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**SUBJECT:** Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Solid Waste Organics Diversion Project.

**DEPARTMENT:** Public Works

**STAFF:** Casey Wichert, Director of Public Works  
Vatsal Patel, Engineering Manager

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### **TITLE/RECOMMENDATION**

Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Solid Waste Organics Diversion Project, CIP Project No. 542-54021

### **FISCAL IMPACT**

This is an administrative function with no fiscal impact associated with the adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

Costs associated with the filing and recording, as well as the direct cost of mitigation measures, have been budgeted for in the adopted 2024/25 – 2028/29 Capital Improvement Program (“CIP”), which includes the Solid Waste Organics Diversion Project, CIP Project No. 542-54021 (“Project”). The Project is funded by the Solid Waste and Wastewater Enterprise Funds.

Funding for the construction of the project are still being assessed, as well as eligible tax credits and exemptions, and is planned to be discussed at the November 12, 2024 Council Meeting.

### **BACKGROUND**

The Project consists of organic waste recovery facilities capable of beneficially reusing organic waste (including the organic fraction of solid waste and wastewater biosolids as defined by Senate Bill 1383 regulations), receiving liquid organic wastes, and producing renewable natural gas and biochar.



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The purpose of the Project is to construct, operate, and maintain solid waste organics diversion facilities, which will facilitate the City achieving California’s mandate of diverting 75 percent of organic waste from landfills by 2025. The specific objectives of the project are to (1) divert the City’s organic solid waste and biosolids away from landfill disposal, (2) beneficially reuse organic waste by producing biochar, and (3) produce biogas to serve as a renewable natural gas supply.

The Project components are listed below.

1. Expansion of the Solid Waste Transfer Station to accommodate new equipment to separate and prepare organic waste for a new anaerobic digester.
2. Installation of an anaerobic digester and associated infrastructure.
3. Installation of centrifuges, biosolids dryers, and pyrolysis units to process material from the anaerobic digester.
4. Installation of pipelines and an interconnector station to convey renewable natural gas generated by the anaerobic digester to a Pacific Gas & Electric (“PG&E”) main line.
5. Ancillary facilities related to above project components.
6. Realignment of a paved pedestrian path from Sunset Park to the Marsh Creek trail.
7. Tree removal to accommodate new facilities and pedestrian path realignment.

All Project components will occur within 12 acres, primarily within City-owned property and PG&E easements adjacent to the east boundary of the City’s Wastewater Treatment Plant (“WWTP”), within the Solid Waste Transfer Station footprint, along the public pedestrian path between Elkins Way and Sunset Road on the eastern side of the Sunset Park Athletic Complex, within the parking lot at the southeast corner of the Sunset Park Athletic Complex, and within approximately 900 linear feet of Sunset Road.

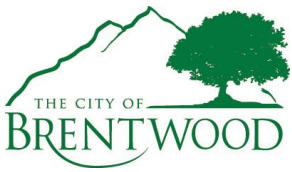
**CITY COUNCIL STRATEGIC INITIATIVE**

Focus Area 2, Water, Wastewater, and Solid Waste Services, Goal 2.a; Combat climate change through organics management.

**PREVIOUS ACTION**

Previous Action by the City Council is included on Attachment 1.

**DATE OF NOTICE**



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On August 7, 2024, a Notice of Public Hearing and Intent to Adopt the Mitigated Negative Declaration was posted at the City's Municipal Services Center and Contra Costa County Clerk-Recorder's office, submitted to the State Clearinghouse, published it on the City's website, and mailed to the City's list of agencies and other interested parties regarding California Environmental Quality Act ("CEQA") documents available for review and property owners within 300 feet of the project site. In addition, the City published the notice of public hearing in the Brentwood Press on August 9, 2024.

### **ENVIRONMENTAL DETERMINATION**

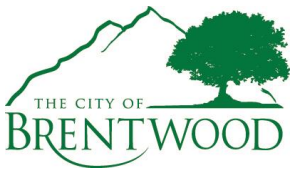
The City prepared an Initial Study for this project in accordance the CEQA (Public Resources Code Sections 21000 et seq., and the State CEQA Guidelines found at Title 14 of the California Code of Regulations Sections 15000 et seq.) to determine if the Project could have significant impacts on the environment.

Based on the Initial Study, the Project would not have any significant effects on the environment once mitigation measures are implemented. This conclusion is supported by the following findings:

1. The Project would have no impact to Agriculture and Forestry Resources; Hazards and Hazardous Materials; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; and Utilities and Service Systems.
2. The Project would have less-than-significant impacts to Aesthetics; Air Quality; Energy; Greenhouse Gas Emissions; Hydrology and Water Quality; Public Services; Recreation; Transportation; and Wildfire.
3. Impacts of the Project would be less than significant with incorporation of the mitigation measures to Biological Resources; Cultural Resources; Geology and Soils; Noise; and Tribal Cultural Resources.

The public review period for the Initial Study and proposed Mitigated Negative Declaration began on August 7, 2024, and ended at 5:00 p.m. on September 6, 2024. Staff received comments on the proposed Mitigated Negative Declaration from the following parties:

1. Confederated Villages of the Lisjan Nation ("Lisjan Nation")
2. Central Valley Regional Water Quality Control Board ("Central Valley Water Board").



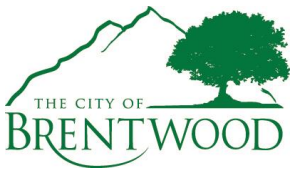
3. Department of Resources Recycling and Recovery (“CalRecycle”).

As a result of the comment letter from the Lisjan Nation, Mitigation Measures CULT-1 (Accidental Discovery of Archaeological Resources) and CULT-2 (Accidental Discovery of Human Remains) were revised to include additional requirements. CULT-1 was revised to add in the preparation of a mitigation plan in the event of a significant find, in consultation with a Native American Tribe traditionally and culturally affiliated with the geographic area of the project site. CULT-2 was revised to include a requirement that no pictures shall be taken or testing done on Native American human remains. These revisions result in mitigation measures that are equivalent or more effective in mitigating or avoiding potential significant effects of the Project, and would not cause any new potentially significant effect on the environment. Therefore, pursuant to Section 15073.5 of the State CEQA Guidelines, recirculation of the Mitigated Negative Declaration is not required.

The comment letter from the Central Valley Water Board described the types of permits required for various projects that affect surface waters and groundwaters. The Initial Study circulated for public review identified relevant Central Valley Water Board permits for the Project. No comments were provided regarding the analysis of environmental effects in the Initial Study or the proposed mitigation measures in the Mitigated Negative Declaration. Therefore, no change to the proposed Mitigated Negative Declaration was needed to address this comment letter.

The comment letter from CalRecycle clarified that the City’s Solid Waste Transfer Station operates under a Solid Waste Facility Permit issued in 2019 and that agency acts as an enforcement agency for the City of Brentwood. The comment letter also included several questions seeking clarification regarding Project activities that would occur at the Solid Waste Transfer Station versus those that would occur at the WWTP, and identified Project components that may be subject to CalRecycle solid waste permitting requirements depending on if they occur within the boundary of the transfer station or the WWTP. The future application to CalRecycle to amend the City’s Solid Waste Facility Permit to cover the Project will provide additional details regarding the Project to address these questions. No comments were provided regarding the analysis of environmental effects in the Initial Study or the proposed mitigation measures in the Mitigated Negative Declaration. Therefore, no change to the proposed Mitigated Negative Declaration was needed to address this comment letter.

**ALTERNATIVE OPTION(S)**



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The City Council could decide to not adopt this Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Solid Waste Organics Diversion Project.

This would either (1) require a new or supplemental environmental review to be undertaken in order to move forward with the Project, or (2) mean that the Project could not move forward without an approved environmental review. Compliance with CEQA is required in order for the Project to be completed.

**ATTACHMENT(S)**

1. Previous Action
2. Resolution
3. Initial Study
4. Mitigated Negative Declaration
5. Mitigation Monitoring and Reporting Program
6. Comment Letters
7. CIP Budget Sheet