

**Findings of Fact
and
Statement of Overriding Considerations
for the
Highway 59 Landfill Valley Fill Project
Environmental Impact Report**

STATE CLEARINGHOUSE NUMBER 2014061081

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TABLE OF CONTENTS

Section	Page
1 STATEMENT OF FINDINGS	1-1
1.1 Introduction.....	1-1
1.1.1 Project Background	1-1
1.1.2 Project Purpose and Objectives.....	1-2
1.1.3 CEQA Requirements for Findings	1-3
1.1.4 Organization of Findings	1-4
1.2 Description of the Project	1-5
1.2.1 Project Location.....	1-5
1.2.2 Project Description	1-5
1.3 Environmental Review Process	1-7
1.3.1 Notice of Preparation and Commencement of Scoping Period for EIR	1-7
1.3.2 Public Noticing and Public Review of Draft EIR	1-7
1.4 Description of the Record	1-8
1.5 Significant Environmental Impacts of the Project.....	1-9
1.6 General Findings.....	1-9
1.6.1 Certification of the EIR	1-9
1.6.2 Evidentiary Basis for Findings.....	1-10
1.6.3 Findings Regarding Mitigation Measures	1-10
1.6.4 Location and Custodian of Records	1-11
1.7 Alternatives	1-11
1.7.1 Alternatives Evaluated in the EIR	1-11
1.7.2 Environmentally Superior Alternative.....	1-13
1.8 Findings of Fact	1-14
1.8.1 Effects Found Not to be Significant.....	1-14
1.8.2 Significant Impacts Associated with Development of the Valley Fill Project	1-18
1.9 Mitigation Monitoring and Reporting Program	1-28
2 STATEMENT OF OVERRIDING CONSIDERATIONS.....	2-1
2.1 Significant Unavoidable Impacts of the Project.....	2-1
2.2 Benefits of the Project.....	2-1
2.2.1 Meet Waste Disposal Demands	2-1
2.2.2 Conserve Resources	2-1
2.2.3 Minimize Net Fiscal Effects.....	2-2

Attachments

Mitigation Monitoring and Reporting Program for Highway 59 Landfill Valley Fill Project

1 STATEMENT OF FINDINGS

1.1 INTRODUCTION

Merced County Regional Waste Management Authority (MCRWMA), as lead agency pursuant to the California Environmental Quality Act (CEQA), has prepared an Environmental Impact Report (EIR) for the Highway 59 Landfill Valley Fill Project (Valley Fill Project or proposed project) (State Clearinghouse No. 2014061081). The proposed project would include relocation of several currently permitted on-site facilities and a vertical reconfiguration of the disposal area. The reconfiguration would allow continued operation of the existing landfill for an additional 11 to 15 years without consuming additional land surface area, as would occur with a lateral expansion of the existing landfill boundary. MCRWMA also proposes to amend its existing solid waste facility permit (SWFP) to: incrementally increase the maximum daily tonnage up to 3,000 peak tons per day in 2035 and beyond; incrementally increase the allowable traffic up to 800 vehicles per day by 2035; increase the height of the existing disposal area by 50 feet; and add dewatered sewage sludge to the list of wastes accepted at the landfill. Additionally, MCRWMA is proposing the removal of previously adopted Mitigations Measures 4.1 and 4.2 from the 1996 *Highway 59 Landfill Expansion EIR* (1996 EIR) based on substantial evidence that the need for such mitigation is no longer required. In accordance with the court's decision from *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App.4th 342, MCRWMA will be removing these mitigation measures as part of a public process.

These findings, as well as the accompanying statement of overriding considerations in Section 2, have been prepared in accordance with CEQA (Public Resources Code [PRC], Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.)

1.1.1 Project Background

The Highway 59 Landfill, which is owned and operated by MCRWMA, was created in 1972 as part of an effort to establish two regional landfills that would address solid waste management and recycling requirements throughout the County. MCRWMA members include the County of Merced, and each incorporated city in the County: Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced. The MCRWMA system includes facilities for solid waste diversion, composting, recycling, and disposal. The system's two landfills, Highway 59 Landfill and Billy Wright Landfill, were constructed to provide disposal of solid waste generated in the east and west County areas, respectively. The eleven-member MCRWMA Governing Board consists of the five elected County Supervisors and one elected official from each of the city members. The Executive Director of the Merced County Association of Governments (MCAG) acts as the Executive Director of the MCRWMA and is responsible for its day-to-day administration.

The Highway 59 Landfill has been operating since 1973, and consists of approximately 610 acres, 254 acres of which have been or are currently used for waste disposal activities. Current and historical waste disposal areas are located in the northern and southern portions of the property, respectively. The northern portion is approximately 219 acres, of which 140 acres (also known as Phase 6, following nomenclature developed as part of the EIR prepared for the landfill in 1996) are currently permitted for waste disposal. In between the northern portion and the southern portion is a 168-acre wetland (vernal pool) preserve, which was established in 2000 to mitigate significant environmental impacts of expanding the landfill to the north. In addition, approximately 80 acres of administrative offices and composting operations are located in the central portion of the landfill property. The composting operation is authorized under a separate solid waste facility permit from the remainder of the landfill and has a permitted annual throughput of up to 25,000 tons/year.

The southern portion of the landfill includes the historical waste disposal area (also known as Phases 1 through 5), and is approximately 220 acres. Phase 5 currently has a liner system for collection of leachate

and Phases 1–4 are currently unlined. Greenwaste processing, materials recycling, household hazardous waste facility, maintenance shop, and aboveground fuel tanks are currently located in this portion of the landfill. The household hazardous waste facility accepts household hazardous waste on pre-determined days. Hazardous wastes are stored temporarily at the facility until appropriate disposal can be arranged. Such wastes are typically stored for no longer than 30 days and removed by a contract hauler.

The overall design capacity of the existing landfill is approximately 36,358,000 cubic yards, of which approximately 24,000,000 cubic yards is unused and available as of 2014. In accordance with the existing SWFP issued by the California Department of Resources Recycling and Recovery (CalRecycle) in February 2011, the maximum permitted throughput at the landfill is 1,500 peak tons per day (tpd). The current SWFP for the Highway 59 Landfill identifies a current design capacity of 30,012,352 cubic yards, which is erroneous. The actual design capacity is approximately 36,358,000 cubic yards, as noted above. The reason for this discrepancy is that an incorrect design capacity for Phases 1–5 was reflected in the SWFP issued in 2000 for the landfill. At such time as MCRWMA updates its SWFP for the Highway 59 Landfill, this discrepancy will be corrected. The estimated closure date of the landfill, according to the SWFP, is 2030, but the current estimated closure date is 2065 based on the correct design capacity. A closure plan was approved in 2010 for Phases 1–4 and a preliminary closure plan has been prepared for Phases 5 and 6.

The maximum allowable height of landfill operations is 310 feet above mean sea level (msl) within Phases 1–5 and 360 feet above msl within Phase 6. The historic maximum depth within Phase 5 is 155 feet below ground surface (bgs), and the allowable depth within Phase 6 is 175 feet bgs.

Off-site landfill gas (LFG) migration east of Phases 1–4 was identified as exceeding methane standards at the facility boundary (Section 20921 of Article 3, Subchapter 4, Chapter 3, Division 2 of Title 27) based on monitoring of perimeter LFG probes. As a result of the continued violation, the landfill was added in January 2013 to CalRecycle's Inventory of Solid Waste Facilities Which Violate State Minimum Standards. MCRWMA has since implemented LFG extraction system modifications approved by the Merced County Department of Environmental Health to correct the exceedance. These include six vadose extraction wells, which have been constructed outside the waste boundary to correct the violation.

Additionally, MCRWMA completed implementation of a corrective action plan to remove volatile organic compounds from groundwater south and southwest of Phases 1–4 in 2015.

1.1.2 Project Purpose and Objectives

The primary purpose of the project is to increase the disposal capacity of the landfill in a manner that is economically and environmentally superior to the currently planned disposal in Phase 6. Disposal in Phase 6 would require excavation of more than 2,500,000 cubic yards of soil, whereas the proposed project would require excavation of approximately 32,000 cubic yards, a substantially lower volume. Implementation of the Valley Fill Project would provide sufficient near-term capacity to delay activation of Phase 6B until approximately 2035. By that date, it is anticipated that all of the heavy equipment required for excavation of soil would meet Tier 4 emissions standards (requiring that emissions of PM and NOx be reduced substantially as compared to Tier 1-3 standards). MCRWMA's existing fleet meets Tier 1-3 standards.

Implementation of the proposed project would achieve the following:

- ▲ Reduce the volume of soil to be excavated in the near-term by 2,468,000 cubic yards;
- ▲ Reduce near-term air emissions (dust and diesel emissions) associated with reduced excavation (approximately 98 percent reduction);
- ▲ Increase the permitted design capacity of the landfill by 19 percent with a 3 percent increase in waste footprint;

- ▲ Increase the permitted design capacity of the landfill by approximately 6,857,000 cubic yards without expanding the facility boundary;
- ▲ Extend the life of the landfill by approximately 15 years without expanding the facility boundary;
- ▲ Realize substantial near-term savings (the cost of Valley Fill Project is less than 30 percent of the cost of Phase 6B); and
- ▲ Ensure the availability of solid waste disposal capacity in Merced County for the foreseeable future while accommodating additional demands for disposal resulting from regional growth.

The objectives of the proposed project are to:

- ▲ meet the need for long-term solid waste disposal capacity in Merced County and elsewhere in the region;
- ▲ provide solid waste disposal in a manner and location that protects public health and the environment;
- ▲ minimize the net fiscal effects on rate payers and taxpayers; and
- ▲ conserve resources while providing a necessary level of solid waste disposal.

1.1.3 CEQA Requirements for Findings

CEQA, PRC Sections 21000 et seq. and the regulations implementing that statute, CCR, Title 14, Division 6, Chapter 3, Sections 15000 et seq. (the “CEQA Guidelines”) require public agencies to consider the potential effects of their discretionary actions on the environment and to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment to the extent feasible. Specifically, PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC Section 21081(a); CEQA Guidelines Section 15091(a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency.
- (3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
(PRC Section 21081(a); see also CEQA Guidelines Section 15091 (a).)

PRC Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological

factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See also *Citizens of Golden Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*)). “[F]easibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [after weighing “economic, environmental, social, and technological factors ... an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground”].)

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines Sections 15093, 15043(b); see also PRC Section 21081(b).) The California Supreme Court has stated, “[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II*, 52 Cal.3d at p. 576)

Because the Valley Fill Project EIR identified significant effects that may occur as a result of the project, and in accordance with the provisions of the CEQA Guidelines presented above, MCRWMA hereby adopts these Findings as part of the approval of the Valley Fill Project. These Findings constitute MCRWMA’s best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect as a result of MCRWMA approval of the Valley Fill Project. Moreover, because certain environmental impacts would be significant and unavoidable, MCRWMA also adopts a Statement of Overriding Considerations.

1.1.4 Organization of Findings

The Statement of Findings, Section 1 of this document, is organized as follows:

- ▲ Section 1.1 provides the background and context of the project and describes the need for these Findings
- ▲ Section 1.2 includes a brief description of the project
- ▲ Section 1.3 describes the CEQA environmental review process for the project
- ▲ Section 1.4 describes the record of documents for the project
- ▲ Section 1.5 summarizes the significant environmental impacts of the project
- ▲ Section 1.6 contains the general Findings about the project
- ▲ Section 1.7 contains the Findings regarding alternatives to the project
- ▲ Section 1.8 contains the Findings of Fact regarding the significant effects of the project for the approved Valley Fill Project

- ▲ Section 1.9 describes the Mitigation Monitoring and Reporting Program (MMRP) for the project, specifically for the approved Valley Fill Project

The Statement of Overriding Considerations, Section 2 of this document, is organized as follows:

- ▲ Section 2.1 describes the significant unavoidable impacts of the project
- ▲ Section 2.2 describes the benefits of the project

1.2 DESCRIPTION OF THE PROJECT

1.2.1 Project Location

The Highway 59 Landfill is located immediately east of State Route (SR) 59 in unincorporated Merced County, approximately 6 miles north of the City of Merced. The street address is 7040 North Highway 59. The existing landfill is bounded on the west by SR 59 and vacant grazing land, on the east by vacant grazing land and an abandoned railroad grade, and on the north and south by orchards. Residential uses are located farther to the south.

The Highway 59 Landfill consists of five parcels which are County Assessor's parcel numbers (APNs) 052-150-006, 052-070-006, 052-150-004, 052-160-033, and 052-160-035. The site is located in Sections 13, 14, 23, 24, and 25, Township 6 South, Range 13 East on the U.S. Geological Survey Winton and Yosemite Lake 7.5-minute quadrangles. The project site is located in the southwest portion of the landfill and within two of the five landfill parcels (APNs 052-150-004 and a portion of 052-150-006). The total land area associated with the project site is approximately 230 acres.

1.2.2 Project Description

EXPANSION OF LANDFILL CAPACITY

The project would expand the waste footprint by 3 percent (7.8 acres) between Phases 1–4 and Phase 5 and vertically increase the height of waste by 50 feet on approximately 66 acres of existing landfill to provide up to 6,857,000 cubic yards of additional long-term design capacity. Existing facilities located between Phases 1–4 and Phase 5 would be relocated to the administrative offices area and this valley (7.8 acres) would be used for disposal. Phases 1–5 are currently at 310 feet above msl, which is the maximum allowable height under the existing permit. The proposed project would increase the maximum disposal elevation to 360 feet above msl in the area located between Phases 1–4 and Phase 5. In so doing, the proposed project would allow for operation of the landfill for an additional 11 to 15 years beyond the currently estimated closure date of 2065. The expansion area would have a base liner system that would integrate with the existing liner system in Phase 5, and would include, in descending order, a 24-inch soil-operations layer, non-woven separation geotextile, 12-inch gravel drainage layer, a 60-millimeter-thick synthetic membrane of high-density polyethylene (HDPE), a Geosynthetic Clay Liner, and 12-inch-thick compacted subgrade (MCRMWA 2014). The liner would be consistent with current solid waste permitting requirements and other applicable requirements.

RELOCATION OF FACILITIES

To accommodate expansion of the landfill capacity, several facilities would be relocated outside of the expansion area to an area adjacent to the current administrative offices. The existing equipment maintenance building, household hazardous waste facility, and recyclables transfer area would be demolished and replacement facilities would be constructed in the central portion of the site, immediately north of the existing administrative offices. The existing maintenance shop and two above ground storage

tanks (ASTs, one diesel and one gasoline), would be relocated to a new concrete pad east of the existing administration building. The old scales and scale house, office, and employee break room that are located between Phases 1–4 and 5 would also be demolished. Because newer facilities that serve these purposes already exist in the central portion of the site, these facilities would not need to be relocated or reconstructed. Other ancillary facilities (i.e., domestic well and landfill entrance road) would be demolished or removed. No other modifications to the onsite roadway network would occur as a result of the project.

Under the proposed project, the leachate collection and monitoring system would be constructed to accommodate the expansion. Leachate generated from the expansion area would gravity feed into the lined surface impoundment south of Phase 5. The proposed improvements to the existing leachate system at the landfill would involve a separate leachate collection system to be discharged into the Phase 5 lined leachate impoundment. Currently, Phase 5 includes a leachate collection system as part of its liner system. A similar method would be employed within the valley located between Phases 1–4 and Phase 5 and would include a 1-foot-thick gravel drainage blanket and a system of 6-inch (minimum) perforated and non-perforated collection pipes.

PURCHASE OF ADDITIONAL PROPERTY

MCRWMA would purchase approximately 21 acres immediately east of Phases 1–4 that would provide additional buffer in the event of off-site LFG migration. This land is currently vacant and used for grazing. No other activity is proposed in this area at this time.

INCREMENTAL INCREASE IN DAILY PERMITTED TONNAGE

Disposal tonnage would increase over time from anticipated population growth. However, the amount of waste received by the landfill will fluctuate, as it does currently, due to other factors such as waste hauler schedules, holidays, emergencies, disasters, other landfill closures, disposal fee increases at other landfills, and other circumstances or events beyond the control of MCRWMA. Because peak daily tonnage at the Highway 59 Landfill is limited by the facility's existing SWFP, and to avoid potential exceedances of the SWFP conditions, MCRWMA has determined that incremental increases in the allowable peak daily tonnage limit are necessary to avoid a permit violation (i.e., an exceedance of allowable tonnage/traffic under the SWFP). Based on the projected increase in waste stream through 2035, MCRWMA would seek a permit revision that would allow incremental increases in peak daily tonnage up to 3,000 peak tons per day in 2035 and beyond. Projected peak tonnage projection shown in Table 1-1. Therefore, as part of the proposed project, MCRWMA proposes up to five incremental increases in the facility's peak daily tonnage through 2035 and beyond.

Table 1-1 Projected Peak Tonnage and Traffic Volumes

Year	Projected Peak Daily Tonnage (Tons)	Monthly (30 Day) Average Tonnage (Tons)	Projected Maximum Traffic Volumes (vehicles/day)
Existing Permit (2014)	1,500	900	554
2015 to 2020	2,000	1,400	554
2020 to 2025	2,200	1,550	600
2025 to 2030	2,450	1,750	675
2030 to 2035	2,700	1,925	750
2035 to closure	3,000	2,125	800

Source: MCRWMA 2014

INCREASE IN PERMITTED PEAK DAILY TRAFFIC

As with daily tonnage, the SWFP limits the volume of traffic to and from the landfill each day. The current permitted traffic volume for the landfill is 554 vehicles per day, including 544 inbound vehicles carrying waste materials and 10 outbound vehicles carrying materials from resource recovery processes conducted at the landfill. With the proposed incremental increases in peak daily tonnage, peak daily vehicle trips would increase to 800 by 2035 (see Table 1-1). Currently, the landfill receives an average of 233 vehicle trips per day. However, in the past 10 years, the landfill has come close to the total permitted number of 554 vehicle trips per day at least 12 times. Therefore, as part of the proposed project, MCRWMA proposes up to four incremental increases in the facility's permitted peak daily traffic volume through 2035 and beyond.

SEWAGE SLUDGE ACCEPTANCE AT THE LANDFILL

Dewatered sewage sludge is proposed to be added to the list of wastes accepted at the landfill that require special handling and/or pre-notification. Handling of dewatered sewage sludge would be conducted in accordance with applicable federal and state regulations.

1.3 ENVIRONMENTAL REVIEW PROCESS

This Draft EIR has been prepared under MCRWMA's direction in accordance with the requirements of CEQA (PRC Sections 21000-21177) and the CEQA Guidelines (CCR, Title 14, Division 6, Chapter 3, Sections 15000-15387). MCRWMA is serving as the lead agency under CEQA for consideration of certification of this EIR and potential project approval; CEQA Guidelines Section 151367 defines the lead agency as the agency with principal responsibility for carrying out and approving a project.

According to CEQA, if the lead agency determines that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (CEQA Guidelines Section 15064(f)(1)). An EIR is an informational document used to inform public agency decision-makers and the general public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

1.3.1 Notice of Preparation and Commencement of Scoping Period for EIR

In accordance with PRC Section 21092 and CEQA Guidelines Section 15082, a Notice of Preparation (NOP) was prepared and circulated on June 24, 2014, for a minimum 30-day period of public and agency comment. The NOP was submitted to the State Clearinghouse and posted on MCAG's website (<http://www.mcagov.org/DocumentCenter/View/290>). A public scoping meeting was held by MCRWMA on July 17, 2014, however, no written or oral comments were provided at this meeting.

1.3.2 Public Noticing and Public Review of Draft EIR

In accordance with Sections 15087 and 15105 of the CEQA Guidelines, the Draft EIR was circulated for public review and comment to lead and responsible agencies, as well as members of the public, for 45-days (September 17, 2015 through November 2, 2015). MCRWMA also conducted a public hearing on October 15, 2015. During the public review period, federal, state, and local agencies commented on issues evaluated in the Draft EIR. Comment letters received on the Draft EIR are included in the Final EIR. None of

the comments constituted “significant new information,” which would require recirculation of the Draft EIR. Significant new information is defined in Section 15088.5(a) of the CEQA Guidelines as follows:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of these circumstances has arisen from comments on the Draft EIR.

After close of the Draft EIR public comment period, responses to comments on environmental issues were prepared as part of the Final EIR. Consistent with CEQA Guidelines Section 15088(b), commenting agencies were provided a minimum of 10 days to review the proposed responses to their comments before any action was taken on the Final EIR or project. The Final EIR was then considered for certification (in accordance with CEQA Guidelines Section 15090) by MCRWMA. MCRWMA found that the Final EIR is “adequate and complete,” and certified the Final EIR in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

- (1) The EIR shows a good faith effort at full disclosure of environmental information; and
- (2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project with consideration given to its environmental impacts.

The level of detail contained throughout the EIR is consistent with Section 15151 of the CEQA Guidelines and recent court decisions, which provide the standard of adequacy on which this document is based. The Guidelines state as follows:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of the environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

CEQA requires that when a public agency makes findings based on an EIR, the public agency must adopt a reporting or monitoring program for those measures it has adopted or made a condition of the project approval to mitigate significant adverse effects on the environment. The reporting or monitoring program must be designed to ensure compliance during project implementation. The Mitigation Monitoring Program for the project was prepared and considered by MCRWMA in conjunction with the Final EIR review.

1.4 DESCRIPTION OF THE RECORD

For purposes of CEQA and these Findings, the record before MCRWMA consists of all non-privileged documents relating to the project in MCRWMA’s files on this matter, including, without limitation:

- ▲ The NOP prepared for the project;
- ▲ The Draft EIR for the Valley Fill Project, with all appendices to the Draft EIR and cited references;
- ▲ All comments or documents submitted by public agencies or by members of the public during or after the comment period on the Draft EIR or up to MCRWMA's approval of the project;
- ▲ The Final EIR for the Valley Fill Project, with all appendices to the Final EIR and cited references;
- ▲ The MMRP, included as Attachment A to these Findings;
- ▲ All Findings and Resolutions adopted by MCRWMA in connection with the project and all documents cited or referred to therein;
- ▲ All staff reports and presentation materials related to the project, including internal reports and analyses prepared by consultants to MCRWMA;
- ▲ All studies conducted for the project and contained in, or referenced by, staff reports, the Draft EIR, the Final EIR, or the MMRP;
- ▲ All public reports and documents related to the project prepared for or by MCRWMA, including, without limitation, all planning documents, other public agencies, or the federal courts;
- ▲ All documentary and oral evidence received and reviewed at public hearings, meetings and workshops related to the project, the Draft EIR, the Final EIR, and the MMRP;
- ▲ All other public reports and documents relating to the project that were used by MCRWMA staff or consultants in the preparation of the Draft EIR, Final EIR and MMRP; and
- ▲ All other documents, not otherwise included above, required by PRC Section 21167.6.

1.5 SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE PROJECT

The EIR identifies significant and potentially significant but mitigable impacts to the following environmental resources: air quality and greenhouse gas emissions, biological resources, cultural resources, and hazards and hazardous materials. As described below (Section 1.8), mitigation measures are available to reduce each of these impacts to a less-than-significant level, and MCRWMA has adopted such measures.

The EIR also identifies significant and unavoidable impacts for the Valley Fill Project related to traffic and transportation (project level and cumulative).

1.6 GENERAL FINDINGS

1.6.1 Certification of the EIR

In accordance with CEQA, MCRWMA has considered the effects of the project on the environment, as shown in the Final EIR, and the whole of the administrative record, prior to taking any action to approve the Valley Fill Project. The Final EIR was released for public review on May 2, 2016. MCRWMA reviewed the Final EIR and, at the May 19, 2016 public hearing, recommended that the EIR be certified. MCRWMA has reviewed and considered the EIR and the information relating to the environmental impacts of the proposed project and has certified that the EIR has been prepared and completed in compliance with CEQA. By these

Findings, MCRWMA ratifies and adopts the conclusions of the Final EIR as set forth in these Findings, except where such conclusions are specifically modified by these Findings. The Final EIR and these Findings represent the independent judgment and analysis of MCRWMA.

1.6.2 Evidentiary Basis for Findings

These Findings are based upon substantial evidence in the record before MCRWMA. The references to the Draft EIR and Final EIR set forth in the Findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these Findings.

1.6.3 Findings Regarding Mitigation Measures

MITIGATION MEASURES REMOVED

The 1996 EIR included mitigation (Mitigation Measures 4.1 and 4.2) that required dedication of additional right-of-way and construction of acceleration and deceleration lanes to accommodate safe turning movements under future (cumulative) conditions. However, the traffic volumes anticipated in the 1996 EIR, while considered reasonable and appropriate at the time of preparation of that analysis, are now understood to have overestimated potential volumes along SR 59. As such, MCRWMA finds that based on existing traffic data collected as part of the Valley Fill Project, implementation of Mitigation Measures 4.1 and 4.1 adopted as part of the 1996 EIR is no longer considered necessary for the purposes of mitigation traffic hazard impacts, and shall hereby be removed.

MITIGATION MEASURES ADOPTED

Except as otherwise noted, the mitigation measures referenced herein are those identified in the Final EIR and adopted by MCRWMA as set forth in the MMRP.

IMPACTS AFTER IMPLEMENTATION OF MITIGATION MEASURES

Except as otherwise stated in these Findings, in accordance with CEQA Guidelines Section 15092, MCRWMA finds that environmental effects of development of the Valley Fill Project will not be significant or will be mitigated to a less-than-significant level by the adopted mitigation measures. All significant environmental effects have been eliminated or substantially lessened to the extent feasible. MCRWMA has determined that any remaining significant effects on the environment that are found to be unavoidable are acceptable due to overriding considerations described in Section 2. These overriding considerations consist of specific social, environmental, and economic benefits of the project that justify its approval and outweigh its unavoidable adverse environmental effects, as more fully stated in Section 2 (Statement of Overriding Considerations). Except as otherwise stated in these Findings, MCRWMA finds that the mitigation measures incorporated into and imposed upon the project will not have new significant environmental impacts that were not analyzed in the EIR.

RELATIONSHIP OF FINDINGS AND MMRP TO FINAL EIR

These Findings and the MMRP are intended to summarize and describe the contents and conclusions of the Draft EIR and Final EIR for policymakers and the public. For purposes of clarity, these impacts and mitigation measures may be worded differently from the provisions in the Final EIR and/or some provisions may be combined. Nonetheless, MCRWMA and/or the construction contractor will implement all measures contained in the Final EIR. In the event that there is any inconsistency between the descriptions of mitigation measures in these Findings or the MMRP and the Final EIR, MCRWMA and/or the construction contractor will implement the measures as they are described in these Findings and the attached MMRP. In the event a

mitigation measure recommended in the Final EIR has inadvertently been omitted from these Findings or from the MMRP, such mitigation measure is hereby adopted and incorporated into the Findings and/or MMRP, as applicable.

1.6.4 Location and Custodian of Records

Pursuant to PRC Section 15091, MCRWMA is the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based, and such documents and other materials are located at the offices of MCRWMA, 7040 North Highway 59, Merced, California 95348. Additionally, many of the documents and materials are available online at: <http://www.mcagov.org/233/Valley-Fill-Project>.

1.7 ALTERNATIVES

The alternatives evaluated in the EIR included those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6(f)). As directed by CEQA, the EIR included feasible alternatives that would reduce or avoid significant environmental impacts associated with the project. Alternatives considered in an EIR need to attain most of the project objectives to be considered feasible. The exception is the No Project Alternative, which is a required alternative for EIRs under CEQA (Guidelines Section 15126.6(e)).

1.7.1 Alternatives Evaluated in the EIR

Pursuant to the requirements of CEQA Guidelines Section 15126.6 and in light of the project objectives, the following alternatives to the project were identified and evaluated in the Draft EIR:

- ▲ Alternative 1: No Project
- ▲ Alternative 2: Reduced Project
- ▲ Alternative 3: Lateral Expansion
- ▲ Alternative 4: Billy Wright Landfill Expansion

ALTERNATIVE 1: NO PROJECT

CEQA Guidelines Section 15126.6(e)(1) requires that the ‘no project’ alternative be described and analyzed “to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project.” Under Alternative 1: No Project, the Highway 59 Landfill would not be expanded and current conditions would continue until the active phase (Phase 6) of the landfill reaches capacity. The landfill would then be closed in accordance with the Title 27 of the CCR closure and monitoring procedures. (Title 27 CCR, Section 21090 et seq.) Groundwater and LFG would continue to be monitored as part of post-closure activities. All structures unrelated to ongoing monitoring of the landfill would be removed and waste would need to be transported to another waste disposal facility following closure. None of the impacts identified in the Draft EIR, including the significant and unavoidable impacts, would occur under this alternative because the project site would remain in its current state. However, this alternative would not meet the need for long-term solid waste disposal capacity in Merced County and the region, would not minimize the net fiscal effects on rate payers and taxpayers, and would not conserve resources while providing a reasonable level of solid waste disposal. Therefore, this alternative would not realize any of the key objectives of the project.

For these reasons, MCRWMA hereby rejects Alternative 1 because it is infeasible.

ALTERNATIVE 2: REDUCED PROJECT

Alternative 2 would include the same features as the proposed project, but on a smaller scale. This alternative would have approximately 4,200,000 fewer cubic yards of long-term disposal capacity, which would result in an estimated closure date extension of 7 to 11 years compared to the 11 to 15 years offered by the proposed project. The estimated closure date of the landfill would be between 2072 and 2076 under this alternative.

This alternative would relocate facilities from the proposed disposal area between Phases 1–4 and Phase 5 of the landfill and prepare the area for disposal operations (e.g., install liner, and LFG and leachate systems). This alternative would also include purchase of the buffer area east of the landfill and increase the permitted daily tonnage for the landfill. However, the height of the expanded disposal area would be limited to the same height as the existing Phases 1–5 (310 feet above mean sea level [msl]) instead of 360 feet above msl as proposed. Construction and operation of this alternative would be similar to the proposed project; however, because height would be reduced, the landfill capacity would be exhausted sooner. As compared to the proposed project, this alternative would make less efficient use of resources (including use of the existing landfill), result in a nearer-term need for analysis (considering the reality that solid waste will continue to be generated, and needing to be disposed of, in the future), design, and construction of a new landfill facility, expansion of an existing facility, or hauling to a more distant facility, if one were able to accommodate the waste. Because of the myriad conditions that affect landfill capacity (e.g., other disposal opportunities, fluctuating demand for disposal locally and regionally), it would be speculative to contemplate the impacts of alternative disposal of the incrementally greater volume of waste (e.g., through expansion of another facility, transport to an existing, more distant facility) that would be accommodated under the proposed project as compared to Alternative 2, Reduced Project.

Because Alternative 2 would not meet certain key objectives, including the primary purpose of the project (to increase the disposal capacity of the landfill in a manner that is economically and environmentally superior to the currently planned disposal in Phase 6), and with respect to meeting the need for long-term solid waste disposal capacity in Merced County while minimizing the net fiscal effects on rate payers and taxpayers, the MCRWMA finds Alternative 2 infeasible. The MSRWMA also finds that Alternative 2 would not avoid or substantially lessen the significant and unavoidable impacts of the project related to traffic, as explained in the Draft EIR. MCRWMA therefore rejects further consideration of this alternative.

ALTERNATIVE 3: LATERAL EXPANSION

Alternative 3 would be similar to the proposed project, except that the existing Highway 59 Landfill would be expanded to the north instead of expanding the infill area between Phases 1–4 and Phase 5. This alternative would also include purchase of the buffer area east of the landfill and increase in the permitted daily tonnage for the landfill. Depending on the amount of lateral expansion, the anticipated closure date under this alternative could vary, however for the purposes of this analysis, it is assumed that the planned closure date would coincide with that of the proposed project. This alternative would require purchase of property north of the existing landfill and removal of existing orchards. The Henderson Lateral that borders the existing landfill to the north would need to be realigned or diverted into an underground pipeline. The magnitude of construction of this alternative would be greater than the proposed project because it would require orchard removal, installation of additional infrastructure, and substantial grading to expand the footprint of the existing landfill. Operation of this alternative would be similar to the proposed project. The 1996 EIR prepared previously by MCRWMA for Phase 6 of Highway 59 Landfill also evaluated a lateral expansion alternative. The 1996 EIR, however, evaluated the use of land southwest of the existing landfill, across SR 59. This alternative would require purchase of property southwest of the existing landfill. The magnitude of construction of this alternative would be greater than the proposed project because it would require installation of additional infrastructure and substantial grading associated with a new facility. The 1996 EIR also found that this alternative would result in a significant impact to conversion of prime agricultural soils. This alternative would also result in less efficient operations related to operating at two sites and increase hazards related to crossing SR 59. Due to increased usage of SR 59 as a regional

roadway and growth of the City of Merced northward towards the landfill, expansion on the other side of SR 59 is not considered a feasible alternative and is not carried forward as part of this alternative or as a separate alternative.

Because this alternative would not meet most of the basic project objectives, particularly with respect to minimizing the net fiscal effects on rate payers and taxpayers and conserving resources while providing a necessary level of solid waste disposal, and would result in greater impacts to several resource areas, MCRWMA rejects further consideration of this alternative as infeasible.

ALTERNATIVE 4: BILLY WRIGHT LANDFILL EXPANSION

Alternative 4 would include expansion of the Billy Wright Landfill (BWL), which is currently the only other landfill disposal site in Merced County. BWL is located approximately 50 miles southwest of the Highway 59 Landfill. To meet the project objectives of providing long-term solid waste disposal for Merced County, the project would need to be located within the county or immediate vicinity. Although expansion of an existing waste disposal facility would have fewer impacts than construction of a new landfill, as discussed in the Draft EIR, a new landfill and other off-site alternatives, such as expansion of the BWL, were determined to be infeasible. Expansion of the BWL, for example, would require acquisition of additional land for waste disposal and was evaluated as part of Option 1B in the 2006 EIR prepared by MCRWMA for the expansion of the BWL. This alternative involved the use of an additional 53 acres along the current northern boundary of BWL and would provide approximately 18,000,000 cubic yards of additional capacity at BWL. Because this alternative would also include expansion of an existing facility, construction impacts would likely be similar to or greater than the proposed project. Under this alternative, waste would need to be transported to the western portion of the county or outside of the county once the Highway 59 Landfill reaches capacity, which would result in waste being transported greater distances than under the proposed project. This would result in additional operational emissions related to truck trips and greater impacts on traffic, transportation and related air quality and GHG emissions. The acquisition of additional land for expansion of the BWL would be more costly than the proposed project and could result in additional impacts associated with expanding the footprint of the BWL into an area that is not currently disturbed.

Because this alternative would not meet most of the project objectives, including minimizing the net fiscal effects on rate payers and taxpayers; and conserving resources while providing a necessary level of solid waste disposal, and because this alternative would result in greater adverse environmental impacts (from long term traffic, transportation and air quality impacts), than the project, MCRWMA rejects further consideration of this alternative.

1.7.2 Environmentally Superior Alternative

The CEQA Guidelines Section 15126.6 states that an EIR should identify the “environmentally superior” alternative. “If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” As shown in Section 1.5, Significant Environmental Impacts of the Project, there would be significant and unavoidable impacts associated with the project. These project-level and cumulative impacts are related to traffic and transportation. With regard to the other alternatives considered in this EIR, development of Alternative 2: Reduced Project Alternative would be the environmentally superior alternative. It would not eliminate significant and unavoidable effects associated with traffic and transportation, but would reduce certain impacts associated with the proposed project, notably changes in visual character and views and air quality and Greenhouse Gas (GHG) emissions. Therefore, for purposes of fulfilling the objectives established by MCRWMA, Alternative 2 would be considered the environmentally superior alternative.

1.8 FINDINGS OF FACT

MCRWMA has reviewed the Final EIR for the Valley Fill Project, consisting of the Valley Fill Draft EIR (September 2015) and the Valley Fill Responses to Comments on Draft EIR (May 2016), together which form the Final EIR. MCRWMA has considered the public record on the project, which, in addition to the above documents and this Statement of Findings, is composed of the MMRP for the Valley Fill Project EIR. The MMRP meets the requirements of Section 21081.6 of the PRC by providing a monitoring plan designed to ensure compliance with mitigation measures adopted by MCRWMA during project implementation.

All relevant project documents are on file at MCRWMA, 7040 North Highway 59, Merced, California 95348.

Pursuant to PRC Section 21081, for each significant effect identified in the EIR, MCRWMA must make one or more of the findings described in Section 1.1 of this document.

After reviewing the public record, composed of the aforementioned elements, MCRWMA hereby makes the following findings regarding the significant effects of the proposed project, pursuant to PRC Section 21081 and Section 15091 of the CEQA Guidelines. The numeric references for each impact refer to the impact/mitigation titles included in the EIR. Several of the mitigation measures listed below have been summarized herein. Please refer to the MMRP (Attachment A) for the full text of all mitigation measures to be implemented.

1.8.1 Effects Found Not to be Significant

Effects of the project found to be less-than-significant, and which require no mitigation, are identified in the bulleted list below. The impact numbers and titles are the same as those used in the EIR. MCRWMA has reviewed the record and agrees with the conclusion that the following impacts would not be substantially changed by the project, and therefore no additional findings are needed:

- ▲ **Impact 4.1-1: Temporary changes in visual character.** Temporary changes in views would include construction activities and equipment associated with relocating on-site facilities. Construction would include demolition of facilities within the southern portion of the project site and construction of new facilities in the central portion of the site. These changes would be temporary, largely screened from outside views, and not out of character with the existing industrial environment. Therefore, the temporary changes as a result of the proposed project would not substantially degrade views of the project site.
- ▲ **Impact 4.1-2: Long-term adverse changes in visual character.** Some ancillary facilities would be relocated from the southern portion of the project site to the central portion of the site. In addition, the valley between Phases 1-4 and Phase 5 would become an active disposal area and over time would increase in elevation up to 360 feet above msl. The height of the landfill within Phases 1-5 is currently at or below 310 feet above msl, the maximum permitted elevation. Although the proposed project would increase the height and mass of Phases 1-5 and these changes would be visible from a distance, the proposed project would be consistent with existing views and there are no scenic resources with views of this area.
- ▲ **Impact 4.1-3: Potential for increased light and glare.** The existing landfill includes nighttime lighting, which would continue after implementation of the project. No new sources of light or glare would be created.
- ▲ **Impact 4.2-1: Short-term construction-generated criteria pollutant emissions.** Short-term construction-generated emissions would not exceed San Joaquin Valley Air Pollution Control District's regional

significance thresholds and, thus, would not contribute to pollutant concentrations that exceed the National Ambient Air Quality Standards or California Ambient Air Quality Standards.

- ▲ **Impact 4.2-3: Exposure of sensitive receptors to TACs.** Based on modeling conducted for the project-specific Health Risk Assessment, the proposed project would not result in the exposure of sensitive receptors to toxic air contaminant (TAC) emissions in excess of 10 in 1 million cancer risk or a non-carcinogenic health risk greater than 1.0 on the Hazard Index.
- ▲ **Impact 4.2-4: Increase in GHG emissions.** Project construction would be short term, would predominantly use existing landfill equipment, and would not require substantial vehicle trips to and from the landfill. As such, GHG emissions from project construction would not be substantial. Project operation would not require additional equipment or staffing, but would increase daily disposal capacity. Because the project would comply with measures and plans adopted for the purpose of reducing GHG emissions, including the Air Resources Board Scoping Plan through compliance with Landfill Methane Control Measure (LMCM), and because of the sequestration of additional carbon that would occur within the expanded disposal area, the proposed project would not result in a substantial increase in GHG emissions or be inconsistent with applicable GHG reduction targets or plans.
- ▲ **Impact 4.4-1: Change in the significance of a historical resource.** The records search revealed a historical resource (Henderson Lateral) adjacent to and a potential historic district (Merced Irrigation District) on the Highway 59 Landfill. However, the Henderson Lateral has not been determined as eligible for listing in the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR) and project activities would occur 3,000 feet south of this resource. At this distance, the resource would be completely avoided. The Merced Irrigation District has not been determined as eligible for listing in the NRHP or CRHR and its status is currently listed as “needing to be reevaluated.” Implementation of the proposed project would not result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.
- ▲ **Impact 4.4-3: Destroy a unique paleontological resource.** The area surrounding the proposed project site is not known to be highly sensitive for paleontological resources. Earth-moving activities would be limited to previously disturbed areas.
- ▲ **Impact 4.5-1: Exposure of people or structures to potential increases in seismic hazards.** Project facilities would be constructed on a site that may be subject to strong seismic ground shaking from active earthquake faults, and soils with shrink-swell potential. Seismic ground shaking, though infrequent, could cause structural failure of proposed facilities. Damage could also result from expansion and contraction of underlying soils. Because, the project would be designed, engineered, and constructed in conformance with applicable codes and standard engineering practices, which consider the characteristics of materials and forces, and are designed to result in adequate strength and safety requirements, the potential for structural damage and associated hazards to people during a seismic event would be substantially reduced.
- ▲ **Impact 4.5-2: Increased risk of subsidence, slope stability, and risk of landslide.** Soils underlying the project site are not characterized as having risks associated with subsidence. Subsidence in Merced County is associated with substantial groundwater pumping resulting in dewatering; however, there is no history of subsidence from groundwater pumping at the project site or in the vicinity. The proposed project would meet the requirements of Title 27 of the CCR which requires that Class III municipal solid waste landfills be evaluated for slope stability.
- ▲ **Impact 4.6-2: Exposure of people and the environment to hazards related to LFG.** Expansion of the landfill could result in the production of additional LFG that could expose people or the environment to safety hazards. However, LFG would continue to be monitored at the project site and the LFG collection and monitoring system would be expanded to accommodate the increased production of LFG.

- ▲ **Impact 4.6-3: Potential hazards associated with vectors.** Vector control measures that are currently in place are effective and would continue to be implemented. In addition, because there is no proposed expansion of the storm water detention basins or other water-related facilities, the proposed project would not increase the amount of standing water that could attract mosquitoes.
- ▲ **Impact 4.6-4: Increased potential for wildland fires.** The project site is located in an area designated as a moderate fire hazard severity zone. However, extensive fire control measures are currently, and would continue to be, implemented at the project site to reduce the potential risk for fires. Therefore, neither construction nor operation of the project would increase the potential for wildland fire in the project area.
- ▲ **Impact 4.7-1: Long-term water quality degradation from hazardous materials.** Volatile organic compounds have been detected in groundwater down-gradient of Phases 1-4 as a result of past LFG migration. Expansion of the landfill could further affect groundwater quality by increasing the amount of LFG and leachate produced by the landfill. However, MCRWMA, in coordination with RWQCB, has implemented a corrective action plan consisting of vadose and groundwater extraction wells to address existing impacts to groundwater. In addition, the project would include expansion of the existing LFG collection system and liner system, which would include a leachate collection and removal system (LCRS) that complies with Title 27 of the CCR (Section 20340).
- ▲ **Impact 4.7-2: Short-term water quality degradation from construction.** Relocation of supporting uses from the proposed disposal area to the area south of the existing administrative offices would involve ground-disturbing activities such as excavation, grading, and trenching. Construction activities would create the potential for soil erosion and possibly increase sedimentation of stormwater facilities on-site. However, all ground-disturbing activities would be within the landfill footprint and stormwater would be captured by the on-site stormwater retention basins.
- ▲ **Impact 4.7-3: Depletion of groundwater or interference with groundwater recharge.** Construction of the project would require additional water for dust control during the construction period. No other element of the project would result in a change in groundwater use or in groundwater recharge. Relocation of on-site facilities and expansion of the disposal area at the landfill would not increase the demand for groundwater supplies, and the change in the amount of impervious surfaces would be negligible.
- ▲ **Impact 4.8-1: Conflict with land use plans, policies, or existing zoning.** The project site is designated Foothill Pasture under the *2030 Merced County General Plan* and is zoned A-1 (General Agricultural). The purchase of approximately 20 acres to provide an additional buffer in the event of off-site LFG migration would be consistent with the *2030 Merced County General Plan* and existing zoning. Therefore, the proposed project would not conflict with land use plans, policies, or existing zoning.
- ▲ **Impact 4.8-2: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.** The project site is located on land classified as Urban and Built-Up Land and Vacant or Disturbed Land. The proposed project would include the purchase of approximately 20 acres of land that is classified Vacant or Disturbed Land. Therefore, there would be no conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.
- ▲ **Impact 4.9-1: Increased short-term, construction-related noise and vibration at nearby sensitive land uses.** Project construction would involve the use of heavy construction equipment. The Merced County Noise Ordinance and Merced County General Plan limit construction activities to daytime business hours only. The project would adhere to these limits. Additionally, the closest sensitive receptors are located more than 1,000 feet from the project site. Based on distance, specific equipment expected to be used, and dissipation rate, the vibration associated with project construction would be hardly perceptible, if perceptible at all, and would not exceed Caltrans' or Federal Transportation Administration's specified vibration thresholds for structural damage or annoyance, respectively. Thus, short-term construction noise would neither generate nor expose persons to noise levels in excess of applicable standards, and would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity.

- ▲ **Impact 4.9-2: Increased stationary source noise and vibration during operation.** Based on comparison of existing and post-project noise levels, project-generated stationary source noise levels would not exceed applicable noise standards and, therefore, would not result in a substantial increase in ambient noise levels at nearby noise-sensitive receptors.
- ▲ **Impact 4.9-3: Increased traffic noise during operation.** The proposed project would result in an incremental increase in daily vehicle trips travelling to and from the landfill. With respect to existing and existing-plus-project traffic volumes and their associated noise levels, the additional project-generated traffic would result in an increase of less than 3 decibels, which is perceived as barely noticeable by humans (Egan 2007).
- ▲ **Impact 4.10-1: Construction-related increase in traffic.** During construction of the proposed project, daily commutes by construction workers would primarily increase traffic on SR 59. However, the addition of up to 34 vehicle trips (17 roundtrips x 2) would not cause any level of service (LOS) thresholds to be exceeded, and would result in overall traffic volumes consistent with LOS C as established in Caltrans' TCR for SR 59. Therefore, this increase would be temporary and not substantial in relation to the existing traffic load and capacity of area roadways.
- ▲ **Impact 4.10-3: Near-term (2020) roadway level of service impacts.** With implementation of the proposed project, levels of service on SR 59 and Bellevue Road would continue to operate within acceptable Merced County and Caltrans LOS thresholds.
- ▲ **Impact 4.10-6: Potential hazards associated with design features.** The proposed project would incrementally increase the maximum daily tonnage and traffic permitted at the landfill over the next 20 years. Increasing traffic entering and exiting the landfill has a greater potential to result in accidents; however, only one accident has been attributed to the landfill in the past 4 years. There is no evidence to suggest that additional truck traffic would substantially increase the potential for accidents, and the project does not include any design features that could contribute to such hazards. Additionally, Mitigation Measures 4.1 and 4.2, which relate to potential hazards along SR 59 as a result of increased landfill traffic, from the 1996 Highway 59 Landfill EIR are no longer considered necessary and are removed as an obligation of MCRWMA. The roadway volumes identified in the 1996 EIR, while considered accurate and appropriate at the time of the previous analysis, are substantially greater than currently measured and projected volumes. As a result, the potential hazards that may occur at higher traffic volumes would not occur as a result of the project or the previously evaluated expansion.
- ▲ **Impact 4.11-1: Inefficient, wasteful, and unnecessary consumption of energy resources.** Construction of the project would consume energy in the form of fuel for construction vehicles, but this energy consumption would be temporary. The proposed project would also extend the operational life of the landfill and would increase the daily traffic volume that is permitted. Considered in isolation, this would increase energy/fuel usage over the life of the landfill; however, the proposed project would allow additional waste disposal at the Highway 59 Landfill, thereby reducing the need for disposal trucks from Merced County to travel farther to more distant disposal facilities. No element of the project would result in inefficient, wasteful, or unnecessary consumption of energy.
- ▲ **Aesthetics – Cumulative:** The proposed project, in combination with cumulative development, would not make a considerable contribution to skyglow in the project vicinity because lighting currently exists on-site and no additional sources of lighting or glare are included as part of the project. While the proposed project would result in changes in the immediate viewshed, there would be no significant contribution to cumulative long distance views. Therefore, the project would not result in a considerable contribution to a significant cumulative visual resources impact.
- ▲ **Air Quality and Greenhouse Gas Emissions – Cumulative:** By reducing impacts associated with project emissions to less than significant through the purchase of offsets consistent with SJVAPCD Rule 2201 requirements, the proposed project would not result in a cumulatively considerable contribution to cumulative air quality impacts. In addition, the proposed project would not exceed established

incremental thresholds for carcinogenic and non-carcinogenic health risks. Furthermore, because the project would be consistent with the AB 32 Scoping Plan through compliance with the LMCM, and therefore SJVAPCD best performance strategies, and would purchase offsets for emissions consistent with the LMCM, the proposed project would not represent a considerable contribution to cumulative GHG impacts.

- ▲ **Geology, Soils, and Mineral Resources – Cumulative:** Because of the site-specific nature of geologic impacts and necessary compliance with uniform site development standards and construction standards, the proposed project would not result in a considerable contribution to any cumulative impact related to geology and soils.
- ▲ **Hydrology and Water Quality – Cumulative:** Because of the hydrologically-isolated nature of the existing landfill and the control and monitoring systems that would be expanded as part of the proposed project, construction and operation of the proposed project would not represent a substantial contribution to off-site hydrology and water quality conditions and would not be cumulatively considerable such that a new significant cumulative impact would occur.
- ▲ **Land Use and Agricultural Resources – Cumulative:** Because the proposed project would not result in the loss of important farmland or conflict with existing planning efforts in Merced County, it would not have a considerable contribution to cumulative land use or agricultural resources impacts.
- ▲ **Noise – Cumulative:** Because project-generated construction noise is exempt from county noise standards, the project's short-term construction-generated noise would not result in a substantial contribution to a cumulative impact. In addition, long-term operation of equipment is expected to be the same as operation of equipment under existing conditions, and the proposed project would not result in additional noise sources from stationary equipment. Therefore, the project would not have a cumulatively considerable contribution to a cumulative impact related to noise.
- ▲ **Utilities and Energy – Cumulative:** Construction of the proposed project would increase energy usage related to fueling construction vehicles, but this energy consumption would be temporary. The proposed project would also extend the operational life of the landfill and would increase the permitted daily traffic volume. This would increase the total amount of energy usage over the life of the landfill; however, the proposed project would allow additional waste disposal at the Highway 59 Landfill, thereby reducing the need for disposal trucks within Merced County to travel farther to more distant disposal facilities. Therefore, the project would not have a cumulatively considerable contribution to any cumulative impact related to utilities.

1.8.2 Significant Impacts Associated with Development of the Valley Fill Project

AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Potentially Significant Effect: Impact 4.2-2: Generation of long-term criteria pollutant emissions.

Implementation of the proposed project would result in long-term operational emissions that would exceed San Joaquin Valley Air Pollution Control District's (SJVAPCD's) thresholds of significance or substantially contribute to concentrations that exceed the National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS). Impacts related to these long-term operational (regional) emissions would be potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project by MCRWMA that mitigate the significant effects on the environment.

Facts in Support of Finding

MCRWMA has adopted and will implement the following mitigation measure that will reduce impacts on long-term operational emissions to less-than-significant levels.

Mitigation Measure 4.2-2

In accordance with SJVAPCD requirements, MCRWMA shall coordinate with SJVAPCD and purchase offsets for those emissions in excess of SJVAPCD thresholds established in Table 4-1 of Rule 2201. Offsets shall be purchased for stationary source emissions in excess of SJVAPCD emissions limits for the landfill, inclusive of the proposed project and for the entire life of the landfill. The timing of purchase of offsets shall be determined in cooperation with SJVAPCD and in accordance with Rule 2201 requirements.

With implementation of the above-listed mitigation, annual operational emissions associated with the proposed project would be offset. Because the potential stationary source emissions of the landfill would exceed the thresholds established in Rule 2201 with or without the project, MCRWMA would be required to purchase offsets for the entirety of stationary source emissions including the existing emissions and emissions associated with the proposed project. As a result, the potential net emissions associated with the project would be reduced to zero. The project would still generate criteria pollutant emissions from mobile sources, but these are not eligible for offsets pursuant to Rule 2201. After mitigation, these emissions would not exceed SJVAPCD thresholds and would be less than significant.

BIOLOGICAL RESOURCES**Significant Effect: Impact 4.3-1: Nesting birds.**

Construction activities associated with relocation of buildings and associated outbuildings could affect nesting birds, if present, through direct mortality of eggs or young. Impacts to nesting birds would be a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by MCRWMA that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MCRWMA has adopted and will implement the following mitigation measure that will reduce impacts to nesting birds to less-than-significant levels.

Mitigation Measure 4.3-1: Nesting birds.

Removal or relocation of existing buildings within the landfill site shall be conducted between September 1 and February 14, if feasible. If infeasible, a qualified biologist shall conduct a pre-construction survey within ten business days before removal or relocation of existing buildings to determine presence or absence of nesting birds. If no nesting birds are observed, no further mitigation is required so long as the building demolition or relocation commences within 10 days before the pre-construction survey. If building demolition or relocation does not commence within 10 days of the pre-construction survey or halts for more than 10 days, a new pre-construction survey will be required.

If nesting birds are observed within any buildings proposed for removal/relocation, the biologist shall establish an appropriate buffer to ensure construction activities do not directly affect birds or any active nest and no buildings will be removed or relocated until a qualified biologist verifies that the nestlings have successfully fledged and the nest is no longer occupied.

Implementation of this mitigation measure would reduce significant impacts associated with nesting birds to a less-than-significant level by ensuring no active nests are destroyed or disturbed by construction activities.

Significant Effect: Impact 4.3-2: Special-status bats.

The proposed project could affect roosting bats if they are roosting in buildings proposed for removal or relocation. Loss or injury to roosting bats would be a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by MCRWMA that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MCRWMA has adopted and will implement the following mitigation measure that will reduce impacts to special-status bats to less-than-significant levels.

Mitigation Measure 4.3-2: Special-status bats.

A qualified biologist shall conduct a pre-construction survey within 10 business days before removal or relocation of existing buildings. If no bats are observed, a letter report documenting the results shall be submitted to the applicant within 7 days following the survey and no further mitigation is required so long as the building demolition or relocation commences within 10 days following the pre-construction survey. If building demolition or relocation does not commence within 10 days of the pre-construction survey or halts for more than 10 days, a new pre-construction survey will be required.

If any bats are observed roosting within any buildings proposed for removal/relocation, then the biologist shall establish an appropriate buffer and no buildings containing roosting bats shall be removed/relocated until a biologist has determined that the buildings are no longer occupied by the bats. If roosts of special-status bats are determined to be present and must be removed, a bat exclusion plan shall be prepared and implemented. The exclusion plan shall describe the method of exclusion, which may include the use of one-way doors at roost entrances (bats may leave but not re-enter), or sealing roost entrances when the site can be confirmed by a bat expert to contain no bats. The bats will be excluded from the roosting site before the building is demolished or removed.

Implementation of this mitigation measure would reduce significant impacts to roosting bats to a less-than-significant level by ensuring no roosting bats are injured or destroyed by construction activities.

CULTURAL RESOURCES**Potentially Significant Effect: Impact 4.4-2: Disturb archaeological resources and human remains.**

Based on the results of the archaeological records search and historic land evaluations conducted for the proposed project, there is one known historic-era archaeological resource and no known prehistoric archaeological resources on the project site. Ground-disturbing activities could result in discovery or damage of as yet undiscovered archaeological resources as defined in CEQA Guidelines Section 15064.5, or disturb previously unknown human remains, including those interred outside of formal cemeteries. This is considered a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by MCRWMA that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MCRWMA has adopted and will implement the following mitigation measure that will reduce impacts to archaeological resources and human remains to less-than-significant levels.

Mitigation Measure 4.4-2: Halt ground-disturbing activity upon discovery of subsurface archaeological features.

1. In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered

during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

2. If the archaeologist determines that some or all of the affected property is a Native American cultural place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to PRC Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.993), the applicant shall implement potentially feasible procedures recommended by the archaeologist that would preserve the integrity of the site or minimize impacts to it, including any or a combination of the following:
 - ▲ Avoidance, preservation, and/or enhancement of all or a portion of the Native American Cultural Place as open space or habitat, with a conservation easement dedicated to the most interested and appropriate tribal organization. If such an organization is willing to accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements;
 - ▲ An agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or
 - ▲ Other measures, short of full or partial avoidance or preservation, intended to minimize impacts on the Native American Cultural Place consistent with land use assumptions and the proposed design and footprint of the development project for which the requested grading permit has been approved.

After receiving such recommendations, the Authority shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use assumptions and the proposed design and footprint of the development project. The Authority shall, in reaching conclusions with respect to these recommendations, consult with both the project applicant and the most appropriate and interested tribal organization.

3. In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, MCRWMA's contractor shall immediately halt potentially damaging excavation within 50 feet of the burial and notify the County Coroner and a qualified archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, the archaeologist, and the NAHC-designated Most Likely Descendent shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.

Implementation of this mitigation measure would reduce impacts to archaeological resources to less-than-significant levels because it requires the performance of professionally accepted and legally compliant

procedures for the discovery of previously undocumented significant archaeological resources and human remains. The presence of a Native American monitor on-site is not necessary because of the limited ground disturbance during the relocation and demolition of the ancillary buildings and the lack of proximity to Fahrens Creek (more than 1.6 miles). Additionally, no resources have been encountered during previous activities at the existing landfill and no prehistoric or ethnographic archaeological sites have been recorded.

HAZARDS AND HAZARDOUS MATERIALS

Potentially Significant Effect: Impact 4.6-1: Exposure of people and the environment to hazardous materials.

Operation of a landfill inherently involves the storage, use, and transport of hazardous materials; however, systems are in place at the Highway 59 facility that are compliant with federal, state, and local laws to allow such handling in a way that is protective of people and the environment. No aspect of the proposed project would substantially change operations such that new or revised systems or procedures would be required. Hazardous materials would continue to be collected through the household hazardous waste program and sewage sludge would be added to the list of wastes accepted at the landfill, but the program would be managed with existing controls in place and in accordance with all applicable laws, including Title 27 of the CCR, as it is currently. Construction of the project, however, would include relocation of the aboveground storage tanks from their existing locations to the central portion of the landfill. In addition, based on an environmental records search, a historic diesel surface spill was identified on-site. Although construction (including demolition and relocation of facilities) would occur in accordance with all federal, state, and local regulations pertaining to the use, storage, and transport of hazardous materials, such activities would result in temporarily increased potential to expose people and the environment to these materials. This impact would be potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the project by MCRWMA that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MCRWMA has adopted and will implement the following mitigation measures that will reduce impacts associated with exposure of people and the environment to hazardous materials to less-than-significant levels.

Mitigation Measure 4.6-1a: Prepare and implement a Hazardous Waste Contingency Plan.

MCRWMA shall implement the following measures before demolition or relocation of the existing on-site facilities to minimize the risk of exposure to or accidental release of hazardous materials:

- ▲ Prepare a Hazardous Waste Contingency Plan prior to construction for spills/emergencies that have the potential to occur during construction. This plan will identify measures to prevent accidental spills from leaving the area and methods and responsibilities for rapidly and safely responding to and cleaning up spills before neighboring properties are exposed to hazardous materials. All spills that occur at the site shall be addressed within 24 hours of discovery.
- ▲ Require that any employee handling hazardous materials is trained in the safe handling and storage of hazardous materials and is trained to follow all applicable regulations with regard to such hazardous materials.
- ▲ Identify a staging area outside environmentally sensitive areas in which hazardous materials will be stored during construction, in accordance with applicable federal, state, and local regulations.

Mitigation Measure 4.6-1b: Discovery of unknown contaminants.

If currently unknown contaminated soils or other hazardous materials are discovered (as may be indicated by discolored soils, odors, other indications) during construction (including demolition activities associated with the household hazardous waste facility and the aboveground storage tanks), activity within the area of the find will be halted, the extent and type of contamination will be characterized, and applicable elements of the Hazardous Waste Contingency Plan will be executed. The plan will require remediation of contaminants and/or contaminated soils. The plan will be subject to the review and approval by DTSC, Central Valley RWQCB, or other agencies, as applicable, and shall be consistent with any applicable laws. Remediation can include in-situ treatment, disposal at an approved landfill, or other disposal methods, as approved by DTSC, CUPA, Central Valley RWQCB, and other appropriate agencies. Construction and operations can proceed within the subject area upon approval of and in accordance with the plan.

If unanticipated hazardous wastes are discovered during relocation of facilities, the contingency actions developed in the clean-up plan, such as use of a licensed hazardous material response contractor to characterize and dispose of the hazardous waste, will be implemented.

Implementation of these mitigation measures would reduce significant impacts associated with exposure of people and the environment to hazardous materials to a less-than-significant level by developing and implementing procedures for handling accidental spills and unknown contaminants that may be discovered during construction.

TRAFFIC AND TRANSPORTATION

Significant Effect: Impact 4.10-2: Near-term (2020) intersection level of service impacts.

With or without implementation of the proposed project, 2020 operating conditions at the SR 59/Bellevue Road intersection would degrade to an unacceptable LOS E during the a.m. peak period. While the proposed project would not, in and of itself, create a significant impact at this intersection, it would provide additional traffic volumes beyond conditions that would exist without the project and would increase delay at the intersection, resulting in a significant impact.

Finding

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Facts in Support of Finding

The proposed project would increase near-term traffic volumes at the SR 59/Bellevue intersection, which is expected to operate at an unacceptable LOS E condition by 2020 with or without the proposed project. While the project would not, in and of itself, create a significant impact at this intersection, it would contribute trips that would increase delay at the intersection by 6.4 seconds. Because of the relatively small contribution of project-generated traffic at this intersection, installation of a signal at the intersection is considered infeasible and disproportionate to the level of impact of the proposed project.

Because signalization of SR 59/Bellevue Road is not currently a planned improvement and there are no plans to create a program or funding mechanism to collect proportionate-share fees to implement the improvement, installation of a traffic signal is considered infeasible.

No feasible mitigation or alternatives are available to reduce the above impacts to less than significant levels. As a result, this impact would remain significant and unavoidable.

Significant Effect: Impact 4.10-4: Long-term (2035) intersection level of service impacts.

With or without implementation of the proposed project in the long-term, operating conditions at the SR 59/Bellevue Road intersection would degrade to an unacceptable LOS F during the a.m. peak period. While the proposed project would not, in and of itself, create a significant impact at this intersection, it would provide additional traffic volumes beyond conditions that would exist without the project and would increase delay at the intersection, resulting in a significant impact.

Finding

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Facts in Support of Finding

The proposed project would contribute long-term traffic volumes to the SR 59/Bellevue Road intersection, which is expected to operate at an unacceptable LOS F during the a.m. peak period without the project by 2035. While the project would not, in and of itself, create a significant impact at this intersection, it would contribute trips that could incrementally increase delay at the intersection, although average a.m. peak hour delay under 2035 conditions would not increase. Because of the relatively small contribution to traffic volumes at this intersection, installation of a signal at the intersection would be disproportionate to the level of impact of the proposed project and is considered infeasible.

As with the near-term condition, because signalization of SR 59/Bellevue Road is not a planned improvement and there are no plans to create a program or funding mechanism to collect proportionate-share fees to implement the improvement, installation of a traffic signal is considered infeasible.

No feasible mitigation measure or alternatives are available to reduce the above impacts to less than significant. As a result, this impact would remain significant and unavoidable.

Significant Effect: Impact 4.10-5: Long-term (2035) roadway level of service impacts.

With or without implementation of the project, LOS on SR 59 and Bellevue Road would degrade in the long-term. While three of the four study roadway segments would continue to operate acceptably, the segment of SR 59 between the landfill and Oakdale Road would degrade to LOS E, which is below Merced County and Caltrans LOS thresholds. While the proposed project would not, in and of itself, create a significant impact along this roadway segment, it would provide additional traffic volumes beyond conditions that would exist without the project and would further degrade LOS along this roadway segment. Therefore, this impact would be significant.

Finding

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Facts in Support of Finding

The proposed project would contribute to long-term increases in traffic along SR 59, and the roadway segment between the Highway 59 Landfill Entrance and Oakdale Road would function unacceptably under 2035 conditions with the proposed project. However, because of the relatively small contribution (0.1 percent increase in time spent following for northbound traffic along this segment) of the proposed project to traffic volumes at this intersection, installation of a passing lane, which would remedy the condition, would be disproportionate to the level of impact of the project and is infeasible.

Because installation of a passing lane is not currently a planned improvement, and there are no plans to create a program or funding mechanism to collect proportionate-share fees to implement the improvement, installation of a passing lane is considered infeasible.

No feasible mitigation measure or alternatives are available to reduce the above impacts to less than significant. As a result, this impact would remain significant and unavoidable.

CUMULATIVE EFFECTS

Significant Effect: Biological Resources – Cumulative.

The proposed project could disturb areas that include special-status plant species, vernal pools, and habitat for special-status species, which are considered significant impacts without mitigation. Therefore, the project could make an incremental contribution to a cumulative impact on biological resources.

Finding

Changes or alterations have been required in, or incorporated into, the project by MCRWMA that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MCRWMA has adopted and will implement the following mitigation measures that will reduce impacts to biological resources to less-than-significant levels.

Mitigation Measure 4.3-1: Nesting birds.

Removal or relocation of existing buildings within the landfill site shall be conducted between September 1 and February 14, if feasible. If infeasible, a qualified biologist shall conduct a pre-construction survey within ten business days before removal or relocation of existing buildings to determine presence or absence of nesting birds. If no nesting birds are observed, no further mitigation is required so long as the building demolition or relocation commences within ten days before the pre-construction survey. If building demolition or relocation does not commence within 10 days of the pre-construction survey or halts for more than 10 days, a new pre-construction survey will be required.

If nesting birds are observed within any buildings proposed for removal/relocation, the biologist shall establish an appropriate buffer to ensure construction activities do not directly affect birds or any active nest and no buildings will be removed or relocated until a qualified biologist verifies that the nestlings have successfully fledged and the nest is no longer occupied.

Mitigation Measure 4.3-2: Special-status bats.

A qualified biologist shall conduct a pre-construction survey within 10 business days before removal or relocation of existing buildings. If no bats are observed, a letter report documenting the results shall be submitted to the applicant within 7 days following the survey and no further mitigation is required so long as the building demolition or relocation commences within 10 days following the pre-construction survey. If building demolition or relocation does not commence within 10 days of the pre-construction survey or halts for more than 10 days, a new pre-construction survey will be required.

If any bats are observed roosting within any buildings proposed for removal/relocation, then the biologist shall establish an appropriate buffer and no buildings containing roosting bats shall be removed/relocated until a biologist has determined that the buildings are no longer occupied by the bats. If roosts of special-status bats are determined to be present and must be removed, a bat exclusion plan shall be prepared and implemented. The exclusion plan shall describe the method of exclusion, which may include the use of one-way doors at roost entrances (bats may leave but not re-enter), or sealing roost entrances when the site can be confirmed by a bat expert to contain no bats. The bats will be excluded from the roosting site before the building is demolished or removed.

Implementation of this mitigation measure would reduce the project's significant impacts associated with biological resources to a less-than-significant level by ensuring no active nests are destroyed or disturbed by construction activities and that no roosting bats are injured or destroyed by construction activities. Therefore, the incremental contribution of the proposed project to the cumulative impact on special-status species in the region would not be cumulatively considerable. The potential cumulative biological resources impacts of the proposed project are less than significant.

Significant Effect: Cultural Resources – Cumulative.

Although no known archaeological or historical resources are located within the boundaries of the project site, and all project-related ground disturbance would occur within areas of previous disturbance and refuse disposal, the proposed project, in combination with other development in the region, could cause a substantial adverse change in the significance of an historical resource or unique archaeological resource. Therefore, the project could make an incremental contribution to a cumulative impact on cultural resources

Finding

Changes or alterations have been required in, or incorporated into, the project by MCRWMA that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MCRWMA has adopted and will implement the following mitigation measure that will reduce impacts to cultural resources to less-than-significant levels.

Mitigation Measure 4.4-2: Halt ground-disturbing activity upon discovery of subsurface archaeological features.

1. In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.
2. If the archaeologist determines that some or all of the affected property is a Native American cultural place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to PRC Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.993), the applicant shall implement archaeologist potentially feasible procedures recommended by the archaeologist that would preserve the integrity of the site or minimize impacts to it, including any or a combination of the following:
 - ▲ Avoidance, preservation, and/or enhancement of all or a portion of the Native American Cultural Place as open space or habitat, with a conservation easement dedicated to the most interested and appropriate tribal organization. If such an organization is willing to accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements;
 - ▲ An agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or
 - ▲ Other measures, short of full or partial avoidance or preservation, intended to minimize impacts on the Native American Cultural Place consistent with land use assumptions and the proposed design and footprint of the development project for which the requested grading permit has been approved.

After receiving such recommendations, the Authority shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use

assumptions and the proposed design and footprint of the development project. The Authority shall, in reaching conclusions with respect to these recommendations, consult with both the project applicant and the most appropriate and interested tribal organization.

3. In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, MCRWMA's contractor shall immediately halt potentially damaging excavation within 50 feet of the burial and notify the County Coroner and a qualified archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, the archaeologist, and the NAHC-designated Most Likely Descendent shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.

Implementation of this mitigation measure would reduce the project's significant impacts associated with archaeological resources to a less-than-significant level because it requires the performance of professionally accepted and legally compliant procedures for the discovery of previously undocumented significant archaeological resources and human remains. Therefore, the incremental contribution of the proposed project to the cumulative impact on archaeological resources in the region would not be cumulatively considerable. The potential cumulative cultural resources impacts of the proposed project are less than significant.

Significant Effect: Hazards and Hazardous Materials – Cumulative.

The proposed project has the potential to result in accidental spill or release of hazardous materials related to relocation of the household hazardous waste facility and aboveground storage tanks, or the discovery of previously unknown contaminants during construction, which are considered significant impacts without mitigation. Therefore, the project could make an incremental contribution to a cumulative impact on hazards and hazardous materials.

Finding

Changes or alterations have been required in, or incorporated into, the project by MCRWMA that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MCRWMA has adopted and will implement the following mitigation measures that will reduce impacts to hazards and hazardous materials to less-than-significant levels.

Mitigation Measure 4.6-1a: Prepare and implement a Hazardous Waste Contingency Plan.

MCRWMA shall implement the following measures before demolition or relocation of the existing on-site facilities to minimize the risk of exposure to or accidental release of hazardous materials:

- ▲ Prepare a Hazardous Waste Contingency Plan prior to construction for spills/emergencies that have the potential to occur during construction. This plan will identify measures to prevent accidental spills from leaving the area and methods and responsibilities for rapidly and safely responding to and cleaning up spills before neighboring properties are exposed to hazardous materials. All spills that occur at the site shall be addressed within 24 hours of discovery.
- ▲ Require that any employee handling hazardous materials is trained in the safe handling and storage of hazardous materials and is trained to follow all applicable regulations with regard to such hazardous materials.

- ▲ Identify a staging area outside environmentally sensitive areas in which hazardous materials will be stored during construction, in accordance with applicable federal, state, and local regulations.

Mitigation Measure 4.6-1b: Discovery of unknown contaminants.

If currently unknown contaminated soils or other hazardous materials are discovered (as may be indicated by discolored soils, odors, other indications) during construction (including demolition activities associated with the household hazardous waste facility and the aboveground storage tanks), activity within the area of the find will be halted, the extent and type of contamination will be characterized, and applicable elements of the Hazardous Waste Contingency Plan will be executed. The plan will require remediation of contaminants and/or contaminated soils. The plan will be subject to the review and approval of DTSC, Central Valley RWQCB, or other agencies, as applicable, and shall be consistent with any applicable laws. Remediation can include in-situ treatment, disposal at an approved landfill, or other disposal methods, as approved by DTSC, CUPA, Central Valley RWQCB, and other appropriate agencies. Construction and operations can proceed within the subject area upon approval of and in accordance with the plan.

If unanticipated hazardous wastes are discovered during relocation of facilities, the contingency actions developed in the clean-up plan, such as use of a licensed hazardous material response contractor to characterize and dispose of the hazardous waste, will be implemented.

Through continued implementation of practices at the existing landfill and implementation of the above-listed mitigation, the proposed project would not result in a considerable contribution to a cumulative impact related to hazards or hazardous materials. The potential cumulative impact of the proposed project on hazards and hazardous materials are less than significant.

1.9 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA (PRC Section 21081.5) and the CEQA Guidelines (CCR, Title 14, Chapter 3 Sections 15091(d) and 15097) require public agencies “to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment.” An MMRP is required for the proposed project because the EIR identifies potentially significant adverse impacts related to project implementation, and mitigation measures have been identified to reduce those impacts. The MMRP is attached hereto as Attachment A.

2 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires a public agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. MCRWMA proposes to approve the project despite certain significant and unavoidable adverse impacts identified in the Valley Fill Project EIR.

The entire EIR includes: (1) the Draft EIR and appendices, and (2) the Final EIR, which includes responses to comments, corrections and revisions to the Draft EIR, and one appendix. MCRWMA published the Final EIR on May 1, 2016.

2.1 SIGNIFICANT UNAVOIDABLE IMPACTS OF THE PROJECT

The EIR identifies significant and potentially significant but mitigable impacts to the following environmental resources: air quality and greenhouse gas emissions, biological resources, cultural resources, and hazards and hazardous materials. Mitigation measures are available to reduce each of these impacts to a less-than-significant level, and MCRWMA has adopted such measures.

The EIR also identifies significant and unavoidable impacts for the Valley Fill Project related to traffic and transportation (project level and cumulative).

2.2 BENEFITS OF THE PROJECT

2.2.1 Meet Waste Disposal Demands

The project would allow MCRWMA to meet projected waste disposal needs for Merced County. Disposal needs are expected to increase from an existing level of 900 average daily tons to approximately 2,125 by 2035 and beyond. The projected increases in peak daily and average tonnage are based on anticipated regional population growth and on measured increases in average and peak daily tonnages accepted at the Highway 59 Landfill over the past several years. This includes an annual countywide growth rate of 1.5 percent and a total population growth of 106,000 between 2015 and 2035 as stated in the San Joaquin Valley Demographic Forecasts 2010 to 2050, which was prepared for the Fresno Council of Governments in 2012 and addressed growth in eight counties, including Merced County.

The proposed project would incrementally increase the maximum daily tonnage and associated traffic over the next 20 years to accommodate population growth and demand for local solid waste disposal capacity; expand the solid waste disposal footprint by 3 percent (7.8 acres) within the currently active area of the landfill; increase the height of the existing disposal area by 50 feet to allow continued operation for an additional 11 to 15 years within the currently permitted solid waste facility boundary. The landfill is currently projected to reach capacity in 2065. The proposed project would extend the operational life of the landfill to sometime between 2076 and 2080. The project would ensure the availability of solid waste disposal capacity in Merced County for the foreseeable future while accommodating additional demands for disposal resulting from regional growth.

2.2.2 Conserve Resources

The primary purpose of the proposed project is to increase the disposal capacity of the landfill in a manner that conserves natural resources by limiting new land disturbance and is environmentally superior to the

current plan for disposal area expansion (Phase 6) and to constructing a new landfill facility. Disposal in Phase 6 would require excavation of more than 2,500,000 cubic yards of soil, whereas the proposed project would require excavation of approximately 32,000 cubic yards, a substantially lower soil volume and footprint area. Implementation of the Valley Fill project would provide sufficient near-term capacity to delay activation of Phase 6B until approximately 2035. By that date, it is anticipated that all of the heavy equipment required for excavation of soil would meet Tier 4 emissions standards (requiring that emissions of PM and NO_x be reduced substantially as compared to Tier 1-3 standards). MCRWMA's existing fleet meets Tier 1-3 standards.

As compared to the current disposal expansion plan, implementation of the proposed project would achieve the following, which would:

- ▲ Reduce the volume of soil to be excavated in the near-term by 2,468,000 cubic yards;
- ▲ Reduce near-term air emissions (dust and diesel emissions) associated with reduced excavation (approximately 98 percent reduction);
- ▲ Increase the permitted design capacity of the landfill by 19 percent with a 3 percent increase in waste footprint;
- ▲ Increase the permitted design capacity of the landfill by approximately 6,857,000 cubic yards without expanding the facility boundary; and
- ▲ Extend the life of the landfill by approximately 15 years without expanding the facility boundary.

In addition, by expanding disposal capacity within the existing landfill footprint, impacts on environmentally sensitive resources associated with expansion of the landfill footprint or construction of a new landfill facility would be avoided. The proposed project would avoid impacts and consumption of resources associated with installation of new infrastructure and substantial grading that would be required to expand the footprint of the existing landfill or construct a new landfill facility. Development of a new landfill on a previously undeveloped site would require substantially more construction than use of the existing landfill site and there is greater potential for disturbance of resources with undeveloped sites. Therefore, construction of a new facility would have a greater potential to affect air quality and GHG emissions; biological resources; cultural resources; geology, soils, and mineral resources; hazards and hazardous materials; hydrology and water quality; land use and agriculture resources; noise; traffic and transportation; visual resources; and utilities.

2.2.3 Minimize Net Fiscal Effects

The Valley Fill Project would allow continued operation of the existing Highway 59 Landfill for an additional 11 to 15 years within the currently permitted solid waste facility boundary. A primary purpose of the proposed project is to increase the disposal capacity of the landfill in a manner that is economically superior to the currently planned disposal in Phase 6 or construction of a new landfill facility. Postponing the planned disposal in Phase 6 through implementation of the proposed project would realize substantial near-term savings (the cost of Valley Fill Project is less than 30 percent of the cost of Phase 6B) by reducing the volume of soil to be excavated in the near-term by 2,468,000 cubic yards and extending the life of the landfill by approximately 15 years without expanding the facility boundary. Furthermore, extending the life of the existing landfill rather than constructing a new landfill facility would avoid substantial costs associated with purchasing additional land, permitting and mitigation, and construction. The Valley Fill Project will, therefore, minimize the net fiscal effects on rate payers and taxpayers while achieving long-term waste disposal goals.

CONCLUSION

Having reduced the effects of the project by adopting all feasible mitigation measures, and balancing the benefits of the project against the project's significant and unavoidable adverse environmental impacts, MCRWMA hereby determines that the specific overriding social, environmental, and economic benefits of the project set forth above outweigh the potential unavoidable adverse effects of the project on the environment. MCRWMA finds that each of the overriding considerations set forth above constitutes a separate and independent basis for finding that the benefits of the project outweigh the unavoidable adverse environmental effects, and warrants approval of the project.

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Attachment

**Mitigation Monitoring and Reporting
Program for Highway 59 Landfill Valley
Fill Project**

4 MITIGATION MONITORING AND REPORTING PROGRAM

In accordance with the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.), the Merced County Regional Waste Management Authority (MCRWMA) prepared an Environmental Impact Report (EIR) that identified potentially significant impacts related to: air quality and greenhouse gas emissions, biological resources, cultural resources, hazards and hazardous materials, and traffic and transportation. The EIR also identifies mitigation measures that would reduce the impacts to less-than-significant levels, or that would eliminate these impacts all together, except for traffic (short-term impact to an intersection and long-term impacts to an intersection and a roadway segment), which would remain significant and unavoidable.

CEQA and the State CEQA Guidelines (PRC Section 21081.6 and CEQA Guidelines Sections 15091[d] and 15097, respectively) require public agencies “to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring and Reporting Program (MMRP) is required because the EIR identifies potential significant adverse impacts related to the project implementation, and mitigation measures have been identified to reduce those impacts. Adoption of the MMRP would occur along with approval of the project.

4.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner before and during project construction and operation. The MMRP may be modified by MCRWMA during project implementation, as necessary, in response to changing conditions or other refinements; however, modifications to the mitigation measures may not occur without subsequent environmental impact assessment.

The attached table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies individual mitigation measures, monitoring/mitigation timing, person/agency responsible for implementing each measure, and monitoring and reporting procedures. It also provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR.

4.2 ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, MCRWMA is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure, and for demonstrating that the action has been successfully completed. MCRWMA, at its discretion, may delegate implementation actions or portions thereof to a licensed contractor or other designated agent, but it remains ultimately responsible for implementation.

As required by Section 21081.6 of the Public Resources Code, MCRWMA or its designee is the custodian of documents and other material which constitutes the record of proceedings upon which the action on the project was based.

Inquiries should be directed to:

Jerry Lawrie
Environmental Resource Manager
Email: jlawrie@mcrwma.org

The location of this information is:

Merced County Regional Waste, Management Authority
7040 North Highway 59
Merced, California 95348

MCRWMA is responsible for overall administration of the MMRP and for verifying that staff members and/or the construction contractor has completed the necessary actions for each measure. MCRWMA may designate a project manager to oversee implementation of the MMRP. Duties of the project manager include the following:

- ▲ ensure routine inspections of the construction site are conducted by appropriate MCRWMA staff; check plans, reports, and other documents required by the MMRP; and conduct report activities;
- ▲ serve as a liaison between MCRWMA and the contractor or project applicant regarding mitigation monitoring issues;
- ▲ complete forms and maintain reports and other records and documents generated for the MMRP; and
- ▲ coordinate and ensure that corrective actions or enforcement measures are taken, if necessary.

The responsible party for implementation of each item will identify the staff members responsible for coordinating with MCRWMA on the MMRP.

4.3 REPORTING

MCRWMA shall, or may require the contractor to, prepare a monitoring report upon completion of the project describing the compliance of the activity with the mitigation measures. Information regarding inspections and other requirements shall be compiled and explained in the report. The report shall be designed to simply and clearly identify whether mitigation measures have been adequately implemented. At a minimum, each report shall identify the mitigation measures or conditions to be monitored, whether compliance with the mitigation measures or conditions has occurred, the procedures used to assess compliance, and whether further action is required. The report shall be presented to the MCAG Governing Board.

4.4 MITIGATION MONITORING AND REPORTING PLAN TABLE

The columns in the attached MMRP table are described below:

- ▲ **Mitigation Measure** – Provides the verbatim text of the adopted mitigation measure
- ▲ **Timing** – Identifies the time frame in which the mitigation will be implemented.
- ▲ **Implementing Party/Agency** – Identifies the party responsible for implementation.
- ▲ **Enforcement/Monitoring Party/Agency** – Identifies the party responsible for enforcing compliance with the requirements of the mitigation measure.
- ▲ **Monitoring Frequency** – Identifies the frequency of monitoring of mitigation measure implementation to be undertaken by the enforcement/monitoring party/agency.
- ▲ **Dated Signature for Verification of Compliance** – Provides space for the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure to sign off on such compliance.

Table 4-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing of Initial Action	Implementing Party/Agency	Enforcement/Monitoring Party/Agency	Monitoring Frequency	Dated Signature for Verification of Compliance
4.2 Air Quality and Greenhouse Gas Emissions					
<p>Mitigation Measure 4.2-2: In accordance with SJVAPCD requirements, MCRWMA shall coordinate with SJVAPCD and purchase offsets for those emissions in excess of SJVAPCD thresholds established in Table 4-1 of Rule 2201. Offsets shall be purchased for stationary source emissions in excess of SJVAPCD emissions limits for the landfill, inclusive of the proposed project and for the entire life of the landfill. The timing of purchase of offsets shall be determined in cooperation with SJVAPCD and in accordance with Rule 2201 requirements.</p>	To be determined in cooperation with SJVAPCD and in accordance with Rule 2201 requirements	MCRWMA	SJVAPCD	One time	
4.3 Biological Resources					
<p>Mitigation Measure 4.3-1: Removal or relocation of existing buildings within the landfill site shall be conducted between September 1 and February 14, if feasible. If infeasible, a qualified biologist shall conduct a pre-construction survey within ten business days before removal or relocation of existing buildings to determine presence or absence of nesting birds. If no nesting birds are observed, no further mitigation is required so long as the building demolition or relocation commences within ten days before the pre-construction survey. If building demolition or relocation does not commence within 10 days of the pre-construction survey or halts for more than 10 days, a new pre-construction survey will be required.</p> <p>If nesting birds are observed within any buildings proposed for removal/relocation, the biologist shall establish an appropriate buffer to ensure construction activities do not directly affect birds or any active nest and no buildings will be removed or relocated until a qualified biologist verifies that the nestlings have successfully fledged and the nest is no longer occupied.</p>	No less than 10 days prior to construction	MCRWMA	MCRWMA	One time	
<p>Mitigation Measure 4.3-2: A qualified biologist shall conduct a pre-construction survey within ten business days before removal or relocation of existing buildings within the project site. If no bats are observed, a letter report documenting the results shall be submitted to the applicant within 7 days following the survey and no further mitigation is required so long as the building demolition or relocation commences within 10 days following the pre-construction survey. If building demolition or relocation does not commence within 10 days of the pre-construction survey or halts for more than 10 days, a new pre-construction survey will be required.</p> <p>If any bats are observed roosting within any buildings proposed for removal/relocation, then the biologist shall establish an appropriate buffer and no buildings containing roosting bats shall be removed/relocated until a biologist has determined that the buildings are no longer occupied by the bats. If roosts of special-status bats are determined to be present and must be removed, a bat exclusion plan shall be prepared and implemented. The exclusion plan shall describe the method of exclusion, which may include the use of one-way doors at roost entrances (bats may leave but not re-enter), or sealing roost entrances when the site can be confirmed by a bat expert to contain no bats. The bats will be excluded from the roosting site before the building is demolished or removed.</p>	No less than 10 days prior to construction	MCRWMA	MCRWMA	One time	

Table 4-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing of Initial Action	Implementing Party/Agency	Enforcement/Monitoring Party/Agency	Monitoring Frequency	Dated Signature for Verification of Compliance
4.4 Cultural Resources					
<p>Mitigation Measure 4.4-2: Halt ground-disturbing activity upon discovery of subsurface archaeological features:</p> <p>1. In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.</p> <p>2. If the archaeologist determines that some or all of the affected property is a Native American cultural place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (Public Resources Code Section 5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Public Resources Code Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (Public Resources Code Section 5097.993), the applicant shall implement archaeologist potentially feasible procedures recommended by the archaeologist that would preserve the integrity of the site or minimize impacts to it, including any or a combination of the following:</p> <ul style="list-style-type: none"> ▲ Avoidance, preservation, and/or enhancement of all or a portion of the Native American Cultural Place as open space or habitat, with a conservation easement dedicated to the most interested and appropriate tribal organization. If such an organization is willing to accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements; ▲ An agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or ▲ Other measures, short of full or partial avoidance or preservation, intended to minimize impacts on the Native American Cultural Place consistent with land use assumptions and the proposed design and footprint of the development project for which the requested grading permit has been approved. ▲ After receiving such recommendations, the Authority shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use assumptions and the proposed design and footprint of the development project. The Authority shall, in reaching conclusions with respect to these recommendations, consult with both the project applicant and the most appropriate and interested tribal organization. <p>3. In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, MCRWMA’s contractor shall immediately halt potentially damaging excavation within 50 feet of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she</p>	During construction	Construction contractor	MCRWMA	As needed/up on observance	

Table 4-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing of Initial Action	Implementing Party/Agency	Enforcement/Monitoring Party/Agency	Monitoring Frequency	Dated Signature for Verification of Compliance
<p>must contact the Native American Heritage Commission by phone within 24 hours of making that determination (Health and Safety Code Section 7050(c)). Following the coroner’s findings, the archaeologist, and the NAHC-designated Most Likely Descendent shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.</p>					
<p>4.6 Hazards and Hazardous Materials</p>					
<p>Mitigation Measure 4.6-1a: Prepare and implement a Hazardous Waste Contingency Plan. MCRWMA shall implement the following measures before demolition or relocation of the existing on-site facilities to minimize the risk of exposure to or accidental release of hazardous materials:</p> <ul style="list-style-type: none"> ▲ Prepare a Hazardous Waste Contingency Plan prior to construction for spills/emergencies that have the potential to occur during construction. This plan will identify measures to prevent accidental spills from leaving the area and methods and responsibilities for rapidly and safely responding to and cleaning up spills before neighboring properties are exposed to hazardous materials. All spills that occur at the site shall be addressed within 24 hours of discovery. ▲ Require that any employee handling hazardous materials is trained in the safe handling and storage of hazardous materials and is trained to follow all applicable regulations with regard to such hazardous materials. ▲ Identify a staging area outside environmentally sensitive areas in which hazardous materials will be stored during construction, in accordance with applicable federal, state, and local regulations. 	<p>Prior to demolition and relocation of existing facilities</p>	<p>MCRWMA</p>	<p>MCRWMA</p>	<p>One time</p>	
<p>Mitigation Measure 4.6-1b: Discovery of unknown contaminants. If currently unknown contaminated soils or other hazardous materials are discovered (as may be indicated by discolored soils, odors, other indications) during construction (including demolition activities associated with the household hazardous waste facility and the aboveground storage tanks), activity within the area of the find will be halted, the extent and type of contamination will be characterized, and applicable elements of the Hazardous Waste Contingency Plan will be executed. The plan will require remediation of contaminants and/or contaminated soils. The plan will be subject to the review and approval of DTSC, Central Valley RWQCB, or other agencies, as applicable, and be consistent with any applicable laws. Remediation can include in-situ treatment, disposal at an approved landfill, or other disposal methods, as approved by DTSC, CUPA, Central Valley RWQCB, and other appropriate agencies. Construction and operations can proceed within the subject area upon approval of and in accordance with the plan.</p> <p>If unanticipated hazardous or non-conforming wastes are discovered during relocation of on-site facilities, the contingency actions (including training of site personnel to visually recognize hazardous materials and use of a licensed hazardous material response contractor to characterize and dispose of hazardous waste) developed in the clean-up plan will be implemented.</p>	<p>During construction</p>	<p>MCRWMA</p>	<p>DTSC, CUPA, and Central Valley RWQCB</p>	<p>As needed/up on observance</p>	

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