

**Edwards, Dawn**

**From:** Curry, Damien, CDA <damien.curry@acgov.org>  
**Sent:** Monday, January 13, 2020 8:17 AM  
**To:** Edwards, Dawn; Tice, Leslie  
**Subject:** FW: comments of the Draft EIR for the proposed Jess Ranch Composting Facility  
**Attachments:** Jess Ranch DEIR comments.doc

**Categories:** Important

---

**From:** BERNARD CABANNE <bcabanne@comcast.net>  
**Sent:** Sunday, January 12, 2020 8:49 PM  
**To:** Curry, Damien, CDA <damien.curry@acgov.org>; bcabanne@comcast.net; donna.cabanne@gmail.com  
**Subject:** comments of the Draft EIR for the proposed Jess Ranch Composting Facility

Hi Damien,  
Please email me back that you have received comments and questions for Draft EIR for Jess Ranch Composting Facility.  
Donna

To Damien Curry  
Planner for Alameda County  
January 12, 2020

I am submitting these comments as a 37 year resident of Livermore, as a member of the Sierra Club, and as a member of the Center for Biological Diversity.

Please submit the following comments to the Final EIR for the proposed Jess Ranch Composting Facility. Please answer the following questions not answered in the Draft EIR so the public can make critical decisions about the proposed site.

**1** To begin with, the Final EIR should support the conclusion of the Draft EIR ---the environmentally superior alternative is no project at this site. There is no **compelling need** to site a fourth large composting facility within a **two mile radius of three existing large composting facilities**.

This small area of the most eastern portion of the county is **already saturated** with composting facilities:

(1)Green Waste Composting 30 Greenville Road, Livermore --- 3,375 permitted tons per day,  
(2)Altamont Landfill Composting, 10840 Altamont Pass Road, Livermore --- 500 permitted tons per day,  
(3) Vision Recycling, 30 Greenville Road, Livermore, --- 200 permitted tons per day.)  
(see chart page 35)

There is only one small composting facility located in northern Alameda County. Siting yet another large industrial sized composting facility here is **redundant, and an undue burden on the Tri-Valley**.

**2** This project brings **significant and unavoidable negative air quality impacts** (Impact Air Quality 1 and 3 both significant and unavoidable) to an area of the county that has triggered **weeks of air violations** in the last two years (Livermore/Rincon monitoring station).

It will condemn Tri-Valley residents and eight schools within a five-mile radius to decades of dirty air and its negative health impacts.

**3** Furthermore, public safety is compromised as this project at build out would add 400 additional daily truck trips along a section of 580 **already at LOS F**. Adding these truck trips -- estimated to be traveling at least 70 miles from all Bay Area counties and beyond to a gridlocked area of the Altamont Pass -- is unacceptable.

4 Moreover, dismissing the traffic impacts because no standards exist for areas of existing LOS F is **not an acceptable public safety position.**

5 Furthermore, the biological mitigations proposed are insufficient protection for an existing threatened species habitat that overlaps the project site. The project site also has the potential to negatively affect 8 special concern species including the Northern Harrier (two were observed during an onsite survey) as well as 9 special status plant species. Once damaged or lost permanently, these biological resources will not be replaceable in the Tri-Valley. **A composting facility this large needs to be placed in a biologically less sensitive area.**

6 The majority of the feedstock needed for composting, including food waste, is generated in northern Alameda County; a composting facility needs to be sited where the majority of generated wastes are generated not trucked at least 70 miles to a small rural area with three existing large scale composting facilities. This project is a massive, regional composting facility -- 40% of its customer base will be out of county clients.

7 **The project is not justifiable because it imposes severe and long term health impacts, air quality impacts, safety impacts (traffic gridlock), and impacts on threatened species and species of special concern for decades to come in a small area of the county already saturated with composting facilities.**

### I. Questions: Air Quality

8 1. How many air violations were triggered at the Livermore/Rincon monitoring station in 2019? Were 21 or more spare-the-air days registered in the Tri-Valley in 2019 due to violations of air standards? How many air violations were recorded at this same station in the Tri-Valley in 2018? 2017? 2016?

9 2. Which type of air violations/exceedances were recorded at the Livermore Rincon station over the past four years in each category---PM2.5, PM10, Nitrogen Oxide (NOx), Reactive Organic Gases (ROG), Diesel Particulate Matter (DMP), Carbon Monoxide, Nitrogen Dioxide, Ozone, Toxic Air Contaminants (TACs), Lead, and Sulfur Dioxide?

Simply stating that several violations were recorded at this station does not provide the public with adequate information to make an informed decision about the project.

10 3. How many air violations were recorded at the closest Tracy air monitoring station in 2019? 2018? 2017? 2016?

11 Forty percent (40%) of the feedstock will be transported from San Joaquin County and the project is located about two miles from the San Joaquin County line; air data from the San Joaquin County Air District is critical to understand the true air impacts of the project.

Prevailing winds blow from Alameda County toward Tracy and San Joaquin County, making Tracy and San Joaquin County unwilling recipients of negative air impacts from this project.

12 4. Was the Air Board for San Joaquin County notified about the project in time to submit comments to the Draft EIR?

### II. Questions: Water Supply and Catchment Ponds

13 1. The project will use recycled water and compost leachate as main sources of quench water to keep outdoor compost piles sufficiently moist. According to the Draft EIR "compost leachate and truck washing wastewater would be held onsite for moisture conditioning of the compost piles " (2-17 pg. 61.)

The Central Valley Regional Water Quality Board has **not** allowed this practice at the Altamont Landfill Composting facility. Why would the Central Valley RWQB allow this practice here?

14 2. Was the Central Valley RWQB contacted for comments on the Draft EIR?

15 3 The project proposes a 25-year/24-hour peak storm pond as sufficient to contain water onsite. Was this approved by the Central Valley RWQB? The Altamont Composting facility had an issue in 2019 with a similar sized pond which was inadequate to contain storm runoff.

16 4. What provisions, if any, have been made for a heavy rain cycle such as the one experienced in February 2019?

17 5 Are there separate ponds for the capture of storm drainage and composting leachate?

- 18 6. According to the Draft EIR, the project proposes combined systems of wastewater reuse. (Page 61) The Central Valley RWQB has **not allowed co-mingling of compost leachate with other wastewater sources** at the Altamont Landfill Composting Facility. Why would co-mingling of wastewater be allowed at this project?
- 19 7. It is not clear how storm runoff and compost leachate would be separated. Please clarify if separate storage ponds and separate drainage systems are planned. If not, why not?
- 20 8. How would the repeated use of composting leachate as quench water add to higher quantities of pathogens, VOCs, and undesirable chemicals in the finished composting product?
- 21 9. Would the practice of repeated application of leachate to compost piles require more intensive screening than what has been proposed?
- 22 10. Why would the project use a higher percentage of biosolids as feedstock?
- 23 11. Are biosolids being introduced because of a lack of sustainable water other than recycled water?
- 24 According to the Draft EIR the project would "use biosolids as one of its primary feedstocks (30 to 50 percent) to **reduce water demand** necessary to keep composting piles moist. **If so, the use of biosolids is fundamentally a water demand issue and a sewage issue, not a composting issue as the project proclaims.**
- 25 12. Most composting facilities will not accept biosolids; is this due to higher restrictions and constraints on the composting protocols for biosolids?
- 26 13. What added measures or permits are necessary to guarantee the safety of the finished compost given that a high percentage of biosolids would be used?

### III. Questions: Serious impacts to Biological Resources and permanent loss of wetlands

- 27 This project site contains seasonal wetlands and sensitive habitat.  
An overlapping portion of the project is habitat for one threatened species, 8 species of concern, and at least 9 sensitive plant species. The project overlaps the Arroyo Valley area, critical habitat for the California Red-legged frog. In addition, the project intersects with the eastern edge of an essential connectivity area.
- 28 The project also intersects patch habitats in the Bay Area Linkage Network for many other special concern species. In addition to core habitat, movement corridors could be negatively affected which are necessary for foraging and to maintain adequate distribution of species.
- 29 1. How can movement corridors and core habitat be maintained with permanent concrete pad structures necessary for leachate containment?
- 30 2. The proposed size of **each concrete pad is massive**; wider than Olympic sized swimming pools and 250 ft. long--- almost as long as a football field. How could wildlife maneuver around such large permanent structures without special passages?
- 31 3. According to the Draft EIR, ground disturbing activities during construction and the permanent placement of concrete pads and structures will lead to the permanent loss of habitat. Mitigations suggest replacement habitat at a 3 to 1 ratio is sufficient. How was this conclusion reached?
- 32 4. Proposed mitigations support purchase credits and donations to mitigation banks outside the area as suitable replacements for permanent loss of habitat. This is unacceptable in the East County where restrictions imposed by ECAP and Measure D were passed by voters **specifically to protect and maintain open space, wetlands and movement corridors**. Could critical habitat and wetlands be replaced in this small area of the county?
- 33 5. One mitigation measure recommends that employees be trained to identify threatened and special concern species on the project site. How could employees be expected to identify 8 special concern species, one threatened species -- the Calif. Red-legged frog -- and 9 sensitive plant species, in addition to their daily job requirements? Will a test be required to assess skills? Otherwise, this is an unenforceable meaningless mitigation.
- 34 6. Mitigation Measure Bio 17 states off road vehicle travel will be minimized. How? How will this be enforced?

- 35 7. Mitigation Measure Bio. 23 proposes the translocation of any threatened species or species of special concern on a project specific basis. How successful have translocation efforts in the area been in the past?
- 36 8. Mitigation Measure Bio 36 suggests there will be no net loss of sensitive biological communities if purchase credits are used. This does not replace the communities in this area; in fact , **the Draft EIR clearly states the implementation of this project's related activities will result in the permanent loss of federally protected wetlands.** How is this justifiable when a composting facility can be sited in another area of the county that would not result in the loss or critical habitat or wetlands?
- 37 9. Was the California Department of Fish and Wildlife contacted for comments on the DRAFT EIR and proposed mitigations?
- 38 10. Was the US Fish and Wildlife Service contacted for comments on the Draft EIR and proposed mitigations?
- 39 11. The project sits within the California Altamont Pass Wind Resource Corridor. What restrictions would this Wind Resource Corridor place on the project? Please clarify with specific conditions and data.

40 **IV. Questions: Quality of finished product**

The quality of finished composting product is dependent on high quality feedstock. Feedstock can contain pesticides, heavy metals, chemical and organic compounds as well as pathogens.

1. Given the stated intent to use a high percent of biosolids, what extra screening methods will be used to sample finished compost for pathogens, heavy metals, and endocrine disrupters?
- 41 2. Who will the finished product be sold to? The Draft EIR states there will be an average of 10 visitors to the site per day. Will this product be sold to residents to use on their vegetable gardens? If so, will the finished product include a summary alerting customers to the fact that a high percentage of biosolids were used in the compost feedstock? Will customers be given the ratio of biosolids to green waste feedstock used in the compost?
- 42 3. What will be the sampling ratio of cured product for pathogens and other unacceptable materials? 20%? 40%? 60%?
- 43 4. How will adequate temperature monitoring of compost piles occur with only one employee working from midnight to seven am?
- 44 5. The only type of cured compost screening described in the Draft EIR involves screening for unders (composting that can pass through a 3/8 inch screen) and overs. Is this the only screening that will occur?
- 45 6. What other types of screening should occur to eliminate potential health hazards such as pathogens, heavy metals, etc.?

**V. Questions: Safety impacts relating to transportation issues**

- 46 1 Why was only one traffic count collected for the project? Isn't collecting **at least** two traffic counts the standard practice for Draft EIRs?
- 47 2. The traffic consultant discussed what he considered to be peak hours -- 4:40 pm to 5:30 pm -- and determined level of service on **I-580 EB LOS F**. Since there are no current standards for areas already experiencing LOS F, it was suggested using models to determine in increments how much worse the problem would become with the project.
- This approach is problematic and unacceptable. **This project is placed in the center of one of the worst, if not the worst traffic gridlock commute in the Bay Area: the Altamont Pass on I-580 EB in the afternoon and evening. This area is gridlocked at LOS F every week day from 3:00 pm to 7:00 pm.**
- 48 To imply that this stretch is only at LOS F from 4:30 pm to 5:30 pm is inaccurate. Anyone who lives in the area or makes the commute from Alameda County to San Joaquin County will verify **the gridlock situation extends hours beyond peak hours.**
- 49 To conclude that the situation is already horrible, so we can make it worse, is unacceptable.

**50** A composting facility can be sited in areas without serious and unavoidable air impacts and traffic impacts that will be made even worse with 400 more trucks daily idling or traveling at speeds under 5 miles an hour for miles.

**51** 3. Scheduling trucks arrival at the facility outside peak hours is not a workable solution; schedules can change. Why is there no provision to prohibit deliveries during gridlock hours, not just peak hours?

This makes no sense, even if a truck -- traveling approximately 70 miles -- arrives at the site after peak hours; it has been on the road for at least an hour to get to the composting facility, adding to the air pollution and traffic gridlock.

**52** The project is not located where the majority of Alameda County wastes are generated, nor is it centrally located for Alameda County businesses or residents.

**53** The proposed project is a large, regional composting facility, attempting to provide cheap composting at the expense of the health and safety of Eastern Alameda County residents, and will also result in the loss of wetlands and significant biological resources. Composting goals can be met at less sensitive sites.

**54** In summary, the Draft EIR has not proven the need for a fourth large composting facility in the small eastern portion of the county already saturated with 3 large composting facilities less than two miles from Jess Ranch. The significant and unavoidable air impacts, traffic and safety impacts, permanent loss of wetlands and biological resources are too high a price to pay to support generic composting goals that can be met with composting facilities placed in northern Alameda County where the majority of food wastes and green wastes are generated.

**55** The Final EIR must support the Draft EIR conclusion that the environmentally superior alternative is no project at this site.

Sincerely,  
Donna Cabanne  
[donna.cabanne@gmail.com](mailto:donna.cabanne@gmail.com), [bcabanne@comcast.net](mailto:bcabanne@comcast.net)

**\*\* This email was sent from an external source. If you do not know the sender, do not click on links or attachments. \*\***

Note: Letter attached to email (five pages shown here) were same comments as e-mail, so shown here but not numbered separately for responses.

To Damien Curry  
Planner for Alameda County  
January 11, 2020

I am submitting these comments as a 37 year resident of Livermore, as a member of the Sierra Club, and a member of the Center for Biological Diversity.

Please submit the following comments to the Final EIR for the proposed Jess Ranch Composting Facility. Please answer the following questions not answered in the Draft EIR so the public can make critical decisions about the proposed site.

To begin with, the Final EIR should support the conclusion of the Draft EIR ---the environmentally superior alternative is no project at this site. There is no **compelling need** to site a fourth large composting facility within a **two mile radius of three existing large composting facilities**.

This small area of the most eastern portion of the county is **already saturated** with composting facilities:  
(1)Green Waste Composting 30 Greenville Road, Livermore --- 3,375 permitted tons per day,  
(2)Altamont Landfill Composting, 10840 Altamont Pass Road, Livermore --- 500 permitted tons per day,  
(3) Vision Recycling, 30 Greenville Road, Livermore, --- 200 permitted tons per day.)  
(see chart page 35)

There is only one small composting facility in northern Alameda County. Siting yet another large industrial sized composting facility here is **redundant, and an undue burden on the Tri-Valley**.

This project brings **significant and unavoidable negative air quality impacts** (Impact Air Quality 1 and 3 both significant and unavoidable) to an area of the county that has triggered **weeks of air violations** in the last two years (Livermore/Rincon monitoring station).

It will condemn Tri-Valley residents and eight schools within a five-mile radius to decades of dirty air and its negative health impacts.

Furthermore, public safety is compromised as this project at build out would add 400 additional daily truck trips along a section of 580 **already at LOS F**. Adding these truck trips -- estimated to be traveling at least 70 miles from all Bay Area counties and beyond to a gridlocked area of the Altamont Pass -- is unacceptable.

Moreover, dismissing the traffic impacts because no standards exist for areas of existing LOS F **is not an acceptable public safety position**.

Furthermore, the biological mitigations proposed are insufficient protection for an existing threatened species habitat that overlaps the project site. The project site also has the potential to negatively affect 8 special concern species including the Northern Harrier (two were observed during an onsite survey) as well as 9 special status plant species. Once damaged or lost permanently, these biological resources will not be replaceable in the Tri-Valley. **A composting facility this large needs to be placed in a biologically less sensitive area**.

The majority of the feedstock needed for composting, including food waste, is generated in northern Alameda County; a composting facility needs to be sited where the majority of generated wastes are generated not trucked at least 70 miles to a small rural area with three existing large scale composting facilities. This project is a massive, regional composting facility -- 40% of its customer base will be out of county clients.

**The project is not justifiable because it imposes severe and long term health impacts, air quality impacts, safety impacts (traffic gridlock), and impacts on threatened species and species of special concern for decades to come in a small area of the county already saturated with composting facilities.**

## I. Questions: Air Quality

1. How many air violations were triggered at the Livermore/Rincon monitoring station in 2019? Were 21 or more spare-the-air days registered in the Tri-Valley in 2019 due to violations of air standards? How many air violations were recorded at this same station in the Tri-Valley in 2018? 2017? 2016?

2. Which type of air violations/exceedances were recorded at the Livermore Rincon station over the past four years in each category---PM2.5, PM10, Nitrogen Oxide (NOx), Reactive Organic Gases (ROG), Diesel Particulate Matter (DMP), Carbon Monoxide, Nitrogen Dioxide, Ozone, Toxic Air Contaminants (TACs), Lead, and Sulfur Dioxide?

Simply stating that several violations were recorded at this station does not provide the public with adequate information to make an informed decision about the project.

3. How many air violations were recorded at the closest Tracy air monitoring station in 2019? 2018? 2017? 2016?

Forty percent (40%) of the feedstock will be transported from San Joaquin County and the project is located about two miles from the San Joaquin County line; air data from the San Joaquin County Air District is critical to understand the true air impacts of the project.

Prevailing winds blow from Alameda County toward Tracy and San Joaquin County, making Tracy and San Joaquin County unwilling recipients of negative air impacts from this project.

4. Was the Air Board for San Joaquin County notified about the project in time to submit comments to the Draft EIR?

## II. Questions: Water Supply and Catchment Ponds

1. The project will use recycled water and compost leachate as main sources of quench water to keep outdoor compost piles sufficiently moist. According to the Draft EIR "compost leachate and truck washing wastewater would be held onsite for moisture conditioning of the compost piles " (2-17 pg. 61.)

The Central Valley Regional Water Quality Board has **not** allowed this practice at the Altamont Landfill Composting facility. Why would the Central Valley RWQB allow this practice here?

2. Was the Central Valley RWQB contacted for comments on the Draft EIR?

3 The project proposes a 25-year/24-hour peak storm pond as sufficient to contain water onsite. Was this approved by the Central Valley RWQB? The Altamont Composting facility had an issue in 2019 with a similar sized pond which was inadequate to contain storm runoff.

4. What provisions, if any, have been made for a heavy rain cycle such as the one experienced in February 2019?

5 Are there separate ponds for the capture of storm drainage and composting leachate?

6. According to the Draft EIR, the project proposes combined systems of wastewater reuse. (Page 61) The Central Valley RWQB has **not allowed co-mingling of compost leachate with other wastewater sources** at the Altamont Landfill Composting Facility. Why would co-mingling of wastewater be allowed at this project?

7. It is not clear how storm runoff and compost leachate would be separated. Please clarify if separate storage ponds and separate drainage systems are planned. If not, why not?

8. How would the repeated use of composting leachate as quench water add to higher quantities of pathogens, VOCs, and undesirable chemicals in the finished composting product?

9. Would the practice of repeated application of leachate to compost piles require more intensive screening than what has been proposed?

10. Why would the project use a higher percentage of biosolids as feedstock?

11. Are biosolids being introduced because of a lack of sustainable water other than recycled water?

According to the Draft EIR the project would "use biosolids as one of its primary feedstocks (30 to 50 percent) to **reduce water demand** necessary to keep composting piles moist. **If so, the use of biosolids is fundamentally a water demand issue and a sewage issue, not a composting issue as the project proclaims.**

12. Most composting facilities will not accept biosolids; is this due to higher restrictions and constraints on the composting protocols for biosolids?

13. What added measures or permits are necessary to guarantee the safety of the finished compost given that a high percentage of biosolids would be used?

### III. Questions: Serious impacts to Biological Resources and permanent loss of wetlands

This project site contains seasonal wetlands and sensitive habitat.

An overlapping portion of the project is habitat for one threatened species, 8 species of concern, and at least 9 sensitive plant species. The project overlaps the Arroyo Valley area, critical habitat for the California Red-legged frog. In addition, the project intersects with the eastern edge of an essential connectivity area.

The project also intersects patch habitats in the Bay Area Linkage Network for many other special concern species. In addition to core habitat, movement corridors could be negatively affected which are necessary for foraging and to maintain adequate distribution of species.

1. How can movement corridors and core habitat be maintained with permanent concrete pad structures necessary for leachate containment?

2. The proposed size of **each concrete pad is massive**; wider than Olympic sized swimming pools and 250 ft. long--almost as long as a football field. How could wildlife maneuver around such large permanent structures without special passages?

3. According to the Draft EIR, ground disturbing activities during construction and the permanent placement of concrete pads and structures will lead to the permanent loss of habitat. Mitigations suggest replacement habitat at a 3 to 1 ratio is sufficient. How was this conclusion reached?

4. Proposed mitigations support purchase credits and donations to mitigation banks outside the area as suitable replacements for permanent loss of habitat. This is unacceptable in the East County where restrictions imposed by ECAP and Measure D were passed by voters **specifically to protect and maintain open space, wetlands and movement corridors**. Could critical habitat and wetlands be replaced in this small area of the county?

5. One mitigation measure recommends that employees be trained to identify threatened and special concern species on the project site. How could employees be expected to identify 8 special concern species, one threatened species -- the Calif. Red-legged frog -- and 9 sensitive plant species, in addition to their daily job requirements? Will a test be required to assess skills? Otherwise, this is an unenforceable meaningless mitigation.

6. Mitigation Measure Bio 17 states off road vehicle travel will be minimized. How? How will this be enforced?

7. Mitigation Measure Bio. 23 proposes the translocation of any threatened species or species of special concern on a project specific basis. How successful have translocation efforts in the area been in the past?

8. Mitigation Measure Bio 36 suggests there will be no net loss of sensitive biological communities if purchase credits are used. This does not replace the communities in this area; in fact , **the Draft EIR clearly states the implementation of this project's related activities will result in the permanent loss of federally protected wetlands.** How is this justifiable when a composting facility can be sited in another area of the county that would not result in the loss or critical habitat or wetlands?

9. Was the California Department of Fish and Wildlife contacted for comments on the DRAFT EIR and proposed mitigations?

10. Was the US Fish and Wildlife Service contacted for comments on the Draft EIR and proposed mitigations?

11. The project sits within the California Altamont Pass Wind Resource Corridor. What restrictions would this Wind Resource Corridor place on the project? Please clarify with specific conditions and data.

#### **IV. Questions: Quality of finished product**

The quality of finished composting product is dependent on high quality feedstock. Feedstock can contain pesticides, heavy metals, chemical and organic compounds as well as pathogens.

1. Given the stated intent to use a high percent of biosolids, what extra screening methods will be used to sample finished compost for pathogens, heavy metals, and endocrine disrupters?

2. Who will the finished product be sold to? The Draft EIR states there will be an average of 10 visitors to the site per day. Will this product be sold to residents to use on their vegetable gardens? If so, will the finished product include a summary alerting customers to the fact that a high percentage of biosolids were used in the compost feedstock? Will customers be given the ratio of biosolids to green waste feedstock used in the compost?

3. What will be the sampling ratio of cured product for pathogens and other unacceptable materials? 20%? 40%? 60%?

4. How will adequate temperature monitoring of compost piles occur with only one employee working from midnight to seven am?

5. The only type of cured compost screening described in the Draft EIR involves screening for unders (composting that can pass through a 3/8 inch screen) and overs. Is this the only screening that will occur?

6. What other types of screening should occur to eliminate potential health hazards such as pathogens, heavy metals, etc.?

#### **V. Questions: Safety impacts relating to transportation issues**

1 Why was only one traffic count collected for the project? Isn't collecting **at least** two traffic counts the standard practice for Draft EIRs?

2. The traffic consultant discussed what he considered to be peak hours -- 4:40 pm to 5:30 pm -- and determined level of service on **I-580 EB LOS F**. Since there are no current standards for areas already

experiencing LOS F, it was suggested using models to determine in increments how much worse the problem would become with the project.

This approach is problematic and unacceptable. **This project is placed in the center of one of the worst, if not the worst traffic gridlock commute in the Bay Area: the Altamont Pass on I-580 EB in the afternoon and evening. This area is gridlocked at LOS F every week day from 3:00 pm to 7:00 pm.**

To imply that this stretch is only at LOS F from 4:30 pm to 5:30 pm is inaccurate. Anyone who lives in the area or makes the commute from Alameda County to San Joaquin County will verify the gridlock situation extends hours beyond peak hours.

To conclude that the situation is already horrible, so we can make it worse, is unacceptable.

**A composting facility can be sited in areas without serious and unavoidable air impacts and traffic impacts that will be made even worse with 400 more trucks daily idling or traveling at speeds under 5 miles an hour for miles.**

3. Scheduling trucks arrival at the facility outside peak hours is not a workable solution; schedules can change. Why is there no provision to prohibit deliveries during gridlock hours, not just peak hours?

This makes no sense, even if a truck -- traveling approximately 70 miles -- arrives at the site after peak hours; it has been on the road for at least an hour to get to the composting facility, adding to the air pollution and traffic gridlock.

**The project is not located where the majority of Alameda County wastes are generated, nor is it centrally located for Alameda County businesses or residents.**

**The proposed project is a large, regional composting facility, attempting to provide cheap composting at the expense of the health and safety of Eastern Alameda County residents, and will also result in the loss of wetlands and significant biological resources. Composting goals can be met at less sensitive sites.**

**In summary, the Draft EIR has not proven the need for a fourth large composting facility in the small eastern portion of the county already saturated with 3 large composting facilities less than two miles from Jess Ranch. The significant and unavoidable air impacts, traffic and safety impacts, permanent loss of wetlands and biological resources are too high a price to pay to support generic composting goals that can be met with composting facilities placed in northern Alameda County where the majority of food wastes and green wastes are generated.**

**The Final EIR must support the Draft EIR conclusion that the environmentally superior alternative is no project at this site.**

Sincerely,  
Donna Cabanne

**From:** [Curry, Damien, CDA](#)  
**To:** [Bogan, Natalie](#); [Tice, Leslie](#)  
**Subject:** Fwd: re-circulation of Draft EIR for Jesse Ranch Compost Facility, CUP PLN2015-00087  
**Date:** Thursday, November 19, 2020 4:11:52 PM

**CAUTION:** [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Get [Outlook for iOS](#)

**From:** BERNARD CABANNE <bcabanne@comcast.net>  
**Sent:** Thursday, November 19, 2020 4:07:50 PM  
**To:** Curry, Damien, CDA <damien.curry@acgov.org>; bcabanne@comcast.net <bcabanne@comcast.net>; donna.cabanne@gmail.com <donna.cabanne@gmail.com>  
**Subject:** re-circulation of Draft EIR for Jesse Ranch Compost Facility, CUP PLN2015-00087

November 18,2020

Mr. Damien Curry  
 Alameda County Planning Department  
 224 West Winton Ave.  
 Hayward, CA 94544

Dear Mr. Curry:

Please note I am submitting the following comments as a 37 year resident of Livermore, a Sierra Club member and a member of the Center for Biological Diversity.

After reviewing the re-circulated Draft EIR for the proposed Jess Ranch Composting Facility CUP PLN2015-00087, I strongly disagree with the conclusion that the proposed project is the environmentally superior alternative. Health and safety impacts, traffic impacts, water quality, biological impacts and health hazards **must take precedence over any secondary goals of reducing green wastes, especially in a small area already saturated with three large composting facilities.**

I am requesting the comment period be extended at least another 45 days to include **new and significant information** that was omitted . New and significant data needs to be added to traffic and circulation, air quality and greenhouse gases, biological resources, and water quality. The public cannot comment in a "meaningful way" about a substantial adverse environmental effect" if the data used **does not reflect current conditions or models used are no longer allowed.** ( CEQA Guidelines Section 15088.5)

**1. Air impacts and mitigations must be re-calculated/re-evaluated using the most current air data.**

Air quality in the Livermore Valley is often the worst in the Bay Area and has significant impacts on human health. The non-profit Tri-Valley Air Quality Community Alliance (TVAQCA) data shows that Livermore Valley exceeded federal and state limits for respirable particulate matter (PM 2.5) a record number of 14.8 days in 2018. In 2019, a record of 46 days exceeding thresholds was recorded and in 2020 Livermore Valley has exceeded thresholds 54 days so far. In addition,Livermore Valley exceeds federal ozone standards every summer. (TVAQCA). Data about all TACS must also be included.

1

It is well know that air pollutants increase hospitalizations,increase lung and heart disease,increase asthma,and interfere with oxygen transport to the brain and other sensitive, essential organs. The TVAQCA has offered many mitigations to reduce air impacts. The proposed project, which includes large outdoor composting, big enough to process a 1,000 tons per day of waste, will **only exacerbate airborne pollutants and hazards already present.** 340 ( round trip) big rig trucks traveling from all over the Bay Area will further degrade current exceedances. These impacts and potential mitigations need to be reevaluated using current and documented exceedances before completing the re-circulated Draft EIR.

2

Air quality has continued to **significantly deteriorate** in this area of the county for the last three years and the gravity of air impacts in and near Livermore have not been addressed adequately.

3

4

2. The Altamont Landfill, **located less than two miles from the proposed project**, is the third highest Greenhouse Gas Emitting landfill in the state, after Puente Hills Landfill in Los Angeles County and and Kiefer Landfill in Sacramento County ( Livermore City Community Monitor Report, January 2020) The Altamont Landfill is currently applying for an extension of operations from 2025 to 2075. It generates high methane emissions even with the operation of its LNG plant. This will continue to pose health risks that cannot be sufficiently reduced for **the next fifty years.**

5

3. When disclosing and assessing a project's environmental effects, "an EIR must also assess " human health and safety". (California Building Industry Assn. v. Bay Area Air Quality Management District (2015) 62 Cal 4th 369,386 21083 (b)(3);see San Lorenzo Valley Unified School District (92006) 139 Cal App.1356,1372 ( human health is among the many "environmental values" protected by CEQA and the guidelines.)"

6

Additionally, "CEQA calls upon an agency **to evaluate existing conditions to assess whether a project could exacerbate hazards already present.** ( California Building Industry Assn, supra 62 Cal 4th at p.388) Mitigating air quality impacts will also mitigate human health impacts associated with the exposure to airborne pollutants."

7

4. Forty percent of the feed stock will be transported from San Joaquin County. As the project is located about two miles from the San Joaquin County line, air data from the San Joaquin Air District is critical to assess true cumulative air impacts of the project. Prevailing winds blow from Alameda County towards Tracy and San Joaquin County making both unwilling recipients of negative air impacts and traffic impacts from the project. Was the air board for San Joaquin County notified about the Draft EIR and the recirculated Draft EIR?

8

9

10

Cumulative impacts may compound or increase other environmental impacts and the recirculated Draft EIR must inquire into and discuss the incremental impacts of the project such as "...incremental air pollution, traffic, etc." when added to closely related past, present or probable foreseeable future developments taking place over a period of time." ( Guidelines 15130,15355,15358, see North Coast Rivers

11

Alliance v. Kawamura(2015) 243 Cal App.4th 647,682; King's County Farm Bureau,supra, 221 Cal .App.3d at p.721).

5. Was the site assessed for PFAs ( teflon contaminants)? If so, what were the results? If not, why not?

12

**The re-circulated Draft EIR comment period must be extended to include new air quality data and cumulative impacts and be recirculated for another 45 days.**

**6. Were the traffic impacts calculated using Vehicle Miles Traveled as an informational tool or as a measure of significant impacts?**

13

While the original Draft EIR was circulated before new (VTM) regulations were enacted, any recirculated Draft EIR must incorporate (VMT) as a measure. If the traffic impacts

14

using (VMT) as a measure are required, then traffic impacts would increase significantly and the new data and proposed mitigations would need to be reevaluated using (VMT) as a measure. The public cannot comment in a "meaningful" way if the data used is outdated or models used no longer allowed. ( CEQA Guidelines Section 15088.5)

14

This stretch of 580 adjacent to the project experiences gridlock conditions (LOS F) from 3 pm until 7 pm every week day when traveling from Oakland and western Alameda County ---where the majority of wastes are generated-- to the project site at the limit of eastern Alameda County. The peak hours used for counts in the morning and evening do not reflect current traffic conditions. To suggest that adding up to 340 **daily** big rig trips--hauling feed stock to the site--will not have an impact is disingenuous.

15

Dismissing significant traffic impacts related to the project because no standards exist for areas of existing LOS F is not an acceptable public safety position.

16

**7. Many of the biological resources mitigations used to evaluate the proposed project are not adequate.**

17

According to California Fish and Wildlife, impacts are permanent if they affect land cover for more than a year. Most of the biological mitigations in the recirculated Draft EIR deal with construction activities and do not adequately mitigate permanent operations for the life of the project. The project is located in the conservation Zone 4 of the Eastern Alameda Conservation Strategy.

18

Grasslands, wetlands and the presence of the California red legged frog **all require mitigation** in the form of "habitat conservation for the loss of species habitat when it cannot be avoided". The recirculated Draft EIR should include permanent habitat conservation as an enforceable mitigation measure.

19

a. Was compensatory mitigation offered for loss of foraging habitat for birds?

20

b. Were surveys conducted to detect the presence/absence of the western bumblebee?

21

c." Fencing can have negative impacts on the daily movement of wildlife including deer and birds. Large low flying birds such as geese, ducks, hawks, owls, are especially vulnerable to collisions with fencing. Low flying owls and hawks ( American kestrel) may collide with fences when swooping in on prey." **Furthermore, " improperly designed fencing can result in red-legged frogs becoming trapped along either side of the fence line causing desiccation" or death.**

22

23

d. Did the Draft EIR analyze alternative wildlife friendly designs that could be used to limit fencing impacts? Without this information, the conclusion that the current project is the environmentally superior alternative cannot be made.

24

e. Artificial water bodies such as storage ponds can" create a nuisance for California red-legged frogs, who have been documented as attempting to breed in these aquatic features. This can result in amphibians becoming trapped and can be considered a take."

25

Did the draft EIR analyze retention pond designs that avoid amphibian entrapment?

26

f. One of the biological mitigations includes workers removing red-legged frogs with their hands. (Mitigation Bio-23 and 27) " Moving state and federally listed species out of harms way is considered a form of "take" and can only be authorized by an Incidental Take Permit Removal of threatened species must be conducted by a" permitted biologist" ; removal by construction workers is not allowed.

27

g. Measure Bio-36 calculates mitigation for permanent impacts on sensitive communities to be compensated at 1:1 ratio. Has this low ratio been approved by CFWD? Costs for mitigation could significantly increase and affect the feasibility of the project as proposed.

28

**Without necessary information concerning the above items, the conclusion that**

29

**the current project is the superior environmental alternative cannot be supported.** | 29

### 8. Hydrology and Water Quality

The project description includes using leachate runoff from aerobic composting piles as quench water. This practice has NOT been approved at other composting facilities. | 30

Was this practice approved by the Central Valley Water Board District? The project also allows water from storm drainage and composting piles to use the same storage ponds and drains. The co-mingling of leachate and storm water runoff has NOT been allowed by the CVWBD in nearby composting facilities. Has this design been approved? Using separate drains, ponds, and water storage areas could substantially increase the cost and feasibility of the project. | 31

Without additional information concerning water storage and drainage, the conclusion that the current project is the superior environmental alternative cannot be reached. | 32

9. The recirculated Draft EIR states that no one in the area accepts biosolids for feed stock in composting. There is a reason for that; biosolids are much more dangerous than other composting feed stock materials. Biosolids contain pathogens, volatile organic compounds, large viruses that often cannot be removed, and hormones (many endocrine disrupters). Yet the recirculated Draft EIR did NOT analyze the health impacts and health hazards of biosolids that will be used in a whopping 30-50 percent of the feed stock. This is an EBMUD issue--a sewage issue because of limited sewage capacity--not a composting issue. **The county is under no obligation to provide composting facilities using biosolids as feed stock to the greater Bay Area and beyond.** The high percentage of biosolids as feed stock **must be further** analyzed to see if current screening and curing procedures are sufficient to remove potential biosolid hazards to workers, air, soil and water. | 33

10. We know that COVID 19 is transmitted through feces and can be detected in feces even after treatment. In fact, many areas around the US and the world are testing feces to check for community spread. Will biosolids used for feed stock be tested for the presence of COVID before being transferred to this composting facility? | 34

11. The recirculated Draft EIR claims the need for more in county composting facilities is critical. Yet this CUP allows for wastes generated in other counties to be disposed of at the proposed project. In fact, **almost half of the feed stock will be generated in San Joaquin County.** | 35

If the need for in-county composting is so great, why would other counties be allowed to dump their wastes here? This claim is disingenuous. Is the county allowing the profits of the applicant to take precedence over county needs? | 36

12. Crucial information about other composting facilities in the county is missing. The new mixed waste indoor composting facility at Davis Street in San Leandro will be operating shortly and will process a significant amount of green waste into compost. Hence, the need to site another large composting facility at the eastern limit of the county--in a small area already saturated with three existing large composting facilities-- is not necessary. | 37

The Draft EIR was recirculated to consider a project alternative with lower daily tonnage; the county still selected the proposed project as the environmentally superior alternative. However, the recirculated Draft EIR does not include enough current and necessary data to select the proposed project as the environmentally superior alternative. This proposed project is, in fact, a massive regional composting facility, attempting to provide maximum profits at the expense of the health and safety of Eastern Alameda County residents. It will also impose significant biological impacts for years to come. Composting goals can be met closer to where the majority of wastes are | 38

generated and at a less sensitive site. **When all critical and up-to-date data is added and considered, the environmentally superior choice is no project.**

40

Sincerely,

Donna Cabanne

[donna.cabanne@gmail.com](mailto:donna.cabanne@gmail.com)

Please email me back that you have received my comments.

**\*\* This email was sent from an external source. If you do not know the sender, do not click on links or attachments. \*\***