



**MITIGATED NEGATIVE DECLARATION
REGARDING ENVIRONMENTAL IMPACT
CITY OF BRENTWOOD
SOLID WASTE ORGANICS DIVERSION PROJECT**

Adoption Date: October 22, 2024 (City Council Meeting)

NOTICE IS HEREBY GIVEN:

That the project described below has been reviewed pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code 21100, et seq.) and a determination has been made that it will not have a significant impact on the environment.

PROJECT NAME:

SOLID WASTE ORGANICS DIVERSION PROJECT

PROJECT LOCATION:

The project is at the City of Brentwood Wastewater Treatment Plant at 2251 Elkins Way, the City's Solid Waste Transfer Station at 2301 Elkins Way, and on City-owned land adjacent to and east of the WWTP, in Contra Costa County, California.

LEAD AGENCY:

City of Brentwood, 2201 Elkins Way, Brentwood, California, 94513, (925) 516-6000

PROJECT APPLICANT:

City of Brentwood, 2201 Elkins Way, Brentwood, California, 94513, (925) 516-6000

DESCRIPTION OF PROJECT:

The City of Brentwood is proposing to construct, operate, and maintain the Solid Waste Organics Diversion Project, consisting 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 (project). 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 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 adjacent to the east boundary of the Wastewater Treatment Plant footprint, 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.

FINDINGS

An Initial Study was prepared to assess the project's potential effects on the environment, and the significance of those effects. 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 mitigation measures that the City will implement to avoid or minimize potential environmental impacts are provided below. Implementation of these mitigation

measures would reduce the environmental impacts of the project to a less than significant level.

DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Findings.

MITIGATION MEASURES:

The City will incorporate the following Mitigation Measures into the Project.

Biological Resources
<p>Mitigation Measure BIO-1: General Construction Measures</p> <p>All contractors and equipment operators will be made aware of the ecological values of the site and will be given instructions to comply with all mitigation measures. Construction activities will be limited to a designated work area (including the work corridor and staging areas). The work area will be clearly identified and will be staked and flagged where necessary prior to initiation of construction activities. This will include flagging of riparian and wetland habitats in the vicinity of work areas to ensure their avoidance and protection.</p>
<p>Mitigation Measure BIO-2: Participation in the ECCCHCP</p> <p>The City will participate in the ECCCHCP for the project to mitigate potential impacts to special-status species or their habitats covered under the ECCCHCP. This coverage will allow the City to minimize and compensate for potential effects resulting from construction- and operation-related activities associated with the project through implementation of all applicable conservation measures and compensation mechanisms of the ECCCHCP. To compensate for unavoidable project-related effects the City will pay either the applicable fee or dedication of land in lieu of the fee as described in Chapter 9, Funding, and in Brentwood Ordinance number 850.</p>
<p>Mitigation Measure BIO-3: Special-Status Amphibians and Reptiles</p> <p>The City will implement pre-construction surveys, as necessary per the ECCCHCP, for California tiger salamander, silvery legless lizard, western pond turtle, California horned lizard, giant garter snake, and San Joaquin whipsnake in the annual, ruderal grassland habitat associated with the project.</p> <p>Surveys will be implemented in accordance with methods described in Section 6.4.3 of the ECCCHCP.</p> <p>If any ECCCHCP-covered species are found (California tiger salamander, silvery legless lizard, western pond turtle, or giant garter snake), all applicable avoidance</p>

and minimization measures, construction monitoring, conservation measures, and/or mitigation fees of the ECCCHCP will be implemented.

If any special-status species not covered by the ECCCHCP (California horned lizard and San Joaquin whipsnake) are discovered, measures to reduce impacts to less-than-significant levels would be developed in consultation with CDFW. Protection measures developed in consultation with CDFW could include developing appropriate construction buffers, use of exclusion fencing, and biological monitoring of all initial clearing and grubbing activities.

Mitigation Measure BIO-4: Burrowing Owls

The City will implement pre-construction surveys for burrowing owls or burrows at proposed construction sites with potential habitat in accordance with methods described in Section 6.4.3 of the ECCCHCP.

If the burrowing owls nests or burrows are discovered in the work areas, all applicable avoidance and minimization measures, construction monitoring, conservation measures, and/or mitigation fees for this species in the ECCCHCP will be implemented.

Mitigation Measure BIO-5: Other Special-Status Birds

If construction activities are scheduled to occur between February 15 and September 15, preconstruction surveys will be conducted at proposed construction sites within 30 days prior to any such activities to determine whether any nests of special-status birds are present. A qualified biologist will search within 1,000 feet of sites for raptor nests, and within 250 feet of sites for passerine nests. Biologists will conduct a visual and aural search of the survey area on foot, using binoculars to scan tree tops for the presence of nests.

If any nests are identified, measures to reduce impacts to less-than-significant levels, such as species-specific buffers and nest monitoring, would be developed in consultation with appropriate resource agencies (CDFW and/or USFWS).

Mitigation Measure BIO-6: American Badger

The City will implement pre-construction surveys for American badgers or burrows at proposed construction areas with potential habitat in conjunction with burrowing owl surveys.

If any American badgers or burrows are found, measures to reduce impacts to less-than-significant levels would be developed in consultation with CDFW, and/or mitigation fees for this species in the ECCCHCP will be implemented. Protection measures developed in consultation with CDFW could include developing

appropriate construction buffers, use of exclusion fencing, biological monitoring of all initial clearing and grubbing activities, and species trapping and relocation.

Mitigation Measure BIO-7: Ringtail

The City will implement pre-construction surveys for ringtail and their burrows at proposed construction areas with potential habitat.

If any ringtail or ringtail burrows are found, measures to reduce impacts to less-than-significant levels would be developed in consultation with CDFW, and/or mitigation fees for this species in the ECCCHCP will be implemented. Protection measures developed in consultation with CDFW would likely be similar to those developed for American badger and could include developing appropriate construction buffers, use of exclusion fencing, biological monitoring of all initial clearing and grubbing activities, and species trapping and relocation.

Cultural Resources

Mitigation Measure CULT-1: Accidental Discovery of Archaeological Resources

In the event that cultural resources are inadvertently discovered during project construction activities, work will be halted within 100 feet of the find and a qualified archaeologist (i.e., an archaeologist that meets the qualifications at 36 CFR Part 61) will be retained to assess its potential significance. In the event that indigenous cultural resources are identified, the consulting Native American Tribes will be notified and both the archaeologist, and a Tribal cultural resource specialist will evaluate the find for potential significance as a cultural resource and Tribal cultural resource. Construction activities may continue in other areas but may not resume in the area of the find until its significance is assessed and it is appropriately treated. If the find is not significant, then no additional cultural resources investigations are necessary and project work may resume in the area of the find. If the find is determined significant then a mitigation plan will be developed in consultation with the City of Brentwood, and the consulting Native American Tribes. The mitigation plan will address the boundaries of the find and will direct efforts to avoid further impacts to the resource. Should the resource not be able to be avoided by project design, additional cultural resources investigations such as data recovery may be warranted and would be determined in consultation with the City of Brentwood, Native American Tribe traditionally and culturally affiliated with the geographic area of the project site, and any other relevant regulatory agencies or interested parties, as appropriate and will be described in the mitigation plan. Best efforts will be taken to protect the cultural character, integrity, and steps will be taken to protect the confidentiality of any identified cultural resources.

Mitigation Measure CULT-2: Accidental Discovery of Human Remains

If human remains are inadvertently uncovered during project activities, then the stipulations of State of California Health and Safety Code Section 7050.5 will be followed to treat the discovery. This code section states that the County Coroner must be notified immediately of the discovery of human remains and no further disturbance may occur in the area of the discovery until the County Coroner has made a determination regarding the origin and disposition of the remains pursuant to PRC Section 5097.98. If the human remains are determined to be of Native American origin, the County Coroner will notify the NAHC, who will determine and notify a Most Likely Descendent. There shall be no pictures taken or testing done on Native American human remains. Treatment of the remains will be determined in consultation with the Most Likely Descendent, the City of Brentwood, and appropriate regulatory agencies.

Geology and Soils

Mitigation Measure GEO-1: Accidental Discovery Of Paleontological Resources

Should construction or grading activities result in the discovery of unique paleontological resources (e.g., teeth, bones, fossils), the finds shall be set aside and all excavation activity shall cease within 100 feet of the specific place of discovery until a qualified archaeologist, paleontologist, or historian has assessed the find and, if deemed significant, salvaged the find in a timely manner. The decision to conduct paleontological salvage operations will be determined by the qualified archaeologist, paleontologist, or historian in consultation with City staff. Work may proceed on other parts of the project while assessment and/or salvage by the qualified archaeologist, paleontologist, or historian is underway. Finds determined significant by the paleontologist shall be conserved and deposited with a recognized repository such as the University of California Museum of Paleontology.

Noise

Mitigation Measure NOISE-1. Reduce Operational (Permanent) Stationary Noise

To ensure that City of Brentwood’s daytime (i.e., 55 dBA L_{eq}) and nighttime (45 dBA L_{eq}) and Contra Costa County’s residential noise limits (i.e., 60 dBA L_{dn}) are not exceeded, the City shall implement the following measures.

Prior to commencing operation of the proposed anaerobic digester and BDPS, the City of Brentwood shall prepare an operational noise mitigation and monitoring plan, in consultation with a qualified acoustical engineer. Specific measures that

may be recommended include the selection of alternative, quieter equipment options, selection and installation of equipment enclosures, and, or in combination with the aforementioned, construct a solid (i.e., no openings between noise sources and offsite receptors) sound barrier on the eastern boundary of the project site.

Based on the final selection of alternative equipment type, enclosures and barriers, and prior to final installation and operation of equipment, the plan shall be verified by the acoustical professional, using site-specific parameters (equipment sound pressure levels, enclosure transmission loss parameters, individual equipment operational activity hours) to confirm that the daytime and nighttime noise levels adopted by the City of Brentwood and Contra Costa County are not exceeded at any nearby noise-sensitive receptor. Documentation (e.g., noise model inputs, noise reduction recommendations, residual noise levels) shall be prepared and submitted to the City of Brentwood for approval.

FILING LOCATION:

A copy of the Initial Study regarding the environmental effect of the project is on file at City of Brentwood, 2201 Elkins Way, Brentwood, CA 94513.

DETERMINATION:

On the basis of the whole record, including the Initial Study and comments received, the project could have a significant effect on the environment but will not in this case because of incorporation of mitigation measures described above that are by this reference made conditions of project approval. The City Council of the City of Brentwood held a public hearing on October 22, 2024, at 7:00 p.m. and adopted this Mitigated Negative Declaration.

Date

Casey Wichert, Director of Public Works
City of Brentwood