Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for the
Altamont Landfill & Resource Recovery Facility,
Compostable Materials Handling Facility
SWIS No. 01-AA-0325
June 30, 2017

Background Information, Analysis, and Findings:

This report was developed in response to the Alameda County Department of Environmental Health Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for the Altamont Landfill & Resource Recovery Facility, Compostable Materials Handling Facility, SWIS No. 01-AA-0325, located in the City of Livermore, Alameda County and owned and operated by Waste Management of Alameda County. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

A proposed permit was received on May 11, 2017. An updated permit was received on June 30, 2017. Action must be taken on this permit no later than August 29, 2017. If no action is taken by August 29, 2017, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

Proposed Permit:

The following are the key design parameters of the proposed project:

	Proposed Permit
Operator and Owner	Waste Management of Alameda County, Inc.
Facility Type	Compostable Materials Handling Facility
Proposed Hours/Days of Operation	Public Hours: Monday through Friday, 6AM - 4PM; Commercial Haulers: Monday through Sunday, 24 hours; Ancillary Operations/Facility Operating Hours: Monday through Sunday, 24 hours; Closed to Public: Thanksgiving day, Christmas day, and New Year's day.
Proposed Maximum Tonnage	500 Tons Per Day (TPD)
Proposed Traffic Volume	83 vehicles per day
Proposed Permitted Area (acres)	60.5

Design Capacity (cubic yards)	346,700 cy
Waste Types	Green materials, agricultural materials, food material, digestate, and mixed material.

Background:
This is a new permit for a Compostable Materials Handling Facility within the boundaries of the Altamont Landfill and Resource Recovery Facility. The compostable feedstock will include green material, clean dimensional lumber, agricultural materials (such as grape pomace and animal manures), residential and commercial food waste, mixed solid waste organics diverted from MSW recycling (additional pre-sorting, pre-screening, and post-screening may take place) and potentially digestate from anaerobic organics processing facilities.

The composting method will be a Covered Aerated Static Pile (CASP), and will advance the following objectives:

- Increase diversion and reduce landfilling of wastes;
- Support State and local efforts to work toward "zero-waste";
- Support Alameda County's green waste landfill ban ordinance with an in-county processing solution.

Findings:
Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated May 11, 2017.	☑ Acceptable ☐ Unacceptable
27 CCR 21685(b)(2) LEA Five Year Permit Review	This is a proposed new facility so a Permit Review Report is not required	☑ Acceptable ☐ Unacceptable

27 CCR Sections	Findings	
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on June 30, 2017.	☑ Acceptable ☐ Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on May 11, 2017 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated June 29, 2017.	☑ Acceptable ☐ Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	This is a proposed new facility and Permitting and Assistance Branch staff has determined that the design and operation as described in the submitted Report of Composting Site Information (RCSI) will allow the proposed facility to comply with State Minimum Standards. See Compliance History below for details.	☑ Acceptable ☐ Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on May 11, 2017 that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	☑ Acceptable ☐ Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on March 22, 2017. Oral comments were addressed by LEA staff and the operator. Twelve written comment letters/emails were received by LEA staff and five written comment letters were received by the Department. See Public Comments section below for details.	☑ Acceptable ☐ Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	☑ Acceptable ☐ Unacceptable

Compliance History:

Permitting & Assistance Branch staff have determined that the design and operations described in the submitted RCSI, dated February 2017, will allow the proposed facility to comply with State Minimum Standards.

Environmental Analysis:
Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Alameda County Planning Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The issuance of the proposed SWFP will authorize the following: operation of a compostable materials handling facility that will use CASP technology within the boundaries of Altamont Landfill to receive, process and compost up to 500 tons per day of materials such as green material, clean dimensional lumber, agriculture material, food material, organics diverted from municipal solid waste, and digestate from anaerobic digestion processing facilities; design capacity of 346,700 cubic yards; permitted traffic volume of 83 vehicles per day; hours of operation will be Monday through Friday from 6:00 a.m. to 4:00 p.m. for the public, Monday through Sunday 24 hours for commercial haulers, Monday through Sunday 24 hours for ancillary operations; and a permitted area of 60.5 acres. The project is supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2011072021, was circulated for a 30 day comment period from July 13, 2011 to August 11, 2011. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring and Reporting Program, was approved by the Lead Agency on March 18, 2013 in Resolution No. 13-09. A Notice of Determination was filed with the State Clearinghouse on March 21, 2013.

The Alameda County LEA, has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on March 22, 2017, at the Double Tree Hotel, in the City of Livermore. Five members of the public attended; oral and written comments received from the public with responses from the LEA and operator are summarized below, as well as, posted on the Department's website.

Public Meeting Oral Comments

- Two (2) comments were received regarding water and air quality – which are not within the LEA's/Department's regulatory authority.

- Ten (10) comments were received regarding regulatory requirements such as definitions, environmental health standards, operating standards, documenting and reporting for regulatory tiers:

    - In regards to definitions, the LEA either defined or clarified the material within digestate, agriculture waste, and green waste;

    - In regards to environmental health standards, the LEA stated a minimum of 6 inches biofilter is required on compost piles; as well, the LEA stated the proposed project has met Title 14, California Code of Regulations, (14 CCR), Chapter 3.1, Article 7 - Environmental Health Standards to protect health impacts; lastly, the LEA stated finished compost must meet the requirements of 14 CCR, Environmental Health Standards no matter where the feedstock is sourced from;

    - In regards to operating standards, the LEA stated odor is not expected to be an issue based off the proposed technique; as well, the LEA stated the proposed cover of the compost pile is a bird deterrent; lastly, the LEA stated in addition to moistening the compost piles to lessen the possibility of windblown debris, litter fences will be in place;

    - In regards to documenting and reporting for regulatory tiers, the LEA confirmed comments can be submitted, as identified within the public notice. This was also reiterated during the public meeting.

- Four (4) comments were received regarding procedural information such as permitting process, posting, and notification:

    - In regards to permitting process, LEA identified the regulatory timeline to submit, review, and concur or reject the proposed permit;

    - In regards to posting, the LEA stated five members of the public attended the informational meeting, and the permit is available to view at CalRecycle's website;

    - In regards to notification, the LEA identified the methods taken to notify the public and to conform to 27 CCR.

- Three (3) comments were received regarding proposed operational information:

    - The LEA stated the CASP project will receive a maximum of 500 TPD of material, feedstock received will come from multiple sources, and 83 vehicle trips per day were approved for the CASP project.

- Eight (8) comments were received (that were not related to the proposed project) regarding other permitted operations [Altamont Landfill & Resource Recovery Facility (ALRR), Davis Street Transfer Station, Alameda County Industries, a nearby chip and grind operation (Bio Fuels System, Inc.), and waste haulers for Livermore residents], and elements identified within the CEQA document:

    - In regards to other permitted operations, the LEA responded by either explaining the activity is at another permitted operation or suggesting comments related to other permitted operations be discussed during public information meetings held for the facility;

    - In regards to the CEQA document, the LEA stated not all elements discussed within CEQA are proposed at this time.

- One (1) comment was received from a Sierra Club representative stating they are in support of the compost facility.

Written Comments Received by the LEA

- Ten (10) comments were received regarding traffic routes, fire emergency procedures, water and air quality – which are not within LEA's/Department's regulatory authority.

- Nine (9) comments were received regarding regulatory requirements such as environmental health standards, operating standards, RCSI, and enforcement process:

    - In regards to environmental health standards, the LEA stated compost cannot be removed prior to meeting pathogen reduction requirements; and sampling for more than every 5,000 cubic yards is not required;

    - In regards to operating standards, the LEA stated a condition has been added to the SWFP to ensure load checks are conducted daily; avian deterrents will include: a 6-inch biofilter, current control measures at ALRR, and blower and air sparging system to deter fly and gnat propagation; odor control measures will be implemented daily to minimize objectionable odors to residential and nonresidential receptors; and to manage potential fire risk at the composting piles, temperatures will be monitored on an automated system;

    - In regards to the RCSI, the LEA clarified the distance of the residences on Dyer Road are not closer than 3,000 feet and are identified within the CEQA document as approximately 1.8 miles; the LEA also identified the nearest fire station to the facility;

    - In regards to the enforcement process, the LEA identified the process when issuing a violation when non-compliance occurs.

- One (1) comment was received regarding procedural information such as permitting process:

    - In response, the LEA indicated in order for the facility to accept beyond the permitted maximum tonnage, a permit revision would be necessary.

- One (1) comment was received regarding proposed operational information regarding sewer sludge as feedstock:

    - In response, the LEA stated sewer sludge is not a proposed feedstock.

- One (1) comment was received that was not related to the proposed project regarding other permitted operations:

    - In response, the LEA stated materials received from San Francisco will be addressed during ALRR's next Five Year Permit Review.

- One (1) comment was received regarding inconsistency of the number of vehicle trips identified within Form E-1-77 and LEA Public Notice. As well as, how vehicle trips were counted:

    - In response, the LEA determined the vehicle trips were consistent within CEQA and application package, and vehicle trip counts were determined through the Alameda County Planning Department (the Lead Agency for CEQA).

- One (1) comment was received regarding identification of feedstock sources and if the public can be provided a list of these sources;

    - In response, the LEA stated they do not regulate the source of feedstocks.

- The LEA also received a total of ten (10) comment letters with no opposition to the project.

<u>Written Comments Received by the Department</u>
The following comments were received by Department staff via email from a representative of the Sierra Club in opposition of the project unless and until permit conditions are imposed that will protect public health and safety and the quality of the natural environment; responses have been provided for each comment:

1) Require fresh water be used for watering down composting piles. Require identification of all water sources for composting. Prohibit the use of leachate-even treated leachate- for watering down composting piles.

> <u>Response:</u> 14 CCR does not require fresh water be used for watering compost piles. Section 2.11 of the RCSI identifies the water supplies (sources) for the composting facility. There is no restriction in 14 CCR regarding the water sources used for composting. However, issues regarding water quality and its uses are under the authority of the Regional Water Quality Control Board.

2) Proposed composting facility will be located adjacent to Fill Area 1 and contiguous with Fill Area 2 in a class two landfill. Require separate drainage areas, separate storm basins, separate leachate ponds, separate leachate pipes so water discharges from the composting facility DO NOT co-mingle with the more toxic leachate collected from Fill Area 1 and later Fill Area 2.

Response: Water quality and discharges related to surface waters are under the authority of the Regional Water Quality Control Board (and associated Waste Discharge Requirements (WDR) either as part of the landfill's WDRs or WDRs specific to the composting project). Appendix A of the RCSI includes a water and wastewater management plan, which describes drainage controls as part general design requirements for a composting facility (14 CCR 17866).

3) How will pathogen control differ in summer and winter months? Require monthly testing of run-off drainage from composting piles for pathogens—viruses, bacteria, and spores as well as chemicals and known carcinogens.

Response: Pathogen reduction will not differ in the summer and winter months. Per 14 CCR, Section 17868.3(b)(4), Pathogen Reduction, the operator must maintain a temperature of 131 degrees Fahrenheit or higher for a period of 3-days to reach maximum acceptable pathogen concentrations.

Water quality, including sampling requirements and constituents to be analyzed, is under the authority of the Regional Water Quality Control Board.

4) Airborne transmission of aerosolized pathogens is more likely to occur in areas downwind of compost facilities. (Gralton et al, 2011). Given windy area of Altamont Pass, require monthly testing for aerosolized pathogens at fence lines and near residents on Dyer Road.

Response: Active compost is required to go through a pathogen reduction process for a minimum of 3-days at a minimum of 131 degrees Fahrenheit, per 14 CCR, Section 17868.3, Pathogen Reduction requirements. A 6 to 12 inch insulating layer of finished compost will be applied to active compost as a filter to minimize any emissions and act as a protective layer. In addition, the active compost will not be turned due to the proposed aerated static pile method, which in effect, would greatly reduce any risk to public health. The LEA included a condition in the proposed SWFP reiterating this requirement.

Air quality concerns related to the airborne transmission of aerosolized pathogens are under the authority of the Local Air District. It is Department staff's understanding that the operator is continuing to work with the Bay Area Air Quality Management District (BAAMD) on the Authority to Construct for the composting operations.

5) Processing 500 tons per day of green waste will lead to 445 tons per year of uncontrolled VOC emissions (tables in application). Require a fully closed facility or a facility that reduces emissions by 85%-90%. Altamont Landfill CASP proposal will only reduce emissions by 72%, which does NOT meet the 80% *required* reduction in emissions. Department documents state that composting facilities should NOT be cited

in non-attainment air basins... Livermore Valley is a non-attainment air basin.

Response: Air quality concerns, with the exception of odor at composting facilities, are under the authority of the Local Air District.

The PRC and 14 CCR, Chapter 3.1, Compostable Materials Handling Operations and Facilities Regulatory Requirements do not reference any restrictions to facilities being within non-attainment air basins. Potential impacts associated with air quality were analyzed in the MND and mitigation measures were included as part of approval of the project by the lead agency.

6) Lower the percentage of food waste feedstock from 40% or higher --- to a maximum of 15% food stock to reduce significant and ongoing emissions by using CASP.

Response: Air quality concerns are under the authority of the Local Air District. In addition, potential impacts associated with up to 40% food waste by weight were analyzed in the MND as part of the proposed project which was adopted by the Alameda County Planning Commission as the lead agency under CEQA.

7) Due to Livermore Valley Air Basin non-compliance with Air Board Standards and BAAQMD permit requirements, daily tonnage limits of 500 tons per day cannot be increased under any circumstances by the LEA.

Response: Any change to the daily tonnage would require additional environmental review under CEQA and a revision of the SWFP consistent with 27 CCR, Section 21570 – Applicant Filing Requirements. The Department/LEA does not have authority over aspects related to the Air Board Standards or BAAQMD permit requirements.

8) Reduce number of trucks hauling green waste feedstock from 83 to 50 per day --- Livermore Valley Air Basin is already out of compliance with federal clean air standards. Require feedstock trucks to deliver during non-commute hours.

Response: Eighty three (83) vehicle trips were evaluated for the CASP project within the MND. Mitigation was adopted to reduce the number of vehicle trips during the AM peak hour by developing a ridesharing plan to promote carpooling among employees.

9) Truck inspections of feedstock must be increased from one out of every 83 daily trucks to 40 trucks per day.

Response: Processing requirements of vegetative and green material, as identified within 14 CCR, Section 17868.5(a)(1), require a minimum of 10 percent of daily incoming feedstock volume or at least one truck per day, whichever is

greater, inspected visually. The load checking program that the operator proposes to implement is described in Section 2.2.3.6 of the RCSI, which meets the minimum requirement of 14 CCR.

Condition "n" of the proposed permit states "… Inspection of random loads of additives, amendments, and feedstocks for contaminants by trained personnel shall be conducted on commercial and public loads on a daily basis…" Condition "n" is consistent with regulatory requirements.

10) Disallow any landfill materials, cover soils and cover materials from class 2 tipping trucks to be co-mingled with feedstock for composting.

Response: CalRecycle does not have a regulatory requirement that addresses the delivery method of compostable material. To protect public health, safety, and the environment; standards have been adopted though 14 CCR, Article 7, Environmental Health Standards for finished compost material to meet the maximum acceptable metal concentrations, pathogen reduction requirements, and physical contamination limits (effective January 1, 2018).

11) BAAQMD permit conditions and Alameda County Recycling mandates prohibit green waste storage at landfills for more than 72 hours. For the entire year of 2016 and part of 2017, the Altamont Landfill allowed green waste/wood to be stockpiled for months at a time. For over a year, the LEA issued monthly notices of violation for stockpiling green wastes beyond 7 days with no compliance. How does the public have any confidence that composting requirements--72 hours maximum for green waste/food storage--- will be adequately enforced when similar green waste requirements are not being met at the landfill? Who will enforce these violations? Will BAAQMD be able to pull the composting permit for this type of infraction? Will Department rescind the permit if this type of violation occurs???

Response: ALRR is not the operator of the activity described above; however, ALRR is the property owner. Due to the chronic violations at the activity, and the LEA following the enforcement procedures identified within their Enforcement Program Plan, the activity is no longer accepting material and has removed the material.

Air quality permitting actions are under the authority of the Local Air District and the commenter should discuss with the Local Air District aspects related to their permitting requirements and enforcement.

Solid waste handling facilities that have chronic violations of state minimum standards or the PRC under the LEA's authority may result in enforcement action by the LEA, including the temporary suspension or revocation of the SWFP. The LEA included a condition in the proposed SWFP related to the temporary

suspension or revocation of the SWFP.

12) Testing of completed composting must increase from one cubic yard per 5,000 cubic yards to testing 500 cubic yards per 5,000 cubic tons for carcinogens, contaminants, chemicals such as lead, chromium, nitrates, etc., and pathogens. Test samples must come from surface areas of cured composting.

Response: The sampling procedures and requirements for metal constituents, pathogen reduction, and physical contamination limits in compost are provided within 14 CCR, Chapter 3.1, Article 7, Environmental Health Standards, Section 17868.2, Maximum Metal Concentrations; Section 17868.3, Pathogen Reduction; and Section 17868.3.1, Physical Contamination Limits (effective January 1, 2018). The current minimum requirement is one composite sample for every 5,000 cubic yards of compost produced. The LEA will be responsible for ensuring the operator complies with these requirements. In addition, based on the types of organic feedstocks to be received and composted Department staff is not aware of any cases related to carcinogens in compost products. The requirements under 14 CCR, Article 7 are based on information from the Compost Advisory Panel, scientific journals and studies, and U.S.EPA's 40 Code of Federal Regulation, Part 503 Rule for sludge composting.

13) Water discharge requirements must include testing for nitrates.

Response: The development, adoption and enforcement of Waste Discharge Requirements (WDR) are under the authority of the Regional Water Quality Control Board.

14) Finished composting sold to public must include labels identifying all possible chemical/toxic substances included in feedstock/ and end product --- even if trace amounts are present.

Response: Per requirements of 14 CCR, Chapter 3.1, Article 7, standards which are based off Federal regulations have been identified to protect public health, safety, and environmental. The Department does not have the authority to implement post-processing retail requirements or labeling.

15) To reduce added rate of emissions from feed stock trucks and daily composting equipment, limit green wastes and composting feedstock to Alameda County sources (Non-attainment air basin).

Response: The issue raised in this comment is related to air quality, which is under the authority of the Local Air District. In addition, the Department does not have authority to control the flow of materials and the MND did not include any mitigation measures restricting the source of materials to be received.

16) The Community Monitor has the right and duty to visit and to monitor all reports/data given to county, state and federal agencies concerning the construction and operation of the Altamont composting facility.

> Response: The Department does not have the authority to comment on agreements between the operator and Community Monitoring Committee.

17) Require the active composting piles be moved further away from large LNG plant and methane flares.

> Response: Title 14 CCR, Section 17867(a)(9) requires the operator to provide fire prevention, protection and control measures including fire lanes, which are described in Appendix C of the RCSI and meets the requirements. However, any specific conditions related to fire hazard and set-backs are under the jurisdiction of the Local Fire Authority.

18) Livermore Valley Air District is currently out of compliance with clean air standards. Require more stringent dust and particulate suppressants for this composting facility whose operations will exacerbate existing non-compliance with state and federally mandated clean air standards. Dust suppressant measures must be more stringent to prevent air borne pathogen transmission.

> Response: Compliance with clean air standards and air quality permitting actions are under the authority of the Local Air District.
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> The use of aerated static pile does not require the active compost to be turned, thus the potential for dust becoming airborne is greatly minimized; the insulating layer, which is composed of finished compost, also acts as a dust suppressant. In addition to the composting method, water is applied regularly to moisten the piles for composting efficiency and vehicles spray water regularly to promote dust suppression as described in Section 2.4.4 of the RCSI.

19) Application states average temperature for composting piles will be 122 degrees---ranging up to 160 degrees. However, fire document states fires in composting piles will likely occur if 160 degrees is maintained for 6 hours. How will landfill prevent active composting piles from reaching and staying 6 hours at 160 degrees? A warning system must be required. (Four fires occurred at this landfill in 2016, one overnight fire 7/21/2016 in illegally stored green wastes.)

> Response: The fire in reference took place on July 21, 2016 and was noted within the Special Occurrences Log. Greenwaste material, previously being used to provide erosion control for side slopes of the landfill, was stockpiled. The operator was provided guidance to inspect greenwaste stockpiles and monitor

temperatures for fire prevention. As part of the fire prevention measures provided in 14 CCR 17867(a)(9), the operator is required to conduct temperature monitoring of windrows and piles. LEAs are required to review this standard and associated records as part of their monthly inspections.

20) Given nearby water storage, how will airborne pathogens be prevented from transferring to water storage?

Response: Water and air quality issues are under the jurisdiction of the Regional Water Quality Control Board and Local Air District, respectively. As discussed above the operator will implement dust control measures as well as conduct pathogen reduction and sampling as described in the RCSI.

21) Bird deterrent measures such as cannons, screamers, and depredation have been tried without success at the Altamont Landfill. Require more stringent deterrents to prevent pathogen transmission by extremely large number of seagulls to surrounding areas (Seagulls will be attracted to seeds and skins in grape pomace).

Response: No Area of Concerns or Violations regarding avian nuisance have been noted within the ALRR inspection reports dating back three years. With the proposed method of composting, the active compost will be covered with a minimum of 6-inches of finished compost, which provides a relatively thick barrier for vector deterrence. This method has proven to be effective at a similar operations located within a landfill. In addition, the operator is required to process the feedstocks within 72 hours of receipt.

22) A minimum of two separate storage ponds must be established for composting facility (one on each side of the internal road) to keep composting run-off separate from class 2 landfill run-off sites.

Response: This comment is related to water quality and run-off, which is under the authority of the Regional Water Quality Control Board.

23) Cured piles must be covered to prevent re-establishment of pathogens from inside piles or air borne transmission.

Response: Active compost is required to go through a pathogen reduction process for a minimum of 3-days at a minimum of 131 degrees Fahrenheit. The additional requirement to cover cured piles to reduce pathogens is not necessary as long as 14 CCR, Chapter 3.1, Article 7, Environmental Health Standards are applied. In addition to not turning the active compost, a 6-inch insulating layer will reduce air emissions and has already been established as an effective vector deterrent.

24) Prohibit large scale land-filling of organics or using organics intended for composting as daily cover in landfill.

> Response: The Alameda County Plant Debris Landfill Ban Ordinance prohibits disposal of plant debris in county landfills. The Department has set a goal of 75% recycling, composting or source reduction of solid waste in landfills by 2020. There is no statewide ban on the use of processed green material or compost as alternative daily covers at landfills. However, in 2020 the use of processed green material as alternative daily cover will not count towards the recycling goal, which may be a deterrent for landfills from using as cover material.

25) Require production of high quality composting that must be certified by US Compost Council Seal of Testing Assurance.

> Response: The Department only has the authority to act within the requirements of 14 CCR and the PRC.

The Department also received four comment letters in support of the proposed project from Californians Against Waste, SF Environment, Northern California Recycling Association and California Organic Recycling Council. In summary, the commenters in support of the project identify the need for the facility to help meet the state's new diversion and recycling goals; provide a local solution to organics recycling rather than landfilling or transporting to other counties for composting; provide compost and mulch to agriculture, landscapers and homeowners; reduce the carbon footprint and greenhouse gas emissions; and the creation of local jobs and markets.

In addition to identifying the above comments received from the public along with the Department's responses, an email was sent to Toni Stein on March 27, 2017 as a follow-up to a request made during the March 22, 2017 Public Information Meeting. Department weblinks were provided regarding 14 CCR, Chapter 3.1, Compostable Materials Handling Operations and Facilities Regulatory Requirements; permitted composting sites within California; and those operations and facilities that utilize aerated static piles.

Department staff provided an opportunity for public comment during the Department's Monthly Public Meetings on May 16, 2017 and June 20, 2017. During the June 20, 2017 public meeting, two members of the public, California Composting Coalition and Californians Against Waste, stated their support for the project.