Transfer/Processing Facility, Mixed Construction and Demolition (C&D) Processing Facility, and Organics Processing Facility, which are existing facilities proposed for operational expansion. In addition, the project would include the relocation of the existing truck maintenance facility and yard currently located east of Loveridge Road to within the project boundaries and the construction of a new Biomass Gasification Unit.

Please refer to Section 2.0, Project Description, of the Draft EIR for a detailed discussion of the proposed project.

## **1.0 INTRODUCTION**

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### **BACKGROUND OF ENVIRONMENTAL REVIEW PROCESS OF THE PROJECT**

The following is an overview of the environmental review process for the proposed project that has led to the preparation of this FEIR.

#### **Notice of Preparation and Initial Study**

The City of Pittsburg was identified as the lead agency for the proposed project and in accordance with Section 15082 of the State CEQA Guidelines, the City prepared and released a Notice of Preparation (NOP) of this EIR. The NOP was circulated to the public, local, state and federal agencies, and other interested parties for 30 days to solicit comments on the proposed project (SCH No. 2011052053). The NOP and full text of responses to the NOP are presented in Appendix A of the Draft EIR. An Initial Study for the project was prepared and released for public review along with the NOP. Its conclusions supported preparation of an EIR for the project. The Initial Study is also included in Appendix A of the Draft EIR. After releasing the NOP, a public scoping session was held, to receive additional comments. Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

#### **Draft EIR**

The Draft EIR was released for a 45-day public and agency review on December 16, 2014, with the review period set to end on January 29, 2015. The DEIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives. The DEIR was provided to interested public agencies and the public and was made available for review at City offices and on the City's website.

#### **Final EIR**

The City received comment letters from public agencies, interest groups, and the public regarding the Draft EIR. This document responds to the written comments received as required by CEQA. This document also contains minor edits to the Draft EIR, which are included in Section 3.0, Minor Revisions to the Draft EIR. This document in conjunction with the Draft EIR, constitutes the Final EIR.

#### **Certification of the Final EIR/Project Consideration**

The City will review and consider the Final EIR. If the City finds that the FEIR is "adequate and complete," the City may certify the FEIR. Upon review and consideration of the FEIR, the City may act upon the proposed project. A decision to approve the project would be accompanied by written findings in accordance with State CEQA Guidelines Section 15091 and, if applicable, Section 15093. The City would also adopt a Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures that have been incorporated into or imposed on the project to reduce or avoid significant effects on the environment. The MMRP will be designed to ensure that these measures are carried out during project implementation.

## **1.2 INTENDED USES OF THE EIR**

The EIR is intended to evaluate the environmental impacts of adoption and implementation of the proposed project. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to evaluate all subsequent actions taken by the City with regard to the proposed project.

### KNOWN RESPONSIBLE AND TRUSTEE AGENCIES

In CEQA, the term “responsible agency” includes all public agencies other than the lead agency that may have discretionary actions associated with the implementation of the proposed project or an aspect of the project. Known responsible agencies for the proposed project include, but are not limited to, the following:

- Bay Area Air Quality Management District
- California Department of Toxic Substances Control
- California Department of Transportation (Caltrans)
- State Water Resources Control Board
- California Department of Resources, Recycling and Recovery (CalRecycle)

For the purpose of CEQA, the term “trustee agency” means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. The proposed project would have no effect on natural resources held in trust for the people of the State of California; therefore, no trustee agencies have been identified for the project.

### 1.3 ORGANIZATION AND SCOPE OF THE FINAL EIR

This document is organized in the following manner:

#### SECTION 1.0 – INTRODUCTION

Section 1.0 provides an overview of the EIR process to date and what the FEIR is required to contain.

#### Section 2.0 – COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Section 2.0 provides a list of commenters, copies of written comments (coded for reference), and the responses to those written comments made on the Draft EIR.

#### Section 3.0 – MINOR REVISIONS TO THE DRAFT EIR

Section 3.0 provides a list of minor edits made to the Draft EIR initiated by City staff or as a result of comments received.

## **1.0 INTRODUCTION**

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## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

### 2.1 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the DEIR.

Letter	Individual or Signatory	Affiliation	Date
A	Scott Wilson	California Department of Fish and Wildlife	January 28, 2015
B	Beatrice Poroli	Cal Recycle	January 28, 2015
C	Scott Morgan	California State Clearinghouse	January 30, 2015
1	Mike Oliphant	Chevron Environmental Management Company	January 26, 2015
2	Bruce Ohlson	Bike East Bay, etc.	January 27, 2015
3	Michael Ziegler	Contra Costa Industrial Park	January 29, 2015
4	Kevin Nesse	Hall Equities Group	January 30, 2015
5	Patricia Curtin	Wendel, Rosen, Black and Dean LLP	January 30, 2015
6	Brendan Beasley	Hanergy USA Solar Solution Ltd.	January 30, 2015
7	Patricia Chapman	Delta Diablo	February 13, 2015

### 2.2 COMMENTS AND RESPONSES

#### REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

State CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the DEIR and prepare a written response to each. The written response must address the significant environmental issue raised and must be detailed, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines Section 15204).

State CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. State CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

State CEQA Guidelines Section 15088 also recommends that where a response to comments results in revisions to the Draft EIR, those revisions be incorporated as a revision to the Draft EIR or as a separate section of the Final EIR.

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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### RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Agency and service provider comment letters are coded by letters and each issue raised in the comment letter is assigned a number (e.g., Comment Letter A, comment 1 is referred to as A-1).
- Individual and interest group comment letters are coded by numbers and each issue raised in the comment letter is assigned a number (e.g., Comment Letter 1, comment 1 is referred to as 1-1).

Where changes to the Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, ~~strikeout~~ for deleted text).



## Letter A



State of California – The Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
7329 Silverado Trail  
Napa, CA 94558  
(707) 944-5500  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



January 28, 2015

Ms. Dana Hoggatt-Ayers  
City of Pittsburg  
65 Civic Avenue  
Pittsburg, CA 94565

Dear Ms. Hoggatt-Ayers:

Subject: Mt. Diablo Resource Recovery Park, Draft Environmental Impact Report,  
SCH #2011052053, City of Pittsburg, Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the documents provided for the subject project, and we have the following comments.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to the California Environmental Quality Act (CEQA). CDFW, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 944-5500.

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If you have any questions, please contact Mr. Robert Stanley, Environmental Scientist, at (707) 944-5573; or Ms. Annee Ferranti, Senior Environmental Scientist (Supervisory), at (707) 944-5554.

Sincerely,

Scott Wilson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse

*Conserving California's Wildlife Since 1870*

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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**Letter A      Scott Wilson, Regional Manager, California Department of Fish and Wildlife**

**Response A-1:**

The commenter describes the conditions under which a Lake and Streambed Alteration Agreement (LSAA) would be required. Commenter states that an LSAA is subject to CEQA review and describes what is required in the DEIR to support the processing of an LSAA for the project.

The requirements of Fish and Game Code Sections 1600–1607 (Streambed Alteration Agreements) are described on DEIR page 3.8-26. The commenter is referred to DEIR Impact 3.8.2 on page 3.8-34 for an analysis of the project's potential impacts on waters of the United States. It is unclear if the section of man-made ditch present in the western portion of the project site is considered waters of the state subject to the jurisdiction of the California Department of Fish and Wildlife (CDFW). However, the ditch is an ephemeral feature with little in-channel vegetation, and habitat values associated with the ditch are virtually indistinguishable from the surrounding grassland. Consequently, the project would not result in substantial adverse effects, either directly or through habitat modifications, to riparian habitat or sensitive natural communities. Nonetheless, if it is determined to be subject to Fish and Game Code Section 1600 and/or the Porter-Cologne Act, the project applicant would be required to obtain a permit prior to fill of or construction in the ditch (DEIR page 3.8-32).

California Environmental Protection Agency

Letter B

Edmund G. Brown Jr., Governor



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027
P.O. BOX 4026, SACRAMENTO, CALIFORNIA 95812

January 28, 2015

Ms. Dana Hoggatt Ayers, Planning Manager
Development Services Department
Planning Division
65 Civic Avenue
Pittsburg, CA 9456



Subject: SCH No. 2011052053 –Draft Environmental Impact Report (DEIR) for Conditional Use Permit for the Mt. Diablo Resource Recovery Park (MDRRP) (SWIS No. 07-AC-0043) in the City of Pittsburg, Contra Costa County

Dear Ms. Ayers:

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

PROJECT DESCRIPTION

The City of Pittsburg, Development Services Department, acting as Lead Agency, has prepared and circulated a Draft Environmental Impact Report (DEIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project, which will, as described, require a revised Solid Waste Facilities Permit to permit the operation of the proposed project.

Mt. Diablo Resource Recovery Park (MDRRP) is located at 1300 Loveridge Road in the City of Pittsburg in north-central Contra Costa County. The project site is on the western side of Loveridge just north of Pittsburg-Antioch Highway and State Route 4, just south of the Burlington Northern and Santa Fe railroad and the shoreline of New York Slough.

The proposed project consists of the issuance of a Conditional Use Permit (CUP) to expand the capacity, operations, and land area of the existing Mt. Diablo Recycling Facility (MDRF), the Recycling Center and Transfer Station (RCTS), and the CCW Wood chipping/Grinding Operation. The expanded facility will be called the Mt. Diablo Resource Recovery Park (MDRRP). The project includes combining the three existing activities listed above into one permit and expanding the operations. The project also includes a proposal for a new Biomass Gasification Unit, the addition of a 15-acre parcel adjacent to and west of the existing site for vehicle and equipment storage, and the addition of the 3.5-acre parcel located south of the existing site for a new truck maintenance facility and yard that would be relocated from a site east of the MDRRP across Loveridge Road.

The MDRRP will encompass a total of 36 acres, with a total maximum permitted daily capacity of 5,500 tons per day (tpd), which will include 1,000 tpd of mixed construction and debris and 800 total tpd of green waste, wood waste and co-collected food/green waste. The facility will operate seven days a week, 24 hours a day, with a maximum of 5,620 vehicles per day. The only outdoor activities will be the Organic Processing area which will handling and process green waste, wood waste, and residual co-

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## Letter B Continued

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collected food/green waste and the Mixed Construction & Debris (C&D) Processing area which will handle and process mixed C&D. All other activities will occur indoors. Commercial food waste will only be handled indoors in the Transfer/Processing building.

**B-1  
cont.**

### COMMENTS

CalRecycle's comments on the DEIR are summarized in the table below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all chapters of the DEIR, in addition to the specific location noted.

Section/ Subsection/Unit	Page and Location	Comment
Section 2 Project Description, Subsection 2.4 Characteristics of the Proposed Project	Page 2.0-19	The DEIR states "The facility's total maximum permitted daily capacity will be 5,500 tons per day." Please provide the assumptions, methods, and calculations performed to determine the total capacity (14 CCR, Section 18221.6 (g)).
	Page 2.0-33	Indicate the start of the operating day in order to calculate the amount of waste received per operating day (14 CCR, Section 18221.6 (e)). In addition, if the public and waste receipt hours differ from the material processing hours, each set of hours should be listed.
	Figure 2.0-7	Provide a site map detailing the traffic access routes and traffic circulation on-site. Figure 2.0-7 does not show the traffic flow within the 15 acre expansion, or the flow of traffic for the activities once they become one facility. Note that pursuant to 14 CCR, Section 17418.3, traffic flow through the facility shall be controlled to prevent interference with operations.
	N/A	Methods for site security for the entire facility (14 CCR, Section 17418.1) should be added to the EIR to address public health and safety and potential nuisance conditions generated by the proposed facility.
Section 2, Subsection 2.4, Mt. Diablo Facility	Page 2.0-33	Provide a detailed, legible site plan for this area. Pursuant to 14 CCR, Section 18221.6 (c), provide a "schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, and loading areas."
	Page 2.0-33	Provide a description of equipment and how it will be used in waste processing for this activity. Note that pursuant to 14 CCR, Section 18221.6(l), a "description of transfer, recovery and processing equipment, including classification, capacity and the number of units" will need to be included in the Transfer/Processing Report required for permitting the proposed facility."
Section 2, Subsection 2.4, Transfer/ Processing Facility	Page 2.0-33	Provide detailed, legible site plans. Pursuant to 14 CCR, Section 18221.6 (c), provide a "schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, and loading for the food waste.

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## Letter B Continued

Section/ Subsection/Unit	Page and Location	Comment
	Page 2.0-34, Commercial Food Waste	Section 17852(a)(2) is cited to define "food material." However, this section defines "additives" not "food material." Please correct.
	Page 2.0-34, Commercial Food Waste	Figure 2.0-7 is cited to show the location of the food waste processing equipment within the transfer/processing building. Figure 2.0-7 fails to show the stated information. Provide a map that shows the information stated along with the schematics for the interior of the building.
	Page 2.0-34	Methods for vector control (14 CCR, Section 17410.4) should be elaborated in this section, or an additional section should be added to the EIR to address public health and safety and potential nuisance conditions generated by the addition of food waste.
Section 2, Subsection 2.4, Organic Processing Facility	Page 2.0-35	The DEIR lists a second location for the Organic Processing areas. However, no discussion regarding this new location is included in the DEIR. The EIR should clearly discuss the relationship between these two locations, how the transition will occur, whether they will operator concurrently, anticipated time for startup at the new location, amount of area dedicated for the activity, and how the activity will operate.
	Page 2.0-35	Provide more details for the handling and operation for the co-collected food/green waste.
	N/A	Methods for litter control (14 CCR, Section 17408.1), vector, bird and animal control (14 CCR, Section 17410.4), firefighting equipment (14 CCR, Section 17415.2), should be elaborated on in this section, or an additional section should be added to the EIR to address public health and safety and potential nuisance conditions generated by the proposed facility
Section 2.0, Subsection 2.4, Biomass Gasification Unit (Also see the section below for more comments regarding this Unit)	Page 2.0-37	Provide detailed, legible site plans. Pursuant to 14 CCR, Section 18221.6 (c), provide a schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, and loading areas.
	Page 2.0-37	The DEIR states that the unit will "utilize 40 tpd of clean wood chips processed at the Organics Processing Facility or the Material Processing Area ..." Will this be its only fuel source?
	Page 2.0-38	It is unclear the total area that will used for this activity. The EIR should clearly identify the dimensions for this activity including a discussion for the operation and handling of the residual ash.
	Page 2.0-38	Methods for non-salvageable items (14 CCR, Section 17408.4), maintenance program (14 CCR, Section 17408.6), personnel health and safety (14 CCR, Section 17408.7), solid waste removal (14 CCR, Section 17410.1), training, (14 CCR 17410.3); vector, bird and animal control (14 CCR, Section 17410.4), firefighting equipment (14 CCR, Section 17415.2),

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cont.

## Letter B Continued

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Section/ Subsection/Unit	Page and Location	Comment
		and site security (14 CCR 17418.1) should be elaborated on in this section, or an additional section should be added to the EIR to address public health and safety and potential nuisance conditions generated by the proposed facility.
	Page 2.0-38	Provide a description of equipment and how it will be used in waste processing. Note that pursuant to 14 CCR, Section 18221.6(l), a "description of transfer, recovery and processing equipment, including classification, capacity and the number of units" will need to be included in the Transfer/Processing Report required for permitting the proposed facility.
Section 2, Subsection 2.4, Rail Haul Operations Plan	Page 2.0-45	This section states that the operation for rail haul operation will be evaluated in the DEIR at a programmatic level. Will the activity be evaluated in a programmatic level in this DEIR or a separate? If it will done in this DEIR, then more detail and analysis is needed. No additional information regarding this activity was provided in the document.
Section 3 Environmental Analysis, Subsection 3.1 Analysis Assumptions Generally Use to Evaluate the Impacts of the Project	Page 3.0-1, first paragraph	Table 2.1-1 is listed to show the existing operations. A copy of Table was not found. Include a copy.
Section 3.0, Subsection 3.3 Hazards and Hazardous Materials	Page 3.3-12	The first paragraph states that the Initial Study determined that the project would have no impact or less then significant impact related to significance threshold items 3, 5, 6, and 8. However the Initial study listed items 3 and 8 with potential significant thresholds.
Section 5.0 Project Alternatives	Pages ES-4, 5.0-4, & 5.0-8	Project Alternative 1 – this section states that the “facility is currently permitted to process a throughput of 2,650 tons per day (tpd).” Please note that the permitted tonnage currently for the facility is 1,500 tpd. Please correct.
Appendix B	Pages 4 & 5	OIMP reference sheets A1.2 and/or A6 within the plan, however, no sheets were found in the plan. Include a copy of the missing sheets.
Appendix B	N/A	The OIMP states that the storage limitation to no more the 7 days for green waste and 48 hours for co-collected green/food waste material. How will it be determined which loads are only green waste and which are green/food waste?

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cont.

## Letter B Continued

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### Biogas Gasification Unit

The DEIR provides brief descriptions of a proposed biomass gasification unit (BGU). The proposed activity would use 40 tons per day of processed clean wood waste to generate one mega-watt/hour of energy for on-site use, and will operate 24 hours per day Monday thru Sunday. Ash and bio-char will be the end product. CalRecycle commented on the Notice of Preparation regarding the BGU and the technology that will be utilized (e.g., biomass conversion or gasification). Although some clarification was provided in the DEIR, a more detailed description of the BGU process and technology is requested to be included in the Final EIR. A more detailed description will assist in making permit determinations.

Public Resources Code (PRC) Section 40117 defines gasification as a non-combustion thermal process used to convert solid waste to a clean burning fuel to generate electricity. To qualify as gasification, the BGU must meet all the required criteria listed in PRC 40117 (including, (a) the technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control; (b) the technology produces no discharges of air contaminants or emissions, including greenhouse gases, as defined in subdivision (g) of Section 38505 of the Health and Safety Code; (c) the technology produces no discharges to surface or groundwaters of the state; (d) the technology produces no hazardous waste; (e) to the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream prior to the conversion process and the owner or operator of the facility certifies that those materials will be recycled or composted; (f) the facility where the technology is used is in compliance with all applicable laws, regulations, and ordinances; and (g) the facility certifies to the board that any local agency sending solid waste to the facility is in compliance with this division and has reduced, recycled, or composted solid waste to the maximum extent feasible, and the board makes a finding that the local agency has diverted at least 30 percent of all solid waste through source reduction, recycling, and composting). The description provided in the DEIR related to the BGU does not describe how the BGU will meet the definition of gasification.

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Biomass conversion is defined in PRC 40106 as the production of heat, fuels, or electricity by the controlled combustion of, or the use of other non-combustion thermal conversion technologies on, the following materials, when separated from other solid waste controlled combustion, when separated from other solid waste and used for producing electricity or heat from specific types of organic materials (i.e., agricultural crop residues; bark, lawn, yard, and garden clippings, leaves, silvicultural residue, and tree and brush pruning; wood, wood chips, and wood waste; and nonrecyclable pulp or nonrecyclable paper materials. Biomass conversion does not include the controlled combustion of recyclable pulp or recyclable paper materials, or does not include the controlled combustion of recyclable pulp or recyclable paper materials, or materials that contain sewage sludge, industrial sludge, medical waste, hazardous waste, or either high-level or low-level radioactive waste.

Complete definitions for gasification and biomass conversion can be reviewed at the following link:  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=40001-41000&file=40100-40201>

The BGU must be adequately described to assist the LEA in determining applicable permitting and/or regulatory requirements based on the proposed technology.

### CONCLUSION

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

## Letter B Continued

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

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

If you have any questions regarding these comments, please contact me at 916.341.6411 or by e-mail at [Beatrice.Poroli@calrecycle.ca.gov](mailto:Beatrice.Poroli@calrecycle.ca.gov).

Sincerely,



Beatrice Poroli  
Permitting and Assistance Branch  
Waste Permitting, Compliance, and Mitigation Division  
CalRecycle

cc: David Otsubo, Supervisor  
Permitting and Assistance Branch

Laura Wright, Division Manager  
Solid Waste Management Division  
City of Pittsburg  
65 Civic Avenue,  
Pittsburg, CA 94565  
[lwright@ci.pittsburg.ca.us](mailto:lwright@ci.pittsburg.ca.us)

B-3  
cont.



**Letter B**      **Beatrice Poroli, California Department of Resources Recycling and Recovery (Cal Recycle)**

**Response B-1:**

The commenter summarizes components of the project as described in the DEIR. This is not a comment on the adequacy of the EIR, no response is required.

**Response B-2:**

The commenter provides a table that contains requests for additional information related to operations of components of the facility. In general, the information requested is required to process the Solid Waste Facility Permit by CalRecycle and the project applicant would be required to submit this information to CalRecycle's satisfaction, prior to issuance of a permit.

As noted on DEIR page 2.0-1, with regard to the level of detail in the project description, CEQA Guidelines Section 15124, which contains the requirements for the project description in an EIR, specifically states that the project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." While the information requested by the commenter is required for permit processing by CalRecycle, the information would not add to a reviewer's general understanding of the project or change the analysis in the EIR. For instance, the precise dimensions of buildings or the location within the buildings where a particular process would take place – the commenter requests schematics for exterior and interior uses on the site - would not change the analysis in the EIR. The DEIR acknowledges these processes and analyzes the physical effects of those processes on the project site. To the extent that the location of a particular process is important to the potential for physical effects, such as drainage, those locations are considered in the DEIR.

In addition to requests for additional detail on facility operations, the commenter provides requests to correct text in the DEIR. Those comments are addressed below.

On page 2.0-34 (Project Description), the DEIR refers to California Code of Regulations Section 17852(a)(2) for the definitions of food material. The commenter requests that this reference be corrected. The text in the third sentence in the paragraph under heading "Commercial Food Waste" on DEIR page 2.0-34 is amended as follows:

Food material, as defined in Section 17852(a)(2) of Title 14, means any material that was acquired for animal or human consumption, that is separated from the municipal solid waste stream, and that does not meet the definition of agricultural material.

Regarding vector control, the MDRRP project involves the expansion of an existing facility that has been operational since 1995 and has proven to be well designed and safely operated. In conjunction with the maintenance of their Solid Waste Facility Permit, the Local Enforcement Agency (LEA) has provided monthly inspections of the facility for nearly 20 years, which reveal a record of consistency in protecting the public health, safety, and the environment.

Each operator of a Large Volume Transfer/Processing Facility that is required to obtain a Full Solid Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0 - 3.2, (commencing with section 21570) shall, at the time of application, file a Transfer/Processing Report (TPR) with the Local Enforcement Agency as required in section 17403.9 of Title 14. The TPR enables CalRecycle and the LEA to review all requirements of

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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California Code of Regulations - Title 14 to ensure they are fully addressed in conjunction with the issuance of a Solid Waste Facility Permit and its corresponding terms and conditions.

The MDRRP was designed to minimize the propagation or attraction of flies, rodents, or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors that were taken into consideration were dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the facility. The operational controls and design for each of the potential environmental impacts are provided in detail in the specific sections of the TPR. Some of the language from key sections of the TPR is provided below:

### **8) Litter Control**

A daily site walk by facility personnel focuses on ensuring that wind-blown litter is picked up and a clean appearance maintained. The site is surrounded by fencing which limits litter from blowing from the facility onto public roads or neighboring property. Portable litter fences are used if required by the wind speed and direction.

Each day a crew cleans litter from the public streets within 2,000 feet of the MDRRP and from the roadways inside the facility. Litter is cleaned more frequently under high-wind conditions.

Site personnel remove windblown litter and residuals daily from the Transfer/Processing Facility (TPF), including from underneath equipment and other out-of-the-way locations, to prevent accumulated material from interfering with safe operation.

The MDRF is located inside an enclosed building, so the potential for windblown litter is minimized. The street sweeper sweeps the MDRF when the facility is not operating and or is being maintained. The tipping floor is clear of recyclables at that time and can be swept.

Street sweepers are used to clean the paved roads within the MDRRP.

The collection and transfer trucks delivering material are enclosed, minimizing the potential for dropping litter. The Pittsburg City Municipal Code and the operator require that all trucks be covered, including open-topped trucks and pickup trucks.

The MPA and OPA are cleaned of litter during the daily site walk through and when needed during the day.

### **12) Nuisance Control**

Odors, vectors, and litter are the most common nuisance conditions. The methods to manage vectors and litter are covered in the discussion of *Methods to Comply with the State Minimum Standards*. Control of odors is discussed here.

The DEIR (Impact 3.1.5, pages 3.1-33 and -34) found that the distance to the nearest receptors results in odors being a less than significant environmental impact and no mitigation measures are needed. The closest receptors are operations staff and management who are onsite during operating hours to monitor the operation. The MDRRP is located in an industrial area with the nearest residential receptors located more than 2,000 feet from the MDRRP boundary.

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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The Conditional Use Permit (CUP) issued by the City of Pittsburg may establish requirements for controlling nuisances. If required, the requirements would be integrated into the MDRRP operating practices, if not already employed.

The Odor Impact Minimization Plan (OIMP) includes protocols to identify and to minimize odor emissions and nuisances in the surrounding area. The OIMP is in Appendix C: Odor Impact Minimization Plan. The OIMP identifies potential sensitive receptors and establishes odor monitoring and complaint response protocols. In addition, the OIMP provides design and operational considerations and procedures to minimize odor emissions associated with the operation. These procedures include proper drainage to prevent standing water, screening of incoming loads to eliminate unacceptable waste materials, strict enforcement of storage time limits, monitoring of stockpiles to ensure conditions are optimal to minimize odors, and worker education/awareness training. The OIMP also includes a contingency plan to control odors should they occur.

To minimize odor releases, the project Operator imposes maximum holding times of less than the 48 hours allowed by Title 14 for all municipal solid waste (MSW), green waste, and/or food waste. These holding times were established to avoid nuisance problems. If a nuisance is caused by holding these materials, the offending material would be removed more frequently than the specified holding time. Daily inspections of the operating areas also serve to identify conditions that could potentially cause nuisances so they can be addressed before a problem occurs.

Odors related to breakdown of putrescible waste could occur in the MSW receiving and loadout area and the commercial food waste processing area of TPF. The area where residential food and green waste are processed at the OPA could also generate odors. The odors at the TPF are mitigated because the MSW and commercial food waste operations are inside the building and the materials are removed frequently for disposal (MSW) or further processing (food waste).

Odors are possible in the Mt. Diablo Recycling Facility (MDRF), the Organics Processing Area (OPA), or the Materials Processing Area (MPA) if MSW is included with the materials to be processed in those operations. The project Operator follows a screening program to observe the contents of vehicles and debris boxes delivering materials to identify potentially odor-causing materials and remove them. Odorous materials observed in the incoming material are removed and placed in a 40-yard bin. When the bin is filled, it is taken to the TPF and the contents dumped in the MSW pile or the loading pit.

The co-collected organic material in the OPA is usually ground on the day it is delivered and shipped out that night. The project Operator uses a probe to determine the temperature in the interior of the piles of ground materials; if the pile is too warm, the Operator will move the material off site for further processing to reduce the possibility of the material generating odors.

The expected holding time for each waste type of material is listed in TPR Table 29: Storage Times, below. These are expected holding times; the maximum holding time is 48 hours.

**Table 29: Storage Times**

<b>Material Type</b>	<b>Holding time (Hours) *</b>
MSW	24
Commercial food waste	8
Self-haul	12
C&D	24

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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<b>Material Type</b>	<b>Holding time (Hours) *</b>
Green waste	24
Co-collected food and green waste	24

\*The maximum allowable holding time is 48 hours.

### **25) Vector, Bird and Animal Control**

Birds are discouraged from entering the TPF and the MDRF because they are partially enclosed (the MDRF is nearly fully enclosed). Those that do enter fly out on their own or are trapped and removed. Materials are removed from the TPF tipping floors and it is cleaned daily, minimizing harboring of rodents and other vectors and minimizing the food available for the birds. The materials delivered to the MDRF are processed the day they arrive and are baled preventing attracting vectors.

Vectors and birds are not typically attracted to the material handled at the MPA due to the lack of available food. If a vector problem develops on site, control measures approved by the LEA will be implemented. The LEA and CCWS will devise the control measures at that time according to the scope of the problem.

The OPA receives food waste and green waste. The food materials are mixed with the green waste on the day of delivery, reducing the possibility that it will draw birds and vectors. The schedule for shipping the mix of food and green waste was set to avoid attracting vectors.

The Operator has a contract pest control firm that services the MDRRP monthly. They check traps, look for sign of vectors, and add needed controls.

### **29) Firefighting Equipment**

Firefighting is described in the Appendix G: Emergency Response Plan. The Fire Department inspects the MDRRP annually and provides a certificate of compliance.

Adequate water supply is provided. The 3,000-gallon capacity water truck used for onsite dust suppression purposes is also available to suppress small fires. A fire hydrant is located adjacent to the MPA on the access road south of the processing equipment (shown on Figure 5: MPA Operations and Figure 6: OPA operations). The facility maintains a 100-foot hose at the MPA picking line that is used in an emergency. In addition, fire extinguishers are kept at several locations around the MDRRP.

Front-end loaders and excavators are available to aid by removing materials to combat fire or prevent its spread.

All firefighting equipment is maintained by a contractor and available on a continuous basis.

The fire control measures used are summarized below:

- Wood waste and wood chip piles do not exceed 20 feet in height, 80 feet in width, and 80 feet length to limit the spread of fire.
- Material-handling equipment (e.g., front loaders) is readily available for moving materials during firefighting operations.

- The Operator has a protocol for monitoring, controlling, and extinguishing spot fires.
- Portable fire extinguishers with a minimum rating of 4A:60B:C are provided on vehicles and equipment operating on piles and at the picking lines.
- Twenty-foot fire lanes are provided around combustible materials to allow for passage of fire trucks and minimize fire spread.

### 33) Site Security

A 6-foot slatted chain link fence with gated access points surrounds the MDRRP site. The entrance gate is closed and locked when the facility is not operating. Stadium lighting consisting of three 30-foot-high poles is installed to add to nighttime security and mitigate theft or damage.

The commenter states that more detail regarding the rail haul option disclosed on DEIR page 2.0-44 would be required if this option is analyzed in the EIR. As discussed on page 2.0-44, the applicant is not proposing the rail haul option for implementation at this time and no information was available for analysis in the DEIR. Therefore, if this option is proposed in the future, further environmental review would be required at that time.

The commenter states Table 2.1-1, referenced on page 3.0-1 was not included in the DEIR. The text in the last sentence in the first paragraph under heading "Baseline Environmental Conditions Assumed in the Draft EIR" on DEIR page 3.0-1 is amended as follows:

The baseline analysis used in this EIR is based upon the existing operations of the facility (see **Table 2.0-12.1-1**).

The commenter states that page 3.3-12 of the DEIR concludes that project would have no impact or a less than significant impact related to significance thresholds 3, 5, 6, and 8, but that the Initial Study listed items 3 and 8 with potential significant thresholds. Item 3 is related to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; item 8 is related to exposure to wildland fires. The Initial Study is included in Appendix A of the DEIR. The Initial Study determined that there would be no impact related to emissions of hazardous materials within 1/4-mile of a school and no impact due to risks from wildland fires (See Initial Study pages 3.0-13 and -14). No correction is required.

The commenter states that the reference to the permitted capacity of the facility referenced in the discussion of Alternative 1 in Chapter 5.0, Alternatives, is 1,500 tons per day (tpd), not 2,650 tpd as noted in the DEIR. However, as noted in the footnote on DEIR page 5.0-4, the total tonnage refers to all components of the facility, not just the Recycling Center and Transfer Station. As noted in the footnote, the permitted capacities for the individual operations within the Mt. Diablo Resource Recovery Park (MDRRP) are as follows: Mt. Diablo Recycling Facility, 500 TPD; Recycling Center and Transfer Station, 1,500 TPD; Green Material Processing, 200 TPD; Mixed Construction and Demolition Processing, 450 TPD.

### Response B-3:

The commenter requests a more detailed description of the Biomass Gasification Unit (BGU) process and technology, which will assist CalRecycle in making the permit determinations. The commenter provides additional information regarding the definition of the gasification and

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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biomass conversion processes. As noted in Response B-2, the information provided in the EIR should not exceed the detail beyond that needed for evaluation and review of the environmental impact. While the specific processes used in the gasification process would be considered by CalRecycle as part of their permit processing, the DEIR calculated emissions generated by the BGU based upon the tonnage of material used in the process. As noted above, as part of the permit process through CalRecycle, the project applicant will provide additional information regarding specific processes.

# Letter C

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Edmund G. Brown Jr.  
Governor



Ken Alex  
Director

January 30, 2015

Dana Hoggatt Ayers  
City of Pittsburg  
Planning Department  
65 Civic Avenue  
Pittsburg, CA 94565-3418

Subject: Mt. Diablo Resource Recovery Park  
SCH#: 2011052053

Dear Dana Hoggatt Ayers:

The State Clearinghouse submitted the above named Draft EIR 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 29, 2015, 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."

C-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.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

## Letter C Continued

### Document Details Report State Clearinghouse Data Base

**SCH#** 2011052053  
**Project Title** Mt. Diablo Resource Recovery Park  
**Lead Agency** Pittsburg, City of

**Type** EIR Draft EIR  
**Description** The proposed project consists of a Conditional Use Permit (CUP) for the operational expansion and reorganization of the existing Mt. Diablo Recycling Facility (MDRF) and Recycling Center and Transfer Station (RCTS). The expanded facility will be called the Mt. Diablo Resource Recovery Park (MDRRP). The MDRRP will consist of the Mt. Diablo Recycling Facility, Transfer/Processing Facility, Mixed Construction and Demolition (C&D) Processing Facility, and Organics Processing Facility, which are existing facilities proposed for operational expansion, as well as the newly proposed Biomass Gasification Unit and a relocation of a truck maintenance facility in an 18,000 sf structure in the southeastern portion of the project site.

**Lead Agency Contact**

**Name** Dana Hoggatt Ayers  
**Agency** City of Pittsburg  
**Phone** 925 252 4920 **Fax**  
**email**  
**Address** Planning Department  
 65 Civic Avenue  
**City** Pittsburg **State** CA **Zip** 94565-3418

**Project Location**

**County** Contra Costa  
**City** Pittsburg  
**Region**  
**Lat / Long** 38.1° 9.87' N / 121.51° 29.4' W  
**Cross Streets** Loveridge Road & Pittsburg-Antioch Hwy  
**Parcel No.** 073-200-014 & 073-200-015  

Township	Range	Section	Base

**Proximity to:**

**Highways** Hwy 4  
**Airports**  
**Railways** BNSF & UPRR  
**Waterways** New York Slough  
**Schools**  
**Land Use** PLU: Industrial  
 Z: General Industrial;  
 GPD: Industrial

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Public Services; Aesthetic/Visual

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 4; Air Resources Board; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.



# Letter C Continued

## Document Details Report State Clearinghouse Data Base

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*Date Received* 12/16/2014    *Start of Review* 12/16/2014    *End of Review* 01/29/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

# Letter C Continued

California Environmental Protection Agency

Edmund G. Brown Jr., Governor



## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

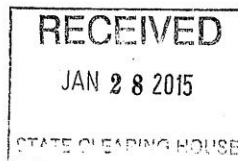
1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

January 28, 2015

Ms. Dana Hoggatt Ayers, Planning Manager  
Development Services Department  
Planning Division  
65 Civic Avenue  
Pittsburg, CA 9456

*cl/2015  
1/28/15*



**Subject:** SCH No. 2011052053 –Draft Environmental Impact Report (DEIR) for Conditional Use Permit for the Mt. Diablo Resource Recovery Park (MDRRP) (SWIS No. 07-AC-0043) in the City of Pittsburg, Contra Costa County

Dear Ms. Ayers:

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

### PROJECT DESCRIPTION

The City of Pittsburg, Development Services Department, acting as Lead Agency, has prepared and circulated a Draft Environmental Impact Report (DEIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project, which will, as described, require a revised Solid Waste Facilities Permit to permit the operation of the proposed project.

Mt. Diablo Resource Recovery Park (MDRRP) is located at 1300 Loveridge Road in the City of Pittsburg in north-central Contra Costa County. The project site is on the western side of Loveridge just north of Pittsburg-Antioch Highway and State Route 4, just south of the Burlington Northern and Santa Fe railroad and the shoreline of New York Slough.

The proposed project consists of the issuance of a Conditional Use Permit (CUP) to expand the capacity, operations, and land area of the existing Mt. Diablo Recycling Facility (MDRF), the Recycling Center and Transfer Station (RCTS), and the CCW Wood chipping/Grinding Operation. The expanded facility will be called the Mt. Diablo Resource Recovery Park (MDRRP). The project includes combining the three existing activities listed above into one permit and expanding the operations. The project also includes a proposal for a new Biomass Gasification Unit, the addition of a 15-acre parcel adjacent to and west of the existing site for vehicle and equipment storage, and the addition of the 3.5-acre parcel located south of the existing site for a new truck maintenance facility and yard that would be relocated from a site east of the MDRRP across Loveridge Road.

The MDRRP will encompass a total of 36 acres, with a total maximum permitted daily capacity of 5,500 tons per day (tpd), which will include 1,000 tpd of mixed construction and debris and 800 total tpd of green waste, wood waste and co-collected food/green waste. The facility will operate seven days a week, 24 hours a day, with a maximum of 5,620 vehicles per day. The only outdoor activities will be the Organic Processing area which will handling and process green waste, wood waste, and residual co-

  
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## Letter C Continued

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collected food/green waste and the Mixed Construction & Debris (C&D) Processing area which will handle and process mixed C&D. All other activities will occur indoors. Commercial food waste will only be handled indoors in the Transfer/Processing building.

### COMMENTS

CalRecycle's comments on the DEIR are summarized in the table below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all chapters of the DEIR, in addition to the specific location noted.

Section/ Subsection/Unit	Page and Location	Comment
Section 2 Project Description, Subsection 2.4 Characteristics of the Proposed Project	Page 2.0-19	The DEIR states "The facility's total maximum permitted daily capacity will be 5,500 tons per day." Please provide the assumptions, methods, and calculations performed to determine the total capacity (14 CCR, Section 18221.6 (g)).
	Page 2.0-33	Indicate the start of the operating day in order to calculate the amount of waste received per operating day (14 CCR, Section 18221.6 (e)). In addition, if the public and waste receipt hours differ from the material processing hours, each set of hours should be listed.
	Figure 2.0-7	Provide a site map detailing the traffic access routes and traffic circulation on-site. Figure 2.0-7 does not show the traffic flow within the 15 acre expansion, or the flow of traffic for the activities once they become one facility. Note that pursuant to 14 CCR, Section 17418.3, traffic flow through the facility shall be controlled to prevent interference with operations.
	N/A	Methods for site security for the entire facility (14 CCR, Section 17418.1) should be added to the EIR to address public health and safety and potential nuisance conditions generated by the proposed facility.
Section 2, Subsection 2.4, Mt. Diablo Facility	Page 2.0-33	Provide a detailed, legible site plan for this area. Pursuant to 14 CCR, Section 18221.6 (c), provide a "schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, and loading areas."
	Page 2.0-33	Provide a description of equipment and how it will be used in waste processing for this activity. Note that pursuant to 14 CCR, Section 18221.6(l), a "description of transfer, recovery and processing equipment, including classification, capacity and the number of units" will need to be included in the Transfer/Processing Report required for permitting the proposed facility."
Section 2, Subsection 2.4, Transfer/ Processing Facility	Page 2.0-33	Provide detailed, legible site plans. Pursuant to 14 CCR, Section 18221.6 (c), provide a "schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, and loading for the food waste.

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Section/ Subsection/Unit	Page and Location	Comment
	Page 2.0-34, Commercial Food Waste	Section 17852(a)(2) is cited to define "food material." However, this section defines "additives" not "food material." Please correct.
	Page 2.0-34, Commercial Food Waste	Figure 2.0-7 is cited to show the location of the food waste processing equipment within the transfer/processing building. Figure 2.0-7 fails to show the stated information. Provide a map that shows the information stated along with the schematics for the interior of the building.
	Page 2.0-34	Methods for vector control (14 CCR, Section 17410.4) should be elaborated in this section, or an additional section should be added to the EIR to address public health and safety and potential nuisance conditions generated by the addition of food waste.
Section 2, Subsection 2.4, Organic Processing Facility	Page 2.0-35	The DEIR lists a second location for the Organic Processing areas. However, no discussion regarding this new location is included in the DEIR. The EIR should clearly discuss the relationship between these two locations, how the transition will occur, whether they will operator concurrently, anticipated time for startup at the new location, amount of area dedicated for the activity, and how the activity will operate.
	Page 2.0-35	Provide more details for the handling and operation for the co-collected food/green waste.
	N/A	Methods for litter control (14 CCR, Section 17408.1), vector, bird and animal control (14 CCR, Section 17410.4), firefighting equipment (14 CCR, Section 17415.2), should be elaborated on in this section, or an additional section should be added to the EIR to address public health and safety and potential nuisance conditions generated by the proposed facility
Section 2.0, Subsection 2.4, Biomass Gasification Unit (Also see the section below for more comments regarding this Unit)	Page 2.0-37	Provide detailed, legible site plans. Pursuant to 14 CCR, Section 18221.6 (c), provide a schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, and loading areas.
	Page 2.0-37	The DEIR states that the unit will "utilize 40 tpd of clean wood chips processed at the Organics Processing Facility or the Material Processing Area ..." Will this be its only fuel source?
	Page 2.0-38	It is unclear the total area that will used for this activity. The EIR should clearly identify the dimensions for this activity including a discussion for the operation and handling of the residual ash.
	Page 2.0-38	Methods for non-salvageable items (14 CCR, Section 17408.4), maintenance program (14 CCR, Section 17408.6), personnel health and safety (14 CCR, Section 17408.7), solid waste removal (14 CCR, Section 17410.1), training, (14 CCR 17410.3); vector, bird and animal control (14 CCR, Section 17410.4), firefighting equipment (14 CCR, Section 17415.2),

## Letter C Continued

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Section/ Subsection/Unit	Page and Location	Comment
		and site security (14 CCR 174.18.1) should be elaborated on in this section, or an additional section should be added to the EIR to address public health and safety and potential nuisance conditions generated by the proposed facility.
	Page 2.0-38	Provide a description of equipment and how it will be used in waste processing. Note that pursuant to 14 CCR, Section 18221.6(l), a "description of transfer, recovery and processing equipment, including classification, capacity and the number of units" will need to be included in the Transfer/Processing Report required for permitting the proposed facility.
Section 2, Subsection 2.4, Rail Haul Operations Plan	Page 2.0-45	This section states that the operation for rail haul operation will be evaluated in the DEIR at a programmatic level. Will the activity be evaluated in a programmatic level in this DEIR or a separate? If it will done in this DEIR, then more detail and analysis is needed. No additional information regarding this activity was provided in the document.
Section 3 Environmental Analysis, Subsection 3.1 Analysis Assumptions Generally Use to Evaluate the Impacts of the Project	Page 3.0-1, first paragraph	Table 2.1-1 is listed to show the existing operations. A copy of Table was not found. Include a copy.
Section 3.0, Subsection 3.3 Hazards and Hazardous Materials	Page 3.3-12	The first paragraph states that the Initial Study determined that the project would have no impact or less than significant impact related to significance threshold items 3, 5, 6, and 8. However the Initial study listed items 3 and 8 with potential significant thresholds.
Section 5.0 Project Alternatives	Pages ES-4, 5.0-4, & 5.0-8	Project Alternative 1 – this section states that the “facility is currently permitted to process a throughput of 2,650 tons per day (tpd).” Please note that the permitted tonnage currently for the facility is 1,500 tpd. Please correct.
Appendix B	Pages 4 & 5	OIMP reference sheets A1.2 and/or A6 within the plan, however, no sheets were found in the plan. Include a copy of the missing sheets.
Appendix B	N/A	The OIMP states that the storage limitation to no more the 7 days for green waste and 48 hours for co-collected green/food waste material. How will it be determined which loads are only green waste and which are green/food waste?

## Letter C Continued

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### Biogas Gasification Unit

The DEIR provides brief descriptions of a proposed biomass gasification unit (BGU). The proposed activity would use 40 tons per day of processed clean wood waste to generate one mega-watt/hour of energy for on-site use, and will operate 24 hours per day Monday thru Sunday. Ash and bio-char will be the end product. CalRecycle commented on the Notice of Preparation regarding the BGU and the technology that will be utilized (e.g., biomass conversion or gasification). Although some clarification was provided in the DEIR, a more detailed description of the BGU process and technology is requested to be included in the Final EIR. A more detailed description will assist in making permit determinations.

Public Resources Code (PRC) Section 40117 defines gasification as a non-combustion thermal process used to convert solid waste to a clean burning fuel to generate electricity. To qualify as gasification, the BGU must meet all the required criteria listed in PRC 40117 (including, (a) the technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control; (b) the technology produces no discharges of air contaminants or emissions, including greenhouse gases, as defined in subdivision (g) of Section 38505 of the Health and Safety Code; (c) the technology produces no discharges to surface or groundwaters of the state; (d) the technology produces no hazardous waste; (e) to the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream prior to the conversion process and the owner or operator of the facility certifies that those materials will be recycled or composted; (f) the facility where the technology is used is in compliance with all applicable laws, regulations, and ordinances; and (g) the facility certifies to the board that any local agency sending solid waste to the facility is in compliance with this division and has reduced, recycled, or composted solid waste to the maximum extent feasible, and the board makes a finding that the local agency has diverted at least 30 percent of all solid waste through source reduction, recycling, and composting). The description provided in the DEIR related to the BGU does not describe how the BGU will meet the definition of gasification.

Biomass conversion is defined in PRC 40106 as the production of heat, fuels, or electricity by the controlled combustion of, or the use of other non-combustion thermal conversion technologies on, the following materials, when separated from other solid waste controlled combustion, when separated from other solid waste and used for producing electricity or heat from specific types of organic materials (i.e., agricultural crop residues; bark, lawn, yard, and garden clippings, leaves, silvicultural residue, and tree and brush pruning; wood, wood chips, and wood waste; and nonrecyclable pulp or nonrecyclable paper materials. Biomass conversion does not include the controlled combustion of recyclable pulp or recyclable paper materials, or does not include the controlled combustion of recyclable pulp or recyclable paper materials, or materials that contain sewage sludge, industrial sludge, medical waste, hazardous waste, or either high-level or low-level radioactive waste.

Complete definitions for gasification and biomass conversion can be reviewed at the following link:  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=40001-41000&file=40100-40201>

The BGU must be adequately described to assist the LEA in determining applicable permitting and/or regulatory requirements based on the proposed technology.

### CONCLUSION

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

## Letter C Continued

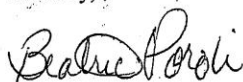
DEIR MDRRP  
January 28, 2015  
Page 6 of 6

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

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

If you have any questions regarding these comments, please contact me at 916.341.6411 or by e-mail at [Beatrice.Poroli@calrecycle.ca.gov](mailto:Beatrice.Poroli@calrecycle.ca.gov).

Sincerely,



Beatrice Poroli  
Permitting and Assistance Branch  
Waste Permitting, Compliance, and Mitigation Division  
CalRecycle

cc: David Otsubo, Supervisor  
Permitting and Assistance Branch

Laura Wright, Division Manager  
Solid Waste Management Division  
City of Pittsburg  
65 Civic Avenue,  
Pittsburg, CA 94565  
[lwright@ci.pittsburg.ca.us](mailto:lwright@ci.pittsburg.ca.us)

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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**Letter C**      **Scott Morgan, Governor’s Office of Planning and Research, State Clearinghouse**

**Response C-1:**

The letter acknowledges compliance with the State Clearinghouse review requirements for the DEIR. No response is required.

For responses to the attached CalRecycle letter, please refer to responses to Letter B.



# Letter 1



**Mike N. Oliphant**  
Project Manager  
Superfund and Specialty  
Portfolio

RECEIVED

JAN 30 2015

**PLANNING DIVISION**  
**Chevron Environmental  
Management Company**  
P.O. Box 6012  
San Ramon, CA 94583  
Tel (925) 790 6431  
Fax (925) 790 6772  
mike.oliphant@chevron.com

January 26, 2015

Stakeholder Communication – City of Pittsburg

Ms. Dana Hoggatt Ayers  
Planning Manager  
Development Services Department, Planning Division  
65 Civic Avenue  
Pittsburg, CA 94565

**Subject: Comments on the Draft Environmental Impact Report for  
Mount Diablo Resource Recovery Park Project**  
Chevron Environmental Management Company  
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Ms. Ayers:

On behalf of Chevron Environmental Management Company (CEMC), Leidos Engineering LLC (Leidos; CEMC contract consultant) recently reviewed the Draft Environmental Impact Report for Mount Diablo Resource Recovery Park Project (proposed project). The information contained in this letter may help you in planning this project and to understand something about Chevron's former pipeline operations in the city of Pittsburg, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in these former pipeline rights of way (ROWs).

Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines existed in the vicinity of the proposed project area. These formerly active pipelines were constructed in the early 1900s and carried crude oil from the Kern River Oil Fields (in and near Bakersfield) to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines. When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommissioning varied; in some instances the pipelines were removed, while in others, they remained in place. Because these pipelines have been decommissioned, with the majority of pipelines having been removed, they are not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figure 1 illustrates the location of the former OVP and TAOC ROWs with respect to the proposed project area. The location of the pipelines shown on Figure 1 is based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/- 50 feet. The OVP and TAOC pipelines were installed at depths of up to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and ACM.

1-1

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP and TAOC pipelines. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from these former pipelines is encountered during construction

## Letter 1 Continued

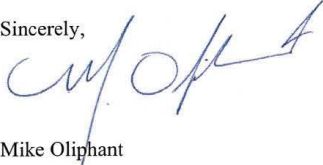
Ms. Dana Hoggatt Ayers – City of Pittsburg  
January 26, 2015  
Page 2 of 2

activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of these former pipeline ROWs may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipelines and pipeline-related ACM during the course of their work.

**1-1  
cont.**

For more information regarding these historic pipelines, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd ([michael.t.hurd@leidos.com](mailto:michael.t.hurd@leidos.com)) at (510) 466-7161 or Daniel Anzelon ([daniel.b.anzelon@leidos.com](mailto:daniel.b.anzelon@leidos.com)) at (858) 826-3316.

Sincerely,



Mike Oliphant

MO/klg

Enclosure:

Figure 1. Historical Pipeline Rights of Way – Mount Diablo Resource Recovery Park Project – Proposed Site Plan

cc: Mr. Mike Hurd – Leidos  
1000 Broadway, Suite 675, Oakland, California 94607

Letter 1 Continued



## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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**Letter 1      Mike Oliphant, Project Manager, Chevron Environmental Management Company**

**Response 1-1:**

The commenter summarizes the history of Chevron's former pipeline operations in the project area and discusses the potential for encountering decommissioned oil pipelines and associated hazardous materials during proposed subsurface construction activities. The commenter describes risk assessments that were conducted at numerous locations with known historical crude oil release points along the former pipelines. The risk assessments determined the soil in these areas to be non-hazardous.

DEIR Impact 3.3.2 (see pages 3.3-15 through -17) acknowledges the potential for various hazardous materials to be encountered during subsurface construction activities. Mitigation measure MM 3.3.2a requires the applicant to either update the existing facility's Construction Worker Site Health and Safety Plan or prepare a new plan to include the entire project site and proposed site preparation and construction activities and provide measures to ensure worker health and safety. The information provided by commenter is noted for consideration during preparation of this plan.

## Letter 2

January 27, 2015

Re: draft EIR for the Mt. Diablo Resource Recovery Park

Dana, Kristin, and to whom it may concern,

The expansion of the Recycling Center and Transfer Station into a resource recovery park is welcomed by all environmentally aware citizens. Materials should be recycled and reused rather than sent to the landfill. That said, however, any increase in traffic, especially large trucks, caused by such an expansion must be mitigated.

The increase in traffic accessing this project site will affect bicyclists using the public streets in the vicinity. Bicyclists are vulnerable road users, and their safety must be addressed when implementing this project. The conclusion made on Page 3.7-16 of the draft EIR that there would be no impacts to bicycle facilities is incorrect.

2-1

The Pittsburg-Antioch Highway is the only public street located north of Highway 4 that extends between and connects Pittsburg and Antioch . (North Park Boulevard is private.) The Pittsburg-Antioch Highway is listed in the bicycle planning document used for this draft of the EIR as the "north of Highway 4 trunk bicycle route." Increasing truck traffic on this street will have an impact on bicyclists and must be mitigated.

Note: TRANSPLAN's East County Bikeway Plan was superseded in 2004 by the Contra Costa Transportation Authority's Countywide Bicycle and Pedestrian Plan, which was updated in 2009. The current document says essentially the same thing as the older document, so the use of the outdated document need not be considered a fatal flaw in the draft EIR. The City of Pittsburg has adopted each of these bike plans into its general plan.

2-2

On page 3.7-18 of the draft EIR, typical operating conditions are discussed. The conclusion is reached that since the current project

2-3

## Letter 2 Continued

operates most of the time at 50% of maximum processing capacity, then the proposed project can be projected to operate in essentially the same manner. This assumption might be construed to hold true for impacts to motor vehicles, but bicyclists are vulnerable road users whose safety must be considered, not just their delay. Delay figures assume that the vehicle (or bicycle) is in fact operating in the traffic lane. This is true for motor vehicles. It is patently absurd to assume that the bicyclist will be taking his (rightful) place in the line of traffic. Space must be provided on the public street for all legal road users.

2-3  
cont.

According to the draft EIR (Figure 3.7-4), approximately 87% of the vehicles accessing the project site when it is in full operation will be using Loveridge Road. At full capacity of the proposed park (Table 3.7-4), this number will increase from 1200 to 5620 trips per day. This is a significant impact; it must be mitigated.

2-4

Loveridge Road was upgraded in 2002. Bicycle lanes were added to most of the street at that time. When Highway 4 was widened, bicycle lanes were included on the Loveridge Road overpass. As part of the permitting process for the proposed project, Caltrans-standard bicycle lanes must be installed on both sides of Loveridge Road between the project and California Avenue East, the extent of the construction zone for the freeway.

2-5

The draft EIR indicates that the project's impacts during normal operating conditions will be "cumulatively considerable" on the Pittsburg-Antioch Highway. Any adjustments to, reconstruction of, or widening of the Pittsburg-Antioch Highway and its intersection with Loveridge Road must maintain access for bicyclists in both the eastbound and the westbound directions.

2-6

The eastbound Pittsburg-Antioch Highway currently has a marked shoulder all the way to the limit line with Loveridge Road. Any adjustments to or reconstruction of this intersection must maintain access for bicyclists all the way up to the limit line.

## Letter 2 Continued

When Tom Torlakson was a state senator, he authored legislation that created the Great Delta Trail. This trail extends from the Bay Trail in Martinez out into the delta near Bethel Island with additional mileage to be added at a future date. Pittsburg has not updated its general plan since the enabling legislation was signed into law and does not list this trail in any of its planning documents. The solar field that is being constructed on site LA of the steel mill has been conditioned to build a segment of the Great Delta Trail along its frontage with Kirker Creek/Pittsburg-Antioch Highway. The proposed Resource Recovery Park project should be conditioned to contribute a fair share to the construction of this trail as it continues east from the Loveridge Road intersection.

2-7

Construction of the on-street mitigations must be completed before the Mt. Diablo Resource Recovery Park receives a certificate of occupancy or an operating permit.

2-8

If you have any questions, please feel free to contact me.

Thank you for your concern with the safety of all modes of transportation operating on Pittsburg's public streets.

All best wishes,

Bruce "Ole" Ohlson

Bike East Bay  
Delta Pedalers Bicycle Club  
Contra Costa Countywide Bicycle Advisory Committee  
CCTA Bicycle & Pedestrian Advisory Committee  
Caltrans District 4 Bicycle Advisory Committee  
Disclosure: Pittsburg Planning Commissioner  
Pittsburg Planning Commission appointee to TRANSPAN

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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### Letter 2      Bruce Ohlson, Bike East Bay, etc.

#### Response 2-1:

The commenter expresses support for the proposed project and states that the resulting increase in traffic would impact bicyclists and must be mitigated. The commenter also describes the importance of the Pittsburg-Antioch Highway as a bicycle route.

With regard to increases in vehicle trips associated with the project, the DEIR determined that under typical operating conditions, the Pittsburg-Antioch Highway/Loveridge Road intersection would degrade from level of service (LOS) B to LOS high-D during the AM peak hour and would degrade from LOS E to LOS F (an increase in the volume-to-capacity ratio (V/C) of more than 0.01) during the PM peak hour (DEIR page 3.7-20). Under maximum operating conditions, the State Route (SR) 4 Eastbound Ramps/Loveridge Road intersection would degrade to LOS high-D (V/C of 0.85 to 0.90) during the PM peak hour, thus resulting in a significant impact. Additionally, the Pittsburg-Antioch Highway/Loveridge Road intersection would degrade from LOS B to LOS F during the AM peak hour and would degrade from LOS E to LOS F (an increase in V/C of more than 0.01) during the PM peak hour. Mitigation identified for the project, which includes payment of Capital Improvement Program (CIP) fees toward the identified improvements, would improve the level of service at impacted intersections to less than significant. However, while the improvements are listed in the CIP, no funding plan is identified. Since funding for the full improvement is not certain, this impact was found to remain significant and unavoidable.

The proposed project would generate approximately 4,420 new daily trips under maximum operating conditions (see Table 3.7-4 on DEIR page 3.7-18). As shown on Figure 3.7-4, approximately 8 percent of project trips (354 trips) would travel the Pittsburg-Antioch Highway east of Loveridge Road and approximately 3 percent (133 trips) would travel west of Loveridge Road. Table 3.7-4 (Draft EIR page 3.7-18) shows there would be 96 new AM peak-hour trips and 77 PM peak-hour trips generated by the project, which would equate to approximately 6 AM peak-hour trips on the Pittsburg-Antioch Highway east of Loveridge Road and approximately 2 PM peak-hour trips west of Loveridge Road. The General Plan projects 28,900 daily vehicle trips on the Pittsburg-Antioch Highway by 2025 (City of Pittsburg 2001); the project's contribution to total trips on this road would represent 1.7 percent of the total projected traffic. Thus, project traffic would not result in a significant impact on automobile traffic on this road segment or substantially increase safety risks to cyclists on this roadway and mitigation is not warranted.

#### Response 2-2:

The commenter states that the DEIR references an outdated bikeway plan. The text change is shown below. The revision does not result in any new analysis or change the impact determination of the water quality impacts of the DEIR.

The text in the second to last paragraph on page 3.7-9 of the DEIR is amended as follows:

In the vicinity of the project site, there are Class II bike lanes along Loveridge Road, East Leland Road, and Buchanan Road. Additionally, there is a Class I bike path along the Delta De Anza Regional Trail, which is located south of the project site between East Leland Road and Buchanan Road. As part of the East County Bikeway Plan 2009 Contra Costa Countywide Bicycle and Pedestrian Plan, Class II bicycle facilities are planned along ~~Auto Center Drive and Somersville Road~~ the Pittsburg-Antioch Highway east of Loveridge Road and along California Avenue east of Loveridge Road.



Note that the route from California Avenue to Markstein Drive to N.Park Boulevard to Century Boulevard utilizes public roadways that are accessible to bicycles and can be used as an alternate to the Pittsburg-Antioch Highway route to travel between the Cities of Pittsburg and Antioch.

### **Response 2-3:**

The commenter references the discussion of the project's anticipated typical operating conditions provided on DEIR page 3.7-18 and states that the DEIR inappropriately evaluates impacts to bicycle traffic in terms of delay caused by additional project traffic because cyclists do not operate in the travel lane. The commenter states that the DEIR should evaluate impacts to cyclists in terms of safety and that separate space within the roadway must be provided for bicycle traffic.

The referenced discussion on DEIR page 3.7-18 describes the methodology used to calculate the project's vehicle trip generation. This discussion does not relate to the analysis of the project's impacts to bicycle facilities. The thresholds of significance for impacts to the bicycle system are provided on DEIR page 3.7-15. A significant impact to the bicycle system would occur if (1) the project disrupts existing bicycle facilities; (2) the project interferes with planned bicycle facilities; or (3) the project conflicts or creates inconsistencies with adopted bicycle system plans, guidelines, policies, or standards. The proposed project would add traffic to area roads but would not disrupt existing bicycle facilities or interfere with planned bicycle facilities. The roadway improvements to which the project would contribute pursuant to mitigation measures in the DEIR (see DEIR mitigation measures MM 3.7.1 and 3.7.2) would be designed and constructed in accordance with City standards, would maintain the existing Class II bicycle lanes located along Loveridge Road, and would provide accommodations for the future planned Class II bicycle lane along the Pittsburg-Antioch Highway east of Loveridge Road. Therefore, the project would not meet any of the significance criteria described above and would not result in a significant impact on bicycle facilities. The commenter is also referred to Response 2-1.

### **Response 2-4:**

The commenter describes the anticipated distribution of project vehicle trips, which would occur primarily on Loveridge Road. The commenter states that the addition of project traffic on this roadway would be a significant impact that must be mitigated.

Impacts to the roadway system from the addition of project traffic are evaluated in Impacts 3.7.1 and 3.7.2 (see DEIR pages 3.7-20 through -35), which disclose that the addition of project traffic would result in unacceptable levels of service at multiple study intersections. As discussed in Response 2-1, mitigation identified for the project, which includes payment of CIP fees toward improvements at impacted intersections, would improve level of service at impacted intersections to less than significant. However, while the improvements are listed in the CIP, no funding plan is identified. Therefore, this impact was found to remain significant and unavoidable.

### **Response 2-5:**

The commenter describes recent additions to the bicycle system in the project area and states that as a part of the permitting process for the proposed project, additional bicycle lanes must be installed on both sides of Loveridge Road between the project site and California Avenue East.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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The General Plan identifies existing Class II bicycle lanes along both northbound and southbound Loveridge Road between the project site and California Avenue East. The 2009 Contra Costa Countywide Bicycle and Pedestrian Plan does not plan for any additional improvements to these existing facilities. The EIR cannot impose mitigation requiring improvements to the bicycle system, as there is no nexus between the project and the need for such improvements.

### **Response 2-6:**

The commenter refers to DEIR Impact 3.7.2 (see pages 3.7-30 through -33), which concludes that under cumulative conditions, impacts to the Pittsburg-Antioch Highway would be cumulatively considerable. The commenter states that any improvements made to this roadway, in particular at its intersection with Loveridge Road, as part of the project must maintain access for bicyclists, both eastbound and westbound.

Bicycle access through this intersection would be maintained by either Class 2 bicycle facilities or by a shared through lane with motor vehicles. All roadway improvements resulting from project implementation would be designed and constructed in accordance with City standards and would maintain existing bicycle facilities and provide accommodations for future planned bicycle facilities. See also Response 2-3.

### **Response 2-7:**

The commenter describes the establishment and location of the Great Delta Trail. The commenter notes that the City's General Plan was adopted prior to the establishment of this trail and thus does not identify or plan for the development of the trail. The commenter states that a solar project (Columbia Solar) in the vicinity of the project site was conditioned to construct a portion of the trail and states that the proposed project should similarly be conditioned to contribute to its construction.

The comment does not address the adequacy of the DEIR. The comment is noted for the decision-makers. It should be noted that while the applicant for the Columbia Solar project voluntarily agreed to support the completion of the regional trail within the city to the extent feasible, construction of the trail or payment of fees was not a condition of approval for the project. There is no nexus to recognize this as mitigation to a project impact. See also Response 2-5 regarding a nexus to project impacts.

### **Response 2-8:**

The commenter states that the on-street mitigations must be completed prior to approval of a certificate of occupancy or operating permit for the proposed project.

It is not clear as to which on-street mitigations the commenter refers. Regarding roadway improvements required by DEIR mitigation measures MM 3.7.1a, MM 3.7.1b, and MM 3.7.2, these are planned and programmed improvements to which the project would be required to contribute its fair share of the cost to complete. The project applicant is not required to construct the improvements. The timing of construction of these improvements is not yet known.

## Letter 3

January 29, 2015

TO: Dana Hoggatt Ayers, Planning Manager, City of Pittsburg, CA

FROM: Contra Costa Industrial Park, Loveridge Road, Pittsburg, CA  
(mailing address: C/O HEG, 1855 Olympic Blvd. Ste.300, Walnut Creek, CA 94596)

RE: Comments to Mt. Diablo Resource Recovery Park DRAFT EIR

This letter comes to you from CCIP, LLC and Contra Costa Industrial Park II, L.P., are the owners of parcels 073-230-015-7, 073-230-032-2, and 073-230-0330 – collectively known as Contra Costa Industrial Park (CCIP) on Loveridge Road in Pittsburg.

This letter concerns the Draft EIR for the Mt. Diablo Resource Recovery Park as referenced State Clearing House No. 2011052053 dated December 16, 2014.

3-1

CCIP is located directly east of the property described in the EIR across Loveridge Road. The owners of CCIP have very deep concerns regarding the future degradation of air quality and the negative health impacts to sensitive human receptors which will result with the proposed Mount Diablo Resource Recovery Park.

3-2

The existing Mt. Diablo Recycling Center (MDRF) and the Recycling Center and Transfer Station (RCTS) currently create a large volume of airborne particulate matter as a result of their operations. The MDRF and RCTS are currently grinding up extensive quantities of organic waste materials (wood, green waste, garden cuttings etc.) on their existing site. Due to the strong winds that blow from west to east, a large amount of the material that MDRF and RCTS grinds and processes becomes airborne and falls on our property at CCIP across the street.

3-3

The amount of particulate material that the current operations of MDRF and RCTS generates that falls on CCIP is currently of such a magnitude that the owners of MDRF and RCTS have an employee whose job it is to continually sweep up this particulate and debris from CCIP. If MDRF and RCTS were not to currently take care to clean up their airborne materials that falls onto CCIP, we would soon be overwhelmed by the falling particulate from their operations.

Many of our tenants experience adverse health effects occasioned by the large quantity of the particulate matter that falls on our site and migrates indoors. They report severe physical irritants to their skin and respiratory systems. The particulate dust from MDRF and RCTS also coats the cars, trucks and materials of the tenants of CCIP. The large manufacturing tenants at CCIP include AnsaldoBreda, HASA, Concord Iron, RAD and others. Our tenants have asked us to solve this particulate problem. Many tenants have relocated from CCIP as a result of the nuisance of the impacts of the MDRF and RCTS particulate dust. Some of the tenant's employees have left the site due to the severity of their irritations. The Auto Auction tenant specifically left due to the intractable problem of dust continuing to cover their inventory. We been in contact with MDRF and RCTS over the years that this problem has been happening and

3-4

## Letter 3 Continued

they have told us that they are working to solve their particulate problem. To date it has never been solved to our tenants' satisfaction.

3-4  
cont.

In light of the considerable proposed expansion of the activities of MDRF and RCTS, the owners of CCIP are requesting that the City of Pittsburg require that any expansion plans proposed by MDRF and RCTS involve the complete mitigation of all dust, particulate and debris that may become airborne and impact CCIP or our other neighbors.

In addition, we believe it would be prudent to require an additional ambient air quality monitoring station to be placed to the immediate east of the proposed MDRF and RCTS expansion site as a condition of their expansion. We are willing to offer a location on our site for such an air monitoring station. The closest air monitoring station, which the EIR describes, is located at 2975 Treat Blvd. in Concord CA. That monitoring station is approximately 13 miles to the west of the subject development on the other side of the ridge of Willow Pass Road and as a result provides very little meaningful data as it applies to this site. Any useful data would necessarily need to be collected from a monitoring site downwind of the MDRF and RCTS expansion on Loveridge Road so that it could capture accurate samples of what the actual baseline air quality is at this east county location. In addition, such a monitoring site would be required to identify what future impacts that the proposed Mount Diablo Resource Recovery Park might have.

3-5

State CEQA guidelines and the BAAQMD consider that the particulate impacts from MDRF and RCTS are significant if the expose sensitive human receptors to substantial pollutant concentrations. Even prior to the expansion of MDRF and RCTS activities, there are current existing negative impacts on humans at CCIP. The materials that are airborne may include lead dust from household wood that has been delivered to MDRF and RCTS for recovery. As there are no air monitoring stations in east county or proximate to this site, we have no meaningful way to test what the future additional air quality impacts may be in order to protect the human receptors.

3-6

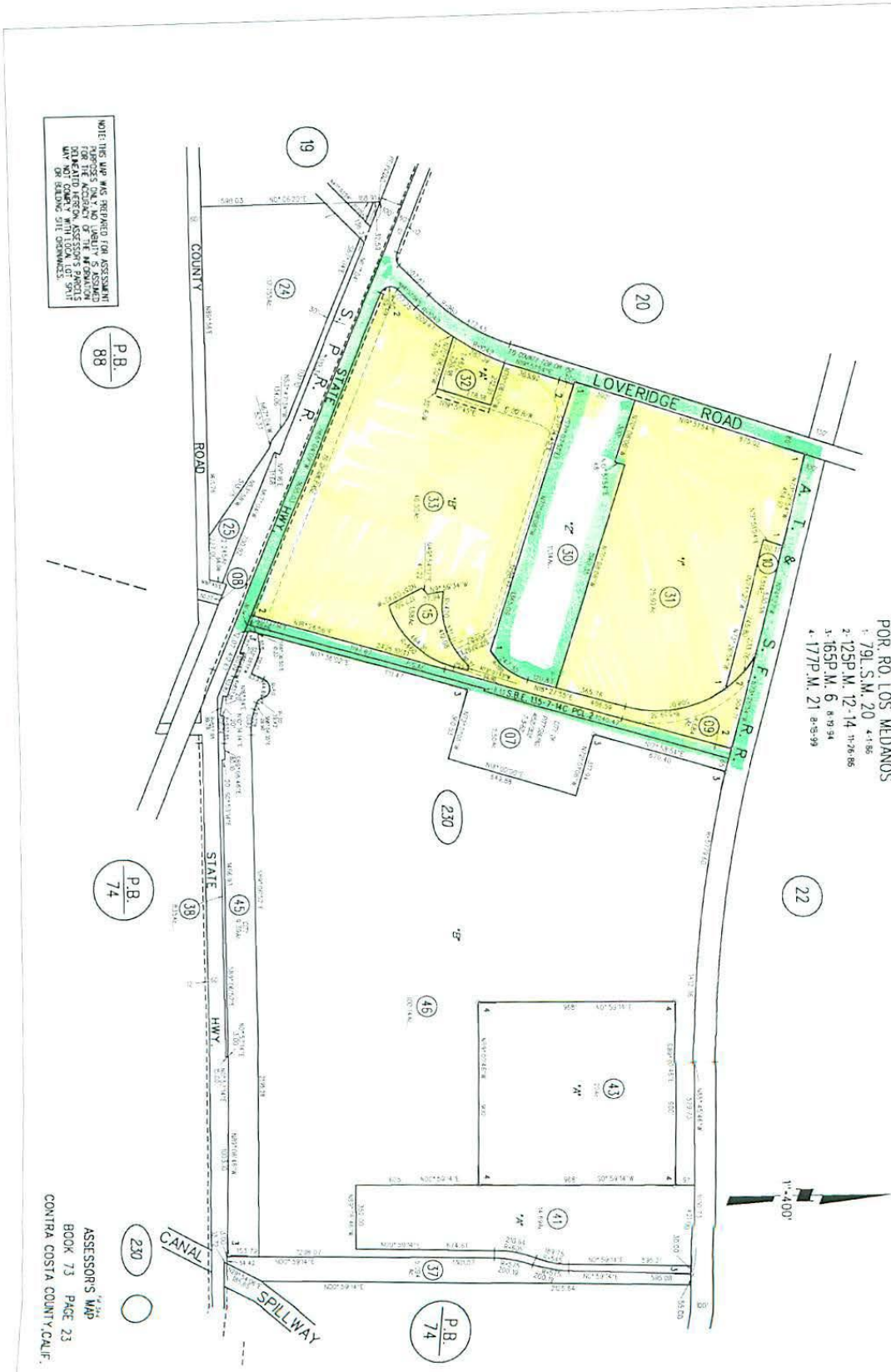
We look forward to the City of Pittsburg monitoring the operations of MDRF and RCTS so that they are in compliance with all applicable environmental statues, especially in regard to air quality. If the operations of MDRF and RCTS are intensified with the creation of the proposed Mount Diablo Resource Recovery Park we expect that the City of Pittsburg should require that there should be absolutely no degradation of air quality on Loveridge Road. The proposed operations of the Mount Diablo Resource Recovery Park should be prohibited from any degradation of current or future air quality. Specifically they should be required to confine all their particulate dust, debris and emissions to their site. In addition, in order that the airborne environmental impacts of Mount Diablo Resource Recovery Park be mitigated it is necessary to require baseline testing on Loveridge Road and ongoing air quality sampling in the area to insure that there is no actual degradation of air quality as a result of their operations.

3-7

Thank you for your attention to this matter.

Sincerely, Michael Ziegler, Managing Agent for Contra Costa Industrial Park

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR



## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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### **Letter 3            Michael Ziegler, Managing Agent, Contra Costa Industrial Park**

#### **Response 3-1:**

The commenter describes the location of the Contra Costa Industrial Park (CCIP) and its proximity to the project site.

The comment is noted.

#### **Response 3-2:**

The commenter expresses concerns regarding the possible degradation of air quality and potential health impacts that could result from implementation of the proposed project.

The commenter does not identify specific health impacts of concern. With regard to localized emissions, DEIR Impacts 3.1.3 and 3.1.4 evaluate the project's potential to expose sensitive receptors to mobile-source carbon monoxide and toxic air contaminants, respectively. The DEIR concluded that project operation would not significantly increase health risks for sensitive receptors in the project area and that these impacts would be less than significant.

Regarding regional air emissions, DEIR Impact 3.1.1 acknowledges that project construction would result in the emission of criteria air pollutants and precursors and that this impact would remain significant and unavoidable with the implementation of all available, feasible mitigation (see DEIR page 3.1-26). DEIR Impact 3.1.2 similarly acknowledges that project operation would result in the emission of criteria air pollutants and precursors but concludes that implementation of mitigation measures MM 3.1.2a through MM 3.1.2d would reduce this impact to less than significant.

#### **Response 3-3:**

The commenter describes how the current operations of the existing facility create large volumes of airborne particulate matter that accumulate on the CCIP property requiring removal by MDRRP staff.

The commenter describes effects of the existing facility's current operations. While the DEIR considers the existing conditions in the project area for the analysis in the DEIR, the existing conditions are not a result of the project. It should be noted that particulate matter differs from dust. Particulate matter is composed of inhalable particles with a diameter of 10 microns or less and is regulated by the USEPA due to the potential to cause adverse health effects. Dust and sand are made up of particles larger than 10 microns, are not inhalable, and are not regulated by USEPA (USEPA 2013).

There is a misting system with deodorizer currently in place in the facility. In addition, the facility has purchased a truck with a brush and water system that is driven regularly in areas around the facility to suppress dust and other foreign materials in the cemented areas outside and inside the facility. This vehicle is made specifically for dust control in areas of the commercial/ public tipping areas. In addition to the misting system currently in place, the facility has purchased a moveable misting machine that can be placed in targeted areas while operating, for example the chipping and grinding areas to suppress dust from those operations. See also Response 3-4.

### Response 3-4:

The commenter describes adverse health effects and nuisances experienced by CCIP tenants and attributes them to dust generated at the existing MDRRP facility. The commenter states that multiple tenants and/or their employees have left as a result of these conditions. The commenter states that CCIP staff contacted MDRRP staff to resolve these issues but they have not been satisfactorily resolved and requests that the City require the project applicant to mitigate for all dust and debris blown from the site as part of the proposed project.

The commenter describes effects of the existing facility's current operations. While the DEIR considers the existing conditions in the project area for the analysis in the DEIR, the existing conditions are not a result of the project. With regard to the potential for the project to exacerbate these existing conditions, the commenter is referred to DEIR Appendix C, which contains the project's proposed dust minimization plan. This plan includes several indoor and outdoor dust control measures in addition to those currently implemented at the existing facility. Current dust control measures are limited to the use of two street sweepers on paved surfaces and water trucks on unpaved surfaces as well as covering truck loads and limiting vehicle speed on site to 15 mile per hour (mph). These measures would continue to be implemented. Newly proposed measures include the following:

- Pave access roads and equipment storage areas to reduce dust generated by vehicles.
- Install misting systems in the tipping and transfer areas, over the food waste process area, and on grinding equipment to reduce dust generated as material is moved and processed.
- Add a second water truck to reduce dust generated in unpaved areas.
- Facility staff to monitor wind levels and inspect for dust migration and implement additional measures as necessary (use of water truck or suspension of specific activities) to reduce dust generation.
- Provide training for facility staff and truck drivers and implement an awareness and enforcement program for facility users.
- Suspend transferring and processing operations for construction/demolition and organic materials during periods of high winds when other methods are unsuccessful at preventing dust migration.
- Investigate and respond to all concerns regarding dust.

Implementation of these proposed measures would address existing dust generation as well as the potential to increase dust generation as a result of facility expansion.

With respect to health effects from dust generated at the facility, the facility does not now nor does it propose in the future to handle or process hazardous materials. While small amounts of hazardous materials may be present in the waste stream received at the facility, those materials would be sorted and disposed of at a proper facility, depending on the particular substance. The potential for the proposed project to expose sensitive receptors to substantial concentrations of toxic air contaminants, specifically diesel particulates from diesel-powered equipment, is evaluated in DEIR Impact 3.1.4 (see DEIR pages 3.1-33 and -34). The DEIR determined that with implementation of mitigation measure MM 3.1.2a, the project would not exceed the Bay Area Air Quality Management District's (BAAQMD) threshold of significance for

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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an increase in cancer risk resulting from exposure to toxic air contaminants in either the short or long term.

### **Response 3-5:**

The commenter notes that the closest existing air quality monitoring station to the project site is located in Concord approximately 13 miles from the project site and requests that the City require installation of a similar air quality monitoring station on or immediately adjacent to the project site in order to obtain more accurate baseline air quality data in the project area and to record any changes in air quality as a result of the proposed project.

The air quality monitoring station located in Concord is operated by the California Air Resources Board (CARB). CARB monitoring stations monitor regional ambient levels of air pollutants and do not monitor individual facilities or dust levels. Furthermore, the DEIR determined that, with mitigation, project operation would not result in the long-term emission of criteria air pollutants above applicable BAAQMD thresholds and further air quality monitoring is not warranted.

### **Response 3-6:**

The commenter references CEQA Guidelines and BAAQMD threshold criteria, which state that a project would have a significant impact if it would expose sensitive receptors to substantial pollutant concentrations. The commenter states that the current operation negatively affects people and that the proposed expansion would exacerbate these effects. The commenter suggests that dust blown from the project site could contain lead from household wood and recommends installation of an air quality monitoring station in order to identify the effects of the proposed project on air quality.

The commenter is referred to Response 3-2 regarding the project's potential air quality impacts evaluated in the DEIR. As discussed in Response 3-3, dust is considered a nuisance and is not a regulated air pollutant. Regarding lead from household wood waste, the removal of lead paint during building demolition and renovation is regulated at the federal and state levels to ensure worker safety. Therefore, construction and demolition materials accepted at the facility are not anticipated to contain lead-based paint. Furthermore, as discussed on DEIR page 2.0-8, construction and demolition materials entering the facility would be sorted and transported off-site for disposal or further processing. No grinding of these materials would occur on-site or contribute to dust migrating off-site.

### **Response 3-7:**

The commenter asks that the City monitor the MDRRP facility and project implementation to ensure compliance with all applicable environmental statutes. The commenter expects the City to require the project to result in no air quality degradation and to confine all dust, debris, and emissions to the project site. The commenter requests air quality monitoring on the site to establish baseline air pollutant levels and identify any impacts to air quality resulting from the project.

The City would monitor implementation of air quality mitigation measure MM 3.1.1 (see DEIR page 3.1-25) and respond to dust complaints throughout project construction. Once operational, the City would continue to respond to dust complaints including through facility and equipment inspections to ensure proper implementation of proposed dust control measures.



The commenter is referred to Responses 3-2, 3-5, and 3-4.

## Letter 4

**Patrick Hindmarsh**

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**From:** Joan Lamphier <egret4@gmail.com>  
**Sent:** Tuesday, February 17, 2015 10:01 AM  
**To:** Patrick Hindmarsh  
**Subject:** Fwd: FW: Comments to Mt Diablo Revoery Park Draft EIR  
**Attachments:** 4.26.13 letter with attachments.pdf

FYI

----- Forwarded message -----

From: **Dana Hoggatt** <[DHoggatt@ci.pittsburg.ca.us](mailto:DHoggatt@ci.pittsburg.ca.us)>  
Date: Fri, Jan 30, 2015 at 1:16 PM  
Subject: FW: Comments to Mt Diablo Revoery Park Draft EIR  
To: "Joan Lamphier ([egret4@gmail.com](mailto:egret4@gmail.com))" <[egret4@gmail.com](mailto:egret4@gmail.com)>

---

**From:** Kevin Nesse [mailto:[KevinN@halleguitiesgroup.com](mailto:KevinN@halleguitiesgroup.com)]  
**Sent:** Friday, January 30, 2015 11:06 AM  
**To:** Dana Hoggatt  
**Subject:** Comments to Mt Diablo Revoery Park Draft EIR

Dana,

Hall Equities Group manages CCIP on behalf of the Ownership.

I have attached a letter with pictures attached from April 2013 sent to Garaventa Enterprises regarding the concerns of the site and the effects on our property. | 4-1

Mr. Ziegler's letter sums up the main issues we have with the site however I would like to stress the issues the Park causes to CCIP. Besides the dust and debris, he have health concerns including respiratory issues and possible heavy metal contamination. CCIP has lost revenue as tenants have either left or decided the site is hazardous do the Park across the street. | 4-2  
| 4-3

The air quality needs to be adequately tested with a monitoring station at the Park, or on CCIP property. | 4-4

## Letter 4 Continued

Thank you,

Kevin

Kevin Nesse

Senior Portfolio Manager – Industrial Properties

**Hall Equities Group - CA-DRE #00241430**

1855 Olympic Blvd., Suite 300

Walnut Creek, CA 94596

Office: [925-933-4000](tel:925-933-4000), ext. 239

Fax: [925-933-4150](tel:925-933-4150)

[KevinN@hallequitiesgroup.com](mailto:KevinN@hallequitiesgroup.com)

Confidentiality Note: This email and any attachments may contain confidential and/or privileged information. Except for use by the intended recipients, or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing and/or using it. If you have received this email in error, please immediately delete it and all copies, and promptly notify the sender at the above telephone number or electronic mail address. Delivery of this email is not intended to waive any applicable privileges.

## Letter 4 Continued



April 26, 2013

Mr. Sal Coniglio  
Garaventa Enterprises  
1300 Loveridge Road  
Pittsburg CA 94565

Re: Garaventa Transfer Station – 1300 Loveridge Road, Pittsburg

Dear Sal,

I manage the Contra Costa Industrial Park property located at 1501 Loveridge Road in Pittsburg which is directly across the street from the transfer station. I wanted to follow up in reference to an email and phone conversation we had on April 8, 2013.

As we discussed at that time we have great concern in regards to the amount of dust and garbage that blows over on to our property from the transfer station on a regular basis. Our tenants continuously have to deal with paper, plastics, and dust blowing in to their space, all over the parking lot, and onto their vehicles. They should not have to operate their businesses under these conditions.

I am including some of the same pictures I sent earlier that were taken at the property on several different occasions. I am aware that if called, you guys will send one of your sweepers or some employees over to clean some of the debris up. While I believe I mention our appreciation of this in our conversation, I also stated this is not an acceptable solution on an ongoing basis. Something must be done to contain and prevent this from happening all together.

As I am sure you are aware, these facilities are very near the Delta which results in constant winds. I know most similar facilities I see have netting or something similar up high to better contain the dust, garbage, etc. from blowing all over the place. I had asked earlier that you consider putting up something as described or propose something similar as a preventative measure. As of today I have not received any further response from you. I have no other option but to insist this be addressed immediately.

I hope you will willingly take the steps to address our concerns right away as it is our desire to be a "good neighbor". However, our first priority is to our tenants and if necessary we will seek other options to ensure this happens.

Please feel free to give me a call should you have any questions or want to further discuss. I can be reached at (925)933-4000, ext. 242.

Sincerely,

Lisa Drummond  
Industrial Portfolio Manager

enclosures

1855 Olympic Boulevard • Suite 250 • Walnut Creek • California • 94596 • Tel. 925-933-4000 • Fax 925-933-4150  
www.hallequitiesgroup.com

4-5



Letter 4 Continued





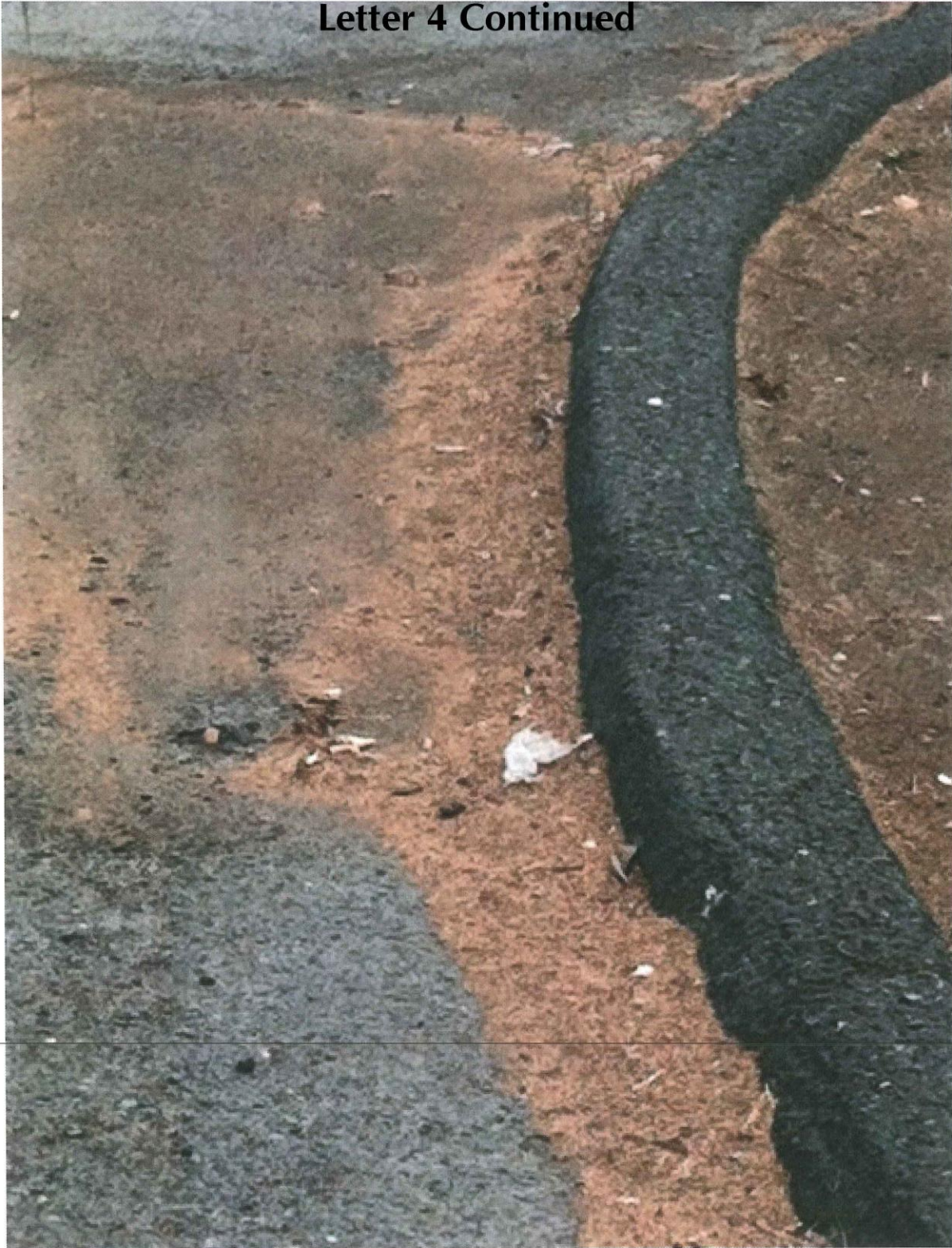


**Letter 4 Continued**





**Letter 4 Continued**





**Letter 4 Continued**





**Letter 4**      **Kevin Nesse, Senior Portfolio Manager – Industrial Properties,  
Hall Equities Group**

**Response 4-1:**

The commenter submitted a letter sent to the project applicant in April 2013 by another representative of Hall Equities Group regarding concerns of the existing facility and effects on the Contra Costa Industrial Park (CCIP).

The comment references the conditions at the facility under existing conditions. See Response 2-5.

**Response 4-2:**

The commenter references correspondence from Michael Ziegler from CCIP (Letter 4) and reiterates that the existing facility creates dust and debris and causes respiratory health concerns and possible heavy metal contamination at the CCIP located near the project site.

The commenter describes possible effects of the existing facility's current operations. While the DEIR considers the existing conditions in the project area for the analysis in the DEIR, the existing conditions are not a result of the project.

The commenter is referred to Response 3-4 and DEIR page 2.0-39. The project proposes implementation of a dust minimization plan (see DEIR Appendix C), which includes specific measures to control dust during project construction and operation. The plan includes measures that are currently implemented at the existing facility such as the use of street sweepers and a water truck in addition to newly proposed measures such as the use of misting systems, the addition of a second water truck, paving of access roads, wind-level monitoring, and worker education/awareness training. In addition, mitigation measure MM 3.1.1 (see DEIR pages 3.1-26 and -27) requires the project to implement BAAQMD-recommended best management practices for the control of fugitive dust during project construction including the posting of contact information for dust complaints. Compliance with these existing regulations would minimize dust generation during project construction and operation and provide an opportunity for neighboring property owners to address dust complaints. See Response 3-4 regarding health effects of facility operations.

**Response 4-3:**

The commenter states that operation of the existing Mt. Diablo Resource Recovery Park (MDRRP) facility has resulted in the loss of tenants and associated revenue.

See Response 4-2. Per CEQA Guidelines Section 15131, the DEIR does not address the economic effects of the proposed project. The comment is noted for the decision-makers.

**Response 4-4:**

The commenter states that air quality testing should be performed on or in the vicinity of the project site.

See Response 3-5.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **Response 4-5:**

The commenter includes a letter dated April 26, 2013, which precedes the Draft EIR. The letter describes existing conditions on the neighboring property and ongoing complaints by CCIP tenants regarding dust and debris being blown from the project site onto CCIP property. The commenter requests that Garaventa Enterprises install a system of nets to contain debris on its property.

The commenter is referred to Response 2-2 regarding dust control. Generation of debris is addressed as a public nuisance under Pittsburg Municipal Code Chapter 1.20 (Public Nuisances). The comment is noted for the decision-makers.

## Letter 5



1111 Broadway, 24<sup>th</sup> Floor | T: 510-834-6600 | www.wendel.com  
Oakland, CA 94607-4036 | F: 510-808-4729 | pcurtin@wendel.com

January 30, 2015

VIA EMAIL [DHOGGATT@CLPITTSBURG.CA.US](mailto:DHOGGATT@CLPITTSBURG.CA.US)

Dana Hoggatt Ayers  
Planning Manager  
Development Services Department, Planning Division  
65 Civic Avenue  
Pittsburg, CA 94565

**Re: Mount Diablo Resource Recovery Park Draft EIR**

Dear Ms. Ayers:

We represent the applicant of the proposed Mt. Diablo Resource Recovery Park project. This letter serves as our comments on the Draft Environmental Impact Report (DEIR) prepared for the proposed project.

The two comments below are to page 3.4-15 re Water Quality. Please note that the comments do not change the conclusion that the proposed project will have a less than significant impact on water quality.

1. At the top of the page, first partial paragraph h, last sentence.

In the last sentence, please strike "... and would therefore be subject to the existing industrial Discharge Permit on the site". Drainage from the 15-acre area will drain into the existing pond on the USS POSCO site and thus, will not reach any waters of the United States. Consequently, the drainage is not subject to a discharge permit.

2. Paragraph under discussion of Impact 3.4.5, second to the last sentence.

Please revise the sentence to state that the stormwater discharge from the 15-acre portion of the proposed project site is *not* regulated under the NPDES general permit. A suggestion is to substitute the word "regulated" to "un-regulated" in this sentence.

These comments are consistent with the Notice of Termination issued by the San Francisco Bay Regional Water Quality Control Board (March 28, 2014) which is attached.

5-1

017779.0002\3808834.1

## Letter 5 Continued

Dana Hoggatt Ayers  
January 30, 2015  
Page 2

WENDEL, ROSEN, BLACK & DEAN LLP

Thank you for this opportunity to comment on the DEIR.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN LLP



Patricia E. Curtin

Enclosure  
PEC:slk

cc: Client

017779.0002\3808834.1



**Letter 5 Patricia Curtain, Wendel, Rosen, Black and Dean LLP**

**Response 5-1:**

The commenter requests text revisions on DEIR page 3.4-15. The text changes are shown below. These revisions do not result in any new analysis or change the impact determination of the water quality impacts of the DEIR.

The text in the first partial paragraph on page 3.4-15 of the DEIR is amended as follows:

With regard to drainage, existing stormwater from the 15-acre area flows north and east to west into an existing ditch near the northern property line that conveys drainage to a large depression on USS POSCO land. Drainage from the 15-acre expansion area would continue in accordance with existing conditions ~~and would therefore be subject to the existing Industrial Discharge Permit on the site.~~

The text in the last sentence in the last paragraph on page 3.4-15 of the DEIR is amended as follows:

Stormwater discharges from the site would continue to be unregulated under the NPDES general permit (No. CAS000001) for discharges of stormwater associated with industrial activities. Therefore, this impact would be **less than significant**.

## Letter 6

**Kristin Pollot**

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**From:** Dana Hoggatt  
**Sent:** Sunday, February 01, 2015 1:07 PM  
**To:** Kristin Pollot  
**Subject:** FW: Comment to Mt. Diablo Resource Recover Park Draft EIR

Please save the email below to the project file in MUFFS, in the comments on 2014 DEIR folder. I am unable to get access to the shared drive at this time. I have already emailed this to the consultants. Thanks.

---

**From:** Brendan Beasley [<mailto:BrendanBeasley@hanergyamerica.com>]  
**Sent:** Friday, January 30, 2015 5:04 PM  
**To:** Dana Hoggatt  
**Cc:** Tony Forte  
**Subject:** Comment to Mt. Diablo Resource Recover Park Draft EIR

**Attn:** Dana Hoggatt

On behalf of Columbia Solar Energy, LLC ("Columbia"), lessee of the 105-acre parcel that is adjacent to western edge of the proposed CCWSI expansion project (Mt. Diablo Resource Recovery Park), I submit this comment related the draft EIR dated December 2014. Columbia was not aware of the Draft EIR until January 28, 2015, however there has been previous correspondence between Columbia and CCWSI about both the Columbia solar farm project and the proposed Mt. Diablo Resource Recovery Park. Given the short period of time with the Draft EIR, Columbia has not confirmed whether the proposed runoff, referenced at Section 3.4 (page 3.4-14) of the Draft EIR into the ditch on the USS-POSSCO property to which Columbia is lessee can be accommodated by current solar project civil design or whether the proposed increased runoff conforms to prior written agreement between Columbia and CCWSI. Thus, Columbia reserves its right to object to the proposed runoff onto its project site until it has had the opportunity to review the Draft EIR with its hydrology advisors.

6-1

Regards,

**Brendan Beasley**  
Project Counsel



**Hanergy USA Solar Solution Ltd.**  
1350 Bayshore Highway, Suite 825  
Burlingame, California 94010 USA  
e [brendanbeasley@hanergyamerica.com](mailto:brendanbeasley@hanergyamerica.com)  
w <http://www.hanergyamerica.com>  
c 773.343.1428 | d 650.288.3722 x703 | f 650.288.3719

**Letter 6      Brendan Beasley, Project Counsel, Hanergy USA Solar Solution Ltd.**

**Response 6-1:**

The commenter states that it is not yet known if increased stormwater runoff from the project entering the existing drainage ditch on the USS-POSCO property west of the project site can be accommodated or if it would conform to a prior written agreement between Columbia and the project applicant.

Project impacts to drainage systems are addressed in Impact 3.4.3 (see DEIR pages 3.4-13 and -14). The analysis was based on a drainage assessment prepared for the proposed project (CBG 2013), which is available for review at the City of Pittsburg Community Development Department, Planning Division. As described in the DEIR, the project proposes to improve the drainage ditch and construct a detention facility to address the increased peak flows from the expanded site. The drainage assessment determined that these proposed facilities would have adequate capacity to convey peak flows, and the impact was determined to be less than significant.



## Letter 7

February 13, 2015

VIA ELECTRONIC MAIL: [KPollat@ci.pittsburg.ca.us](mailto:KPollat@ci.pittsburg.ca.us)

Ms. Kristin Pollat  
City of Pittsburg  
Planning Department  
65 Civic Avenue  
Pittsburg, CA 94565

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR MT. DIABLO  
RESOURCE RECOVERY PROJECT, APN 073-200-014 AND 073-200-015

Dear Ms. Pollat:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Mount Diablo Resource Recovery Project. We are requesting several clarifications and corrections to the information in the document as it relates to Delta Diablo (District) facilities and the basis for which the District plans its facilities.

1. Name change: In January 2014, the District changed its name to Delta Diablo. Please note our new name. | 7-1
2. Summary of Comments, Page 1.0-4, District comment, bullet 3 Incorrectly summarizes the request in the District's 2011 comment letter. The request, at the time of the initial study in 2011, was that the DEIR analyze the project's potential contribution to projected wastewater flow increases as described in the *City of Pittsburg Collection System Master Plan*. The District utilizes the City planning documents in the development of its master plans, which are not formally adopted but used for planning purposes. Subsequent to the 2011 letter, the proposed connection point to the sewerage system was changed to the location described in the DEIR. The requested analysis is no longer necessary for this study as it appears there is no net increase of wastewater flows from the prior parcel use. | 7-2
3. Wastewater Service
  - a. Section 3.6.3.1 Wastewater Service: In 2011, at least a portion of the site was still discharging to the District's Stoneman Force Main as described in our letter of June 2011. Subsequent to that time, connection to the existing private 75 gallons per minute (gpm) pump station and private force main in Loveridge Road has been installed to serve the larger facility as described in the DEIR. Should the pumps trigger the need to increase the pump size either now or in the future, the project proponents are required to coordinate with the District to ensure compliance with District regulations. | 7-3
  - b. Section 3.6.1 Wastewater Treatment Plant: Some of the information from the District's 2011 comment letter is outdated or incorrectly cited. Delta | 7-4

2500 Pittsburg-Antioch Hwy • Antioch, CA 94509 • p 925.756.1900 • f 925.756.1961 • [www.deltadiablo.org](http://www.deltadiablo.org)

TRANSFORMING WASTEWATER TO RESOURCES

## Letter 7 Continued

Ms. Kristin Pollat  
February 13, 2015  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR MT. DIABLO RESOURCE  
RECOVERY PROJECT, APN 073-200-014 AND 073-200-015  
Page 2

Diablo's Wastewater Treatment Plant NPDES Permit<sup>(1)</sup> currently allows an average dry weather flow of 19.5 million gallons per day (mgd). An Environmental Impact Report (EIR) for the expansion of the Wastewater Treatment Plant capacity to an average dry weather flow of 22.7 mgd was completed in April 1988. During the most recent reporting period, 2014, the average dry weather flow influent to the treatment plant was 12.9 mgd.

7-4  
cont.

- c. Section 3.6.3.4 and Section 4.6.1: Cumulative Demand for Wastewater Services: While we agree with the DEIR conclusion that the project will have less than a significant cumulative impact, the basis on which that conclusion is made is flawed. The DEIR is incorrect in its statement that the District has adopted planning documents that are *at a more intense scale than is proposed by the City General Plan*. The adopted City General Plan and the City Collection System Master Plan are the documents used by the District in developing the District master plans, which are not formally adopted planning documents. A simplified explanation for the non-significance of cumulative impact for the proposed project is that the project utilizes existing wastewater capacity from a permitted connection from an existing 75 gpm private pump station. There is no net increase in wastewater flows from the proposed project development of the combined properties.

7-5

<sup>(1)</sup> NPDES No. CA0038547, Order No. R2-2014-0030, adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 13, 2014.

4. Recycled Water: As noted in the DEIR, the District's recycled water system has available capacity to serve the project site. The project applicant is working with the District to extend recycled water service to the site.

7-6

If you have any questions regarding these comments, please contact me at (925) 756-1939.

Sincerely,



Patricia Chapman  
Acting Principal Engineer

PEC:clk

cc: Phil Govea, Engineering Services Director, Delta Diablo  
Amanda Wong Roa, Environmental Compliance Engineer, Delta Diablo  
District File DEV.02-DEVDOC-675  
Chron File

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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### Letter 7 Patricia Chapman, Acting Principal Engineer, Delta Diablo

#### Response 7-1:

The commenter states that the Delta Diablo Sanitation District has changed its name to Delta Diablo. The comment is noted; however, the change does not affect the adequacy of the analysis in the DEIR.

#### Response 7-2:

The commenter states that the DEIR incorrectly summarizes a portion of the NOP comment letter submitted by Delta Diablo for the proposed project. The commenter notes that the original comment is now moot, as the project would result in no net increase of wastewater flows. The text in the sixth bullet in the table on DEIR page 1.0-4 is amended as follows:

- The EIR should analyze the project's potential contribution to projected wastewater flow increases as described in the District Conveyance System Master Plan~~City of Pittsburg Collection System Master Plan~~ to determine potential impacts to existing and planned district facilities.

The revision does not result in the need for new analysis or change the impact determination of the water quality impacts of the DEIR.

#### Response 7-3:

The commenter states that, in 2011, a portion of the existing facility's wastewater was discharged to Delta Diablo's Stoneman Force Main. Subsequently, a private pump station and force main were installed to serve the entire facility. The commenter states that should the pump size need to be increased at any time, the project proponent must coordinate with Delta Diablo to ensure compliance with district regulations.

This is not a comment on the adequacy of the DEIR. The comment is noted.

#### Response 7-4:

The commenter states that some of the information provided in Delta Diablo's 2011 NOP comment letter and used to support preparation of the DEIR is now outdated or was incorrectly cited. The commenter provides updated information on the actual, permitted, and planned capacity of the wastewater treatment plant. The revision does not result in any new analysis or change the impact determination of the wastewater impacts of the DEIR.

The text in the first two paragraphs on page 3.6-15 of the DEIR is amended as follows:

The DDSD treatment plant is located north of State Route (SR) 4, just east of the City of Pittsburg city limits. Existing DDSD wastewater treatment facilities have a capacity of ~~16.5~~19.5 mgd. In ~~2010~~2014, the DDSD treated an average of ~~13.4~~12.9 mgd. The treated effluent is discharged to New York Slough and the Sacramento-San Joaquin Delta. The treated effluent is regulated under the National Pollutant Discharge Elimination System (NPDES) permit system, which is administered under the auspices of the USEPA.

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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An EIR for the expansion of the wastewater treatment plant capacity to an average dry weather flow of 22.7 mgd was completed in April 1988. In addition, the DDSD has adopted a District Master Plan that includes a phased treatment plant expansion to ultimately provide 24 mgd capacity (average dry weather flow) in order to accommodate anticipated growth in the City of Pittsburg, City of Antioch, and unincorporated Bay Point (City of Pittsburg 2001). The anticipated growth included in the District Master Plan is at a more intense development scale than is proposed by the City of Pittsburg General Plan (2001; see Section 4.1, Land Use and Planning).

### Response 7-5:

The commenter agrees with the less than cumulatively considerable conclusion of DEIR Impact 3.6.3.4 (Cumulative Demand for Wastewater Services). However, the commenter states that the analysis supporting this conclusion is flawed because Delta Diablo's planning documents do not assume a more intense scale of growth than the City's General Plan, as stated in the DEIR. In fact, Delta Diablo's planning documents are based on the growth assumptions in the City's General Plan. The commenter states that the project's contribution to this cumulative impact is less than cumulatively considerable because it would result in no net increase in wastewater flows.

The text in the last paragraph on 3.6-18 of the DEIR is amended as follows:

Future growth in the City of Pittsburg would increase demand for wastewater treatment. Existing DDSD wastewater treatment facilities have a capacity of 16.519.5 mgd. In 20102014, the DDSD treated an average of 13.412.9 mgd. The DDSD has adopted a District Master Plan that includes a phased treatment plant expansion to ultimately provide 24 mgd capacity (average dry weather flow) in order to accommodate anticipated growth in the City of Pittsburg, City of Antioch, and unincorporated Bay Point (City of Pittsburg 2001. The anticipated growth included in the District Master Plan is ~~at a more intense development scale than is proposed by the City of Pittsburg General Plan.~~ based on the growth assumptions provided in the general plans for those municipalities served by the District. Consequently, the cumulative development in the city would be able to be accommodated by the expanded treatment plant. This would be a less than significant cumulative impact. Furthermore, the proposed project would result in no net increase in wastewater flow. Therefore, ~~and~~ the project's contribution would be **less than cumulatively considerable**.

The revision does not result in any new analysis or change the impact determination of the wastewater impacts of the DEIR.

### Response 7-6:

The commenter states Delta Diablo's recycled water system has available capacity to serve the project and the project applicant is coordinating with Delta Diablo to extend recycled water service to the site.

The comment is noted.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **REFERENCES**

CBG (Carlson, Barbee & Gibson). 2013. *Drainage Assessment Mount Diablo Resource Recovery Park – Expansion Areas, Pittsburg, California.*

City of Pittsburg. 2001. *General Plan Pittsburg 2020: A Vision for the 21<sup>st</sup> Century.*

Contra Costa Transportation Authority. 2009. *2009 Contra Costa Countywide Bicycle and Pedestrian Plan.*

USEPA (US Environmental Protection Agency). 2013. *Particulate Matter (PM) Basic Information.* <http://www.epa.gov/pm/basic.html>.



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## **3.0 MINOR REVISIONS TO THE DRAFT EIR**

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### 3.1 INTRODUCTION

This section includes minor edits to the Draft EIR. These modifications resulted from responses to comments received during the Draft EIR public review period as well as staff-initiated changes.

Revisions herein do not result in new significant environmental impacts and do not constitute significant new information, nor do they alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text).

### 3.2 MINOR CHANGES AND EDITS TO THE DRAFT EIR

#### ES EXECUTIVE SUMMARY

No changes were made to this section.

#### 1.0 INTRODUCTION

The text in the sixth bullet in the table on DEIR page 1.0-4 is amended as follows:

- The EIR should analyze the project's potential contribution to projected wastewater flow increases as described in the ~~District Conveyance System Master Plan~~ City of Pittsburg Collection System Master Plan to determine potential impacts to existing and planned district facilities.

#### 2.0 PROJECT DESCRIPTION

The text in the third sentence in the paragraph under heading "Commercial Food Waste" on DEIR page 2.0-34 is amended as follows:

Food material, as defined in Section 17852(a)(20) of Title 14, means any material that was acquired for animal or human consumption, that is separated from the municipal solid waste stream, and that does not meet the definition of agricultural material.

#### 3.0 INTRODUCTION TO THE ANALYSIS AND ASSUMPTIONS USED

The text in the last sentence in the first paragraph under heading "Baseline Environmental Conditions Assumed in the Draft EIR" on DEIR page 3.0-1 is amended as follows:

The baseline analysis used in this EIR is based upon the existing operations of the facility (see **Table ~~2.0-12.1-1~~**).

#### 3.1 Air Quality

No changes were made to this section.

#### 3.2 Climate Change and Energy

No changes were made to this section.

## 3.0 MINOR REVISIONS TO THE DRAFT EIR

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### 3.3 Hazards

No changes were made to this section.

### 3.4 Hydrology and Water Quality

The text in the first partial paragraph on page 3.4-15 of the DEIR is amended as follows:

With regard to drainage, drainage, existing stormwater from the 15-acre area flows north and east to west into an existing ditch near the northern property line that conveys drainage to a large depression on USS POSCO land. Drainage from the 15-acre expansion area would continue in accordance with existing conditions ~~and would therefore be subject to the existing Industrial Discharge Permit on the site.~~

The text in the last sentence in the last paragraph on page 3.4-15 of the DEIR is amended as follows:

Stormwater discharges from the site would continue to be unregulated under the NPDES general permit (No. CAS000001) for discharges of stormwater associated with industrial activities. Therefore, this impact would be **less than significant**.

### 3.5 Land Use

No changes were made to this section.

### 3.6 Public Services and Utilities

The text in the first paragraph on page 3.6-10 of the DEIR is amended as follows:

In addition to the City's water conservation efforts described above, the City also continually examines supply enhancement options, including additional water recycling, conjunctive use, water transfers, and additional imported water supplies through its participation in the East County Water Management Association and collaboration with its principal raw water suppliers. The City is working with ~~the Delta Diablo Sanitation District~~ (DDSD) to further develop irrigation and industrial recycled water uses.

The text in the first two paragraphs on page 3.6-15 of the DEIR is amended as follows:

The DDSD treatment plant is located north of State Route (SR) 4, just east of the City of Pittsburg city limits. Existing DDSD wastewater treatment facilities have a capacity of ~~16.5~~19.5 mgd. In ~~2010~~2014, the DDSD treated an average of ~~13.4~~12.9 mgd. The treated effluent is discharged to New York Slough and the Sacramento-San Joaquin Delta. The treated effluent is regulated under the National Pollutant Discharge Elimination System (NPDES) permit system, which is administered under the auspices of the USEPA.

An EIR for the expansion of the wastewater treatment plant capacity to an average dry weather flow of 22.7 mgd was completed in April 1988. In addition, the DDSD has adopted a District Master Plan that includes a phased treatment plant expansion to ultimately provide 24 mgd capacity (average dry weather flow) in order to accommodate anticipated growth in the City of Pittsburg, City of Antioch, and unincorporated Bay Point (City of Pittsburg 2001). The anticipated growth included in the

District Master Plan is at a more intense development scale than is proposed by the City of Pittsburg General Plan (2001; see Section 4.1, Land Use and Planning).

The text in the last paragraph on 3.6-18 of the DEIR is amended as follows:

Future growth in the City of Pittsburg would increase demand for wastewater treatment. Existing DDSD wastewater treatment facilities have a capacity of ~~16,519.5~~ mgd. In ~~2010~~2014, the DDSD treated an average of ~~13,412.9~~ mgd. The DDSD has adopted a District Master Plan that includes a phased treatment plant expansion to ultimately provide 24 mgd capacity (average dry weather flow) in order to accommodate anticipated growth in the City of Pittsburg, City of Antioch, and unincorporated Bay Point (City of Pittsburg 2001. The anticipated growth included in the District Master Plan is ~~at a more intense development scale than is proposed by the City of Pittsburg General Plan~~ based on the growth assumptions provided in the general plans for those municipalities served by the District. Consequently, the cumulative development in the city would be able to be accommodated by the expanded treatment plant. This would be a less than significant cumulative impact. Furthermore, the proposed project would result in no net increase in wastewater flow. Therefore, ~~and~~ the project's contribution would be **less than cumulatively considerable**.

### 3.7 Transportation and Circulation

The text in the second to last paragraph on page 3.7-9 of the DEIR is amended as follows:

In the vicinity of the project site, there are Class II bike lanes along Loveridge Road, East Leland Road, and Buchanan Road. Additionally, there is a Class I bike path along the Delta De Anza Regional Trail, which is located south of the project site between East Leland Road and Buchanan Road. As part of the ~~East County Bikeway Plan~~2009 Contra Costa Countywide Bicycle and Pedestrian Plan, Class II bicycle facilities are planned along ~~Auto Center Drive and Somersville Road~~ the Pittsburg-Antioch Highway east of Loveridge Road and along California Avenue east of Loveridge Road.

### 3.8 Biological Resources

No changes were made to this section.

### 4.0 CUMULATIVE IMPACTS

No changes were made to this section.

### 5.0 ALTERNATIVES

No changes were made to this section.

### 6.0 CEQA-MANDATED SECTIONS

No changes were made to this section.

### 7.0 REPORT PREPARERS

No changes were made to this section.

### **3.0 MINOR REVISIONS TO THE DRAFT EIR**

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