Initial Study/Mitigated Negative Declaration

FOR THE PROPOSED FINK ROAD LANDFILL IN-FILL PROJECT,
STANISLAUS COUNTY, CALIFORNIA

Date of Report: September 2009

Prepared for:

STANISLAUS COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Prepared by:

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1.0 Introduction

1.1 Introduction and Regulatory Guidance

This document is the Initial Study/Mitigated Negative Declaration for the Fink Road Landfill In-Fill Project in the County of Stanislaus, California. This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq*., and the State CEQA Guidelines Title 14 California Code of Regulations (CCR) Section 15000 *et seq.* and Stanislaus County's CEQA Guidelines and Procedures (May 13, 2008). An Initial Study is conducted by a lead agency to determine if a project may have a significant effect on the environment. The Initial Study may rely on expert opinion based on facts, technical studies, or other substantial evidence to document its findings. However, an Initial Study is neither intended nor required to include the level of detail included in an Environmental Impact Report (EIR).

In accordance with State CEQA Guidelines Section 15064(a), an EIR must be prepared if there is substantial evidence that a project may have a significant effect on the environment. A Negative Declaration is prepared if the lead agency determines that the proposed project would not have a significant effect on the environment, and, therefore, that it would not require the preparation of an EIR (State CEQA Guidelines Section 15070). According to State CEQA Guidelines Section 15070, a Mitigated Negative Declaration (MND) shall be prepared when:

The initial study identifies potentially significant effects, but:

(1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

1.2 Lead Agency

The lead agency is the public agency with primary responsibility over the proposed project. In accordance with CEQA Guidelines Section 15051(b)(1), "the Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose…." The lead agency for the proposed project is the County of Stanislaus.

2.0 Project Description

2.1 Project Characteristics

The proposed project site is located approximately 20 miles southwest of the City of Modesto and 5.5 miles west of Crows Landing in Stanislaus County, California (Figures 1 and 2). Stanislaus County is seeking to extend the life of the landfill by using existing space within the landfill that is not being used for refuse disposal. This interior expansion of the landfill will not extend beyond the currently permitted disposal area boundary of the Fink Road Landfill, therefore, the County refers to this as the "In-Fill" Project. The objective of the In-Fill Project is to provide approximately 10 - 20 years of additional capacity. The current landfill design life is estimated to extend to 2023. An additional objective is to increase the landfill height to provide a final closure design that is more conducive to the surrounding terrain than the currently approved final landfill closure configuration. Other objectives of the project are to accomplish the In-Fill Project without increasing the daily tonnage, vehicle trips, or change in the classification of the non-hazardous municipal solid waste materials currently accepted.

The In-Fill Project would entail filling in the narrow strip of currently unlined area between Landfill-1 (LF-1) and LF-2 and the unlined area between LF-2 and LF-3. The unlined areas would be lined using a liner system consistent with the approved permits in place at the time of construction. This design would extend the maximum elevation along a ridgeline located over existing LF-2 with a lower, complementary ridgeline over LF-3, provides sufficient airspace and extends the landfill life (14 years, or until about 2037). In addition, the In-Fill Project also provides a more cost-effective landfill expansion option for rate payers than expanding the existing footprint of the landfill. During construction of the In-Fill Project, an existing, previously permitted stockpile area located immediately west of the existing landfill on County owned property, would be used to temporarily stockpile material. The stockpiled materials would be returned to the landfill as the project progresses and additional material from the existing stockpile would also be used for the In-Fill Project as fill cover. Soils from the existing stockpile would also be used for base for a proposed relocation of the access road into the facility.

2.2 Project Location and Surrounding Land Use

The Fink Road Landfill is located at the eastern margin of the Diablo Range and the southern Coastal Ranges of California adjacent to Interstate 5 (I-5) at Fink Road. The California Aqueduct is located approximately 0.75 mile to the east, the Crows Landing Naval Auxiliary Landing Field is located approximately 1.5 miles to the northeast, and the City of Patterson is located approximately 5 miles to the north. The Crows Landing Naval Auxiliary Landing Field was historically used by the National Aeronautics and Space Administration (NASA) and the U.S. Navy for testing purposes and training operations. Ownership of the landing field has

subsequently been transferred to the County. The landing field is currently not in operation. However, Stanislaus County adopted a Preliminary Redevelopment Plan in November 2005 for the landing facility and adjacent lands. The County envisions developing the redevelopment area as a public use, general aviation Airport, and industrial and business park. In December 2008, the County Prepared a Draft Airport Layout Plan and in early 2009 the County also prepared an Air Facility Land Use Compatibility Plan.

The existing landfill is located adjacent to range and agricultural lands designated as (A-2) General Agricultural District (Stanislaus County General Plan, Dated 1994). Adjacent to and west of the landfill the County also owns parcels consisting of (A-2) General Agricultural District. No residential properties are identified in any of the neighboring areas. The proposed project will only involve the relocation of an existing access road onto the adjacent County owned A-2 zoned land to accommodate the vertical expansion of the landfill.

2.3 Project Site Description

The landfill In-Fill Project would entail extending the life of the landfill by roughly 10 - 20 years by extending the fill refuse disposal area across the existing spaces (i.e., the currently unlined narrow strip of land) between landfill cells LF-1 and LF-2. This land strip is currently used as the main access road into the Landfill and the Covanta waste-to-energy facility. In addition, the proposed project would also fill in the open area south of LF-2 onto LF-3 (See Figure 3).

Under this proposed project, no expansion of the existing landfill footprint beyond the perimeter of the current footprint would be required but the landfill would be extended vertically to a maximum elevation of 545 feet over LF-2 (mean sea level), thereby increasing the currently permitted height of the landfill by 160 feet (from 385 MSL to 545 MSL). The life of the current landfill is estimated to extend to 2023; this option would extend that landfill life to approximately 2037-2038. Neither the permitted maximum tonnage, permitted traffic volumes, nor the type of waste accepted will be modified. The final grades of the landfill will be re-contoured under this project to better match existing topography surrounding the site and, when disposal options cease and the landfill is closed, provide a more natural appearance of the landfill profile. Additional slope drains would be installed and all surface water drainage from the landfill cells would be conveyed to the existing onsite basin.

Existing project facilities, including the existing waste-to-energy facility located at the southwest corner of the landfill, the drainage basin, surface impoundments, and facility entrance location and scales will remain the same. However, a portion of the interior landfill access road, currently located between LF-1 and LF-2, will be realigned and moved west onto land currently owned by the County. This would require moving the access road a maximum of approximately 820 feet west from its existing location. The realigned portion of the access road would widen to 32 feet and would have a maximum grade of 5 percent.

There is an existing buffer of 100 feet between the Covanta waste-to-energy facility and the landfill. That buffer would remain unchanged under this project. However, an existing water supply line to the Covanta waste-to-energy facility will have to be relocated as part of the access road realignment.

Project Background

The landfill has been owned and operated by the County since its opening in 1973. The site occupies 219 acres. The Fink Road Landfill site now consists of five waste management units:

1. LF-1 – An unlined disposal area closed in 1997 (18.5 acres)
2. LF-2 – A permitted, lined Class III disposal unit where active refuse disposal operations are on-going (92.3 acres)
3. LF-3 – A permitted, lined Class II monofill used for disposal of ash residue from the Covanta Waste-to-Energy plant (37.0 acres)
4. SI–1 – A permitted, lined Class II surface impoundment (1.5 acres)
5. SI-2 – A permitted, lined Class II surface impoundment (1.4 acres)

2.4 Existing Permits

The primary operating permits for the Fink Road Landfill include the Solid Waste Facilities Permit (SWFP) No. 50-AA-0001, most recently updated by the California Integrated Waste Management Board in 2007, and the Waste Discharge Requirements Order No. R5-2008-0144, revised by the California Regional Water Quality Control Board (RWQCB), Central Valley Region in 2008. The landfill also has a Permit to Operate (N-3969) issued by the San Joaquin Valley Air Pollution Control District (SJVAPCD). These permits would be amended and updated as a result of the project. It is anticipated that the process to complete the permit revisions would take about 9 months.

2.5 In-Fill Project Schedule

The current project schedule anticipates the In-Fill Project improvements (relocation of the access road, etc.) would be completed within a 3 to 5 year timeframe. Waste disposal at the Fink Road Landfill would continue uninterrupted during construction. The existing interior access road would continue to be used until such time as the new access road is completed.

3.0 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

X	Aesthetics		Agriculture Resources	X	Air Quality
X	Biological Resources		Cultural Resources		Geology /Soils
	Hazards & Hazardous Materials		Hydrology / Water Quality (relating to wetlands)		Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services		Recreation		Transportation/Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

On the basis of this evaluation:

____	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
____	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
____	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT (EIR) is required, but it must analyze only the effects that remain to be addressed.
____	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
	Jami Aggers, Assistant Director 9/17/09 **Date** **Stanislaus County, Department of Environmental Resources**

4.0 Evaluation of Environmental Impacts

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(C)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used - Identify and state where they are available for review.
   b) Impacts Adequately Addressed - Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures - For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

5.0 Environmental Setting, Impact Checklist and Mitigation

The following format follows the Environmental Checklist Form from Appendix G of the State CEQA Guidelines and identifies environmental impacts that could occur if the proposed project was constructed. Discussions supporting the impact conclusions immediately follow the checklist. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved.

5.1 Aesthetics

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS—Would the project:				
a) Have a substantial adverse effect on a scenic vista?		X		
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?		X		
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

(a) The project site is located in a rural area containing low density, open space uses. Development surrounding the landfill has been limited to isolated residences, barns and out buildings used for the surrounding agricultural operations. The nearest urbanized area is Crows Landing, located approximately 5.5 miles to the east. Crows Landing is a small agriculturally-oriented community that includes the Crows Landing Naval Auxiliary Landing Field, located approximately 1 ½ miles northeast of the project site. Views of the landfill are not available from Crows Landing because of the distance and intervening topography and vegetation. Current photographs of the site are provided in Attachment 1.

The low density and open space uses within this landfill area, has an aesthetically pleasing appeal in comparison to urban residential uses and structures. Photographs of the site are provided in Attachment 1. The In-Fill Project would entail filling in the narrow strip of unlined area between Landfill-1 (LF-1) and LF-2 and the unlined area between LF-2 and LF-3. Both areas would be lined prior to disposal activities. Under

this proposed project, no expansion of the existing landfill footprint would be required but the landfill would be extended vertically to a maximum elevation of 545 feet over LF-2 (mean sea level), thereby increasing the currently permitted height of the landfill by 160 feet (from 385 MSL to 545 MSL). The landfill will also be re-contoured under this project to better match existing topography surrounding the landfill and, when disposal options cease and the landfill is closed, provide a more natural appearance of the landfill profile. Therefore, the project's impacts to a scenic vista or area would be less than significant.

(b) The landfill's primary source of public views is along I-5, which is designated as a State scenic highway. Foreground views from I-5 are dominated by the existing landfill facilities. These facilities include the Waste-To-Energy (WTE) plant, the slopes of the filled modules, and the slopes of the existing soil stockpiles. The most prominent feature of the existing landfill site is the WTE plant. Because of its large size and proximity to I-5, the WTE plant can be seen from a distance by travelers on both northbound and southbound I-5. The proposed In-Fill Project will result in an elevation increase over the landfill that will eventually obstruct southbound the view of the WTE plant from I-5 and the surrounding area. After closure, the landfill will be returned to a more natural appearance with topography that more closely resembles the surrounding hilly terrain.

(c) The project would not degrade the existing visual character or quality of the site and its surroundings because the landfill has been part of the area since 1973 and the proposed In-Fill Project will be occurring within the existing footprint of the landfill; however, the project would result in an increase in the landfill elevation, but this is considered less than significant with mitigation incorporated because the final elevation will include contouring to match the existing contouring to minimize any potential visual effect.

(d) The existing landfill receives waste between 8:00 a.m. and 4:00 p.m. Lighting is not currently necessary at the active working face or along the temporary haul roads. Lighting is provided all night long at the waste to energy facility and the scale house/office area. No other lighting is currently used at the site or proposed as part of the expansion project. This lighting would not create a significant source of substantial light or glare, the impact on lighting at night would be less than significant.

Reference: Site visit, J. Rhoades, Shaw E&I, April 16, 2009

Mitigation Measures

Stanislaus County will implement limited contour grading as part of the project final closure design to achieve a more natural appearance of the landfill profile. The landfill cells will be vegetated with a mixture of native grasses similar to that which exists in the adjoining landscapes as part of final landfill closure.

5.2 Agriculture Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

(a) Fink Road Landfill was constructed in 1973. Although there are agricultural areas within the vicinity of the proposed project, the site has been used as a landfill for many years. Furthermore, the *Stanislaus County Important Farmland 2006* Map prepared under the Farmland Mapping and Monitoring Program of the California Department of Conservation categorized the site as urban and built-up land and characterized the land owned by the County immediately west of the landfill as grazing land. The closest prime farmland is located immediately south of the landfill. The lands to the east and north are classified and disturbed lands. The proposed In-Fill Project, including realignment of the road access, will not occur on prime farmland nor will it adversely affect prime farmland located to the south; therefore, the proposed project will have a less than significant impact on agricultural land.

(b) The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Stanislaus County participates in the Williamson Act program; however there is no existing zoning for agricultural use at the site and its surroundings. The proposed project will not conflict with existing zoning for agricultural use because the

landfill site is classified as urban and built-up and grazing land by the California Department of Conservation

(c) The project involves relocation of an interior access road and filling in the narrow strip of unlined area between Landfill-1 (LF-1) and LF-2 and the unlined area between LF-2 and LF-3. The unlined areas would be lined using a liner system consistent with the approved permits in place at the time of construction. The proposed In-Fill Project will not involve other changes in the existing environment that would lead to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, to non-agricultural use. The project also will not lead to any conflicts with existing zoning, agriculture use, or Williamson Act contract (no property in the area is under the Williamson Act contract).

The project will not have any impact on agricultural resources and there is no need for further analysis on this resource.

References: *California Department of Conservation, Rural Land Mapping, Stanislaus County Important Farmlands 2006.*

Stanislaus County General Plan, Chapter 3 Conservation and Open Space Element, Stanislaus County Website accessed on April 19, 2009.

Mitigation Measures

None required**.**

5.3 Air Quality

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

(a) Air quality impacts can occur over broad regions such as an air basin or within local microclimates. The proposed site and surrounding area are in the San Joaquin Valley Air Pollution Control District (SJVAPCD). The District has one of the most severe air pollution problems in the State and the Nation (Guide for Assessing and Mitigating Air Quality Impacts, SJVAPCD, August 20, 1998). The District has developed several air quality plans, including plans for ozone, carbon monoxide, and particulate matter. The proposed landfill In-Fill Project would not conflict with or obstruct implementation of the current plans.

(b) U.S. EPA and the California Air Resource Board (CARB) have each established ambient air quality standards: National Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS). The CAAQS is equal to or more stringent than the federal NAAQS. These standards are used to evaluate proposed project impacts for common air pollutants such as carbon monoxide (CO), nitrogen dioxide (NOx), ozone (O_3), and particulate matter (PM10 and PM2.5).

Currently, the San Joaquin Valley (Valley) is federally classified as extreme non-attainment for the federal and state 8-hr ground-level ozone, and non-attainment for

federal and state particulate matter less than 2.5 microns in diameter (PM2.5) standard[1]. Previously the SJVAPCD was identified as non-attainment for federal PM10. However, on September 25, 2008, EPA redesignated the SJVAPCD to attainment for the PM10 National Ambient Air Quality Standard (NAAQS) and approved the District's PM10 Maintenance Plan. The SJVAPCD is designated as attainment for all other criteria pollutants.

This project is anticipated to lead to a temporary net increase in the criteria pollutants for which this area is in non-attainment. The net increase is anticipated to occur as a result of construction activities and unless mitigated could lead to a short-temporary decrease in air quality in the project area.

To appropriately address air quality impact issues, the Guide for Assessing and Mitigating Air Quality Impacts (SJVAPCD, August 20, 1998) was reviewed. The Fink Road Landfill has been granted a Permit to Operate (PTO) by the San Joaquin Valley Air Pollution Control District (Permit Number N-3969-2-1). Construction activity associated with relocation of the access road is expected to create dust. Dust will be suppressed through standard mitigation measures (discussed under Mitigation Measures) such as wetting the disturbed areas. In addition, Stanislaus County requires that the contractor for the project prepare and submit a dust suppression plan prior to construction in compliance with SJVAPCD Rule 8021.

(c) The landfill also has an operating permit issued by the SJVAPCD. The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment. The proposed In-Fill Project would not increase the daily tonnage, vehicle trips, or change in the classification of the non-hazardous municipal solid waste materials currently accepted. However, the increase in landfill volume in place may result in an increase in methane gas production. As part of their review of the proposed project, the SJVAPCD will require that the County provide detailed information pertaining to landfill modification in order to determine if modification to the existing Title V permit will be required. Because the SJVAPCD will have the authority to impose any additional regulatory requirements on operation of the project, any impacts will be addressed in the permit review. Because of the low-intensity of required construction, impacts associated with construction of the In-Fill Project is considered to be less than significant.

(d) The existing landfill is not located within an area of sensitive receptors, such as schools or hospitals. The current landfill would continue to operate in accordance with its air permit issued by the SJVAPCD. It is not anticipated that the temporary construction of the access road and implementation of the In-Fill Project would generate a significant amount of air pollutants.

[1] On April 30, 2007 the Governing Board of the San Joaquin Valley Air Pollution Control District voted to request EPA to reclassify the San Joaquin Valley Air Basin as extreme nonattainment for the federal 8-hour ozone standards. The California Air Resources Board, on June 14, 2007, approved this request. This request must be forwarded to EPA by the California Air Resources Board and would become effective upon EPA final rulemaking after a notice and comment process; it is not yet in effect

(e) This project is not located within a residential area or area containing sensitive receptors and therefore, would not subject a substantial number of people to objectionable odors. Therefore, impacts are anticipated to be less than significant.

Climate Change

To date, there have been no significant environmental regulations enacted in the United States at the national level specifically designed to address climate change. In April 2007, the U.S. Supreme Court determined that the U.S. Environmental Protection Agency (EPA) has the regulatory authority to list greenhouse gases (GHGs) as pollutants under the federal Clean Air Act (CAA) but the EPA has not yet proposed nor adopted any regulations of GHGs to date. Numerous proposals are being considered in the U.S. Congress to regulate GHGs but no legislation has been adopted. Although GHG emissions are currently not addressed in federal regulation, certain state and local governments are passing legislation and adopting action plans to reduce GHG emissions. For example, the State of California recently passed into law the Global Warming Solutions Act of 2006, commonly referred to as Assembly Bill 32 (AB 32), which is designed to significantly reduce GHG emissions generated by California in the short- and long-term.

The CEQA Guidelines have not been updated to provide guidance as it relates to climate change. To date there are no California appellate or Supreme Court decisions governing the character or extent of climate change analysis required under CEQA. CEQA guidance indicates that GHG emissions and climate change should be considered cumulative effects, though the guidance provides no clear direction as to how analysis of climate change should actually be conducted.

Because the Air Resources Board provided little to no guidance on how to assess and address climate change, the SJVAPCD developed a "Climate Change Action Plan" (CCAP) in August 2008 and presented that plan to the Governing Board. One of the goals of the CCAP is to develop specific recommendations to the Air Resources Board that would help remove the current uncertainty regarding how to address climate change with respect to CEQA reviews. Another goal of the CCAP is to develop tools that will address scientific approaches to assist local land use agencies in addressing climate change. The CCAP also proposed that voluntary mitigation agreements be developed that may help address climate change; however, the scope and details of such voluntary agreements have not been developed. Since August 2008, the SJVAPCD has held a series of workshops and public hearings on the CCAP process. After considering all available options for assessing the cumulative impacts of project specific GHG emissions on global climatic change, the SJVAPCD concluded that the most appropriate option is development of significance determination guidance based on use of best performance standards. This approach is similar to a zero threshold approach but reduces the regulatory burden in that:

- ALL projects would be required to implement best performance standards
- Would capture projects that would otherwise be exempt if applying quantitative thresholds

Further, the District proposes to reduce the regulatory burden by streamlining the process. A project complying with best performance standards would be considered to have a less than cumulatively considerable impact on global climatic change if it:

- Complies with applicable ARB GHG reduction measures; and
- Complies with applicable direct GHG regulations or rules

The SJVACPD is also working to develop performance standards for two classes of projects: Industrial and Development. Currently, the SJVACPD is holding public meetings and it is expected that the final CCAP will be presented to the Governing Board in August 2009.

Given the uncertainly as to how the project would be assessed with respect to climate change, it is not possible to draw any conclusions regarding potential impacts associated with the In-Fill Project. However, as part of the existing landfill's current regulatory obligations to the SJVACPD (Title 5 permit and Permit to Operate) Stanislaus County, as operator of the landfill, will work with the SJVACPD to determine what, if any, performance standards may be needed in the future operations to address climate change.

References: *San Joaquin Valley Air Pollution Control District*
http://www.valleyair.org/Air_Quality_Plans/PM_Plans.htm

Governor's Office of Policy and Research (OPR). Addressing Climate Change in CEQA and NEPA Documents, Updated August 2007, Climate Change Focus Group.

http://www.valleyair.org/board_meetings/gb/agenda_minutes/agenda/2008/august/ccap-boardaug202008.pdf

http://www.valleyair.org/Workshops/postings/2009/05-05-09/CCAP-workshop/May 5 2009.pdf

Mitigation Measures

The following mitigation measures can be used to help control fugitive dust during the proposed action:

- Monitor dust-generating activities and implement appropriate measures for maximum dust control
- Apply water to unpaved surfaces and areas around the site during the construction process
- Limit or reduce vehicle speed on unpaved roads and traffic areas
- Maintain areas in a stabilized condition by restricting vehicle access
- Install wind barriers to limit airborne dust caused by wind
- During high winds, cease outdoor activities that disturb the soil

5.4 Biological Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES—Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

The proposed In-Fill Project is located within the footprint of the existing permitted Fink Road Landfill and is located in an annual grassland area adjacent to agricultural uses, neighborhood roads and Interstate 5. Vegetation in the area is limited to planted orchards, crops, native and non-native grasses associated with annual grasslands.

Habitat types occurring within the area of the project site include: Agricultural, Annual Grasslands, and Developed. These habitat types are discussed below.

Habitats

Agricultural

Almond orchards are present south of the landfill. Plants associated with the agricultural habitat include: yarrow (*Achillea millefolium*), yellow starthistle (*Centaurea solstitialis*), wild oat (*Avena fatua*), small rattlesnake grass (*Briza minor*), and tall fescue (*Festuca arndinacea*).

Annual Grasslands

Annual grasslands are present on site and adjacent to the site. A mixture of non-native grasses and forbs dominates the grassland habitat. Typical grasses found within this habitat include: oat (*Avena fatua*), blue wildrye (*Elymus glaucus*), Medusa head (*Taeniatherum caput-medusae*), Italian ryegrass (*Lolium multiflorum*), and barley (*Hordeum sp*.).

Developed

Portions of the project site have been developed, creating roads, landfill cells, soils stockpile, stormwater basins, ditches, and turnouts. These developed areas have experienced ground disturbance and contain little natural vegetation. The landfill cells are vegetated and capped in accordance with the project's regulatory requirements using material from the currently permitted stockpile area located immediately west of the landfill footprint.

(a) For the purposes of this Initial Study, "Special-status" is defined to include those species that are:

- Listed as endangered or threatened under the Federal Endangered Species Act (or formally proposed, or candidates, for listing)
- Listed as endangered or threatened under the California Endangered Species Act (or proposed for listing)
- Designated as endangered or rare, pursuant to California Fish and Game Code (§1901)
- Designated as fully protected, pursuant to California Fish and Game Code (§3511, §4700, or §5050)
- Designated as species of concern or species of local concern by U.S. Fish and Wildlife Service (USFWS), or as species of special concern by DFG
- Plants or animals that meet the definitions of rare or endangered under CEQA
- Plants listed as rare under the California Native Plant Society (CNPS) to be "rare, threatened, or endangered in California" (List 1B and 2)

An inventory of regionally occurring special-status plant and animal species was gathered based on a review of pertinent literature, a reconnaissance-level site assessment, informal consultation with the USFWS, and the results of a California Natural Diversity Data Base (CNDDB) query (Attachment 2) of all reported occurrences of special-status species within the Patterson California USGS 7.5 minute topographic quadrangle. Habitat requirements for each special-status species were assessed and compared to the habitats occurring within the site and adjacent areas. The site area and/or surrounding vicinity represent potential habitat for four special-status plants and nine special-status animals. The scientific and common names, regulatory status, habitat requirements, and period of identification for these species are identified in Table 1 and briefly discussed below.

Table 1
Special-Status Species with the Potential to be Present or Utilize the Project Site

Scientific Name Common Name	Regulatory Status USFWS/DFG/CNPS	General Habitat Description	Period of Identification
Plants			
Blepharizonia plumosa Big tar plant	---/---/1B	Found in valley and foothill grasslands, usually found in clay to clay-loam soils on slopes and often in burned areas.	July – October
Erodium macrophyluum Round-leaved filaree	---/---/2	Found in cismontane woodland and Valley and foothill grassland, usually found in clay soils.	March – May
Caulanthus coulteri var. lemmonii Lemmon's jewelflower	---/---/1B	Found in pinyon-juniper woodland and valley and foothill grassland.	March – May
Eschscholzia rhombipetla Diamond-petaled California Poppy	---/---1B	Found in valley and foothill grasslands, usually found on slopes and flats in alkaline and clay soils.	April – August
Birds			
Buteo swainsoni Swainson's Hawk	---/CFP/---	Open country of the western US and Canada for breeding, from low to moderate elevations. Prairies, rangelands, meadows, any open areas with scattered trees – such places will be attractive to this species. Cultivated lands attract this hawk in some areas, where the human disturbance of agriculture causes concentrations of insects and rodents.	March – May
Agelaius tricolor Tricolored blackbird	FSC/CSC/---	Nests in dense thickets of cattails, tules, willow, blackberry, wild rose, and other tall herbs near water.	April – July
Athene cunicularia hypugaea Western Burrowing owl	FSC/CSC/---	Requires open, dry annual or perennial grasslands, deserts & scrublands characterized by low-growing vegetation. Species is a subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Dec 1. – Jan. 31 and April 15 – July 15
Eremophila alpestris actia California horned lark	---/CSC/---	Found in coastal regions, mainly from Sonoma Co. to San Diego Co. Also found in part of San Joaquin Valley & east of the foothills. Usually found in short-grass prairie, "bald" hills, mountain meadows, open coastal plains, fallow grain fields, and alkali flats.	All year
Falco mexicanus Prairie falcon	---/ CSC /---	Found in dry level or hilly open terrain. Breeding sites are located on cliffs and forages far from the nest to marshlands and ocean shores.	All year
Lanius ludovicianus Loggerhead shrike	---/CSC/---	Found in broken woodlands, savannah, pinyon-juniper, Joshua tree, riparian woodlands, desert oases, scrub & washes. Species prefers open country for hunting with perches for scanning, and fairly dense shrubs and brush for nesting.	March – August

Table 1 (continued)
Special-Status Species with the Potential to be Present or Utilize the Project Site

Scientific Name Common Name	Regulatory Status USFWS/DFG/CNPS	General Habitat Description	Period of Identification
Mammals			
Perognathus inornatus San Joaquin pocket mouse	FSC / --- /---	Lives in arid annual grasslands, desert scrub, fine soils.	All year
Taxidea taxus American badger	---/ CSC /---	Found in drier open stages of shrub, forest, and herbaceous habitats with friable soils. Species requires uncultivated ground for digging burrows. Species also preys on burrowing rodents.	All year
Vulpes macrotis mutica San Joaquin kit fox	FE/CT/---	Found in annual grasslands or grassy open stages with scattered shrubby vegetation. Species needs loose-textured sandy soils for burrowing, and a suitable prey base.	All year
Reptiles			
Masticophis flagellum ruddocki San Joaquin whipsnake	---/ CSC /---	Found in open dry habitats with little or no tree cover. Found in valley grasslands & saltbrush scrub in the San Joaquin Valley. Species requires mammal burrows for refuge and oviposition sites.	May - August
Amphibians			
Spea hammondii Western spadefoot	FSC / CSC /---	Found primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands. Species require vernal pools for breeding and egg-laying.	December – February

STATUS CODES:

Federal: (U.S. Fish and Wildlife Service)
FE = Listed as a Endangered Species
FT = Listed as a Threatened Species
FSC = Federal Species of Concern
SLC = Species of Local Concern

State: (California Department of Fish and Game)
CE = California Endangered Species
CT= California Threatened Species
CFP = California Fully Protected Species
CSC = California Species of Special Concern

CNPS: (California Native Plant Society)
1B = Plants rare, threatened, or endangered in California and elsewhere
2 = Plants rare, threatened, or endangered in California, but more common elsewhere

Special-Status Plant Species

Big tar plant (*Blepharizonia plumosa*)

The Big tar plant is an herbaceous annual that grows to between 1 and 3 feet tall. Seedlings appear in early spring, but the plants do not begin to bloom until mid-summer. The blooming period, during which the plants produce many heads with white flowers, generally occurs between July and October. Big tar plants are typically found in valley and foothill grasslands on clay to clay-loam soils, usually on slopes and often in burned areas, below 1,500 feet. During the April 16, 2009, site visit, the Big tar plant was not observed in the area inspected.

Round-leaved filaree (*Erodium macrophylum*)

This annual flower typically grows in valley and foothill grasslands in open habitat on friable clay soils. The petals are usually white but can be tinted pink. Unlike most filaree, there is a single style column that is approximately 3 to 5 centimeters in length. The blooming period is from March to May. During the April 16, 2009, site visit, the round-leaved filaree was not observed.

Lemmon's jewelflower (*Caulantus coulteri var. lemmonii*)

The Lemmon's jewelflower is an herbaceous annual that is found in Pinyon-juniper woodland and valley and foothill grasslands. The blooming period is typically from March to May. During the April 16, 2009, site visit, the Lemmon's jewelflower was not observed.

Diamond-petaled California Poppy (*Eschscholzia rhombipetia*)

This annual flower typically grows in valley and foothill grasslands on slopes and flats in alkaline and clay soils. The petals are usually yellow. The fruits of diamond-petaled California poppy are conspicuous because they are 1.5 to 3 inches long, which may nearly equal the height of the plant. The blooming period is from April to August. During the April 16, 2009, site visit, the Diamond-petaled California poppy was not observed.

Special-Status Bird Species

Swainson's hawk (*Buteo swainsoni*)

The Swainson's hawk breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch habitats. This species requires adjacent suitable foraging areas such as grasslands, alfalfa, or grain fields that support a rodent population.

The nearest known occurrence of this species is approximately 4.25 miles south of the project site. The observation was recorded on June 4, 1988, when a nest was observed in a sycamore tree. The habitat surrounding the nest consisted of sycamore trees-dominated by riparian habitat with agricultural land to the east. The observation was made west of the Newman exit off I-5 near the Orestimba Creek. No Swainson's hawks were observed during the site visit conducted on April 16, 2009. Swainson's hawks could occasionally forage on the subject property but no suitable nesting habitat is present.

Tricolored blackbird (*Agelaius tricolor*)

The tricolored blackbird is a highly colonial species that is largely endemic to California. This species nests in dense thickets of cattails, tules, willow, blackberry, wild rose, and other tall herbs near water. The breeding season for this species is from April through July.

The nearest known occurrence of this species is approximately 3 miles north of the project site. The observation was recorded on April 28, 1971, when a colony of approximately 1,250 individuals were observed nesting. The habitat in the area of the observation consisted of a tule-lined drainage ditch along I-5 in non-irrigated grasslands with water 1-2 feet deep. No tricolored blackbirds or suitable habitat were observed during the site visits conducted on April 16, 2009.

Western burrowing owl (*Athene cunicularia hypugaea*)

The Western burrowing owl requires open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. This species is a subterranean nester that is dependent upon burrowing mammals, most notably, the California ground squirrel.

No California ground squirrels or Western burrowing owls were observed during the site visit conducted on April 16, 2009. Grasslands in the area of the expansion site appear to represent suitable habitat for this species.

California horned lark (*Eremophila alpestris actia*)

The California horned lark is found primarily in Coastal Regions, chiefly from Sonoma County to San Diego County. The species can also be found in the San Joaquin Valley and east of the foothills. This species is found in short-grass prairie, "bald" hills, mountain meadows, open coastal plains, fallow grain fields, and alkali flats. This species can be identified all year.

The nearest know occurrence of this species is approximately 500-feet south of the project site. The observation of this species was recorded on April 13, 1993 when 1 adult was observed flying overhead approximately 100 feet west of existing crude oil gas pipeline. The habitat in the area of the observation was non-native grassland. No California horned larks or suitable habitat were observed during the site visit conducted on April 16, 2009.

Prairie falcon (*Falco mexicanus*)

The prairie falcon is found in dry, level or hilly open terrain. This species also requires cliffs for breeding and forages in marshlands and ocean shores.

No suitable habitat or prairie falcons were observed during the site visit conducted on April 16, 2009. The project area contains unsuitable habitat because it does not contain suitable cliff sites for nesting or marshlands for hunting.

Loggerhead shrike (*Lanius ludovicianus*)

The loggerhead shrike is found in broken woodlands, savannah, pinyon-juniper, Joshua tree, riparian woodlands, desert oases, scrub & washes. This species prefers open country for hunting with perches for scanning, and fairly dense shrubs and brush for nesting.

No loggerhead shrikes were observed during the site visit conducted April 16, 2009.

Special-Status Mammal Species

San Joaquin pocket mouse (*Perognathus inornatus inornatus)*

The San Joaquin pocket mouse is typically found in grasslands and blue oak savannas. This species requires friable soils for burrowing. The San Joaquin pocket mouse can be observed all year.

The nearest known occurrence of this species is approximately 4-miles south of the project site. The observation was recorded on August 24, 1990, when 2 adults were captured during species surveys. The observation was made about 0.1 mile south of Orestimba Creek, near the Newman exit on I-5, between I-5 and the Delta-Mendota Canal. The habitat in the area of the observation consisted of ruderal sparse annual grasslands less than 12" in height with Russian thistle and Dove weed. The soil was extremely rocky and sandy. No San Joaquin pocket mice were observed during the site visit conducted on April 16, 2009. Grasslands in the area of the expansion site appear to represent suitable habitat for this species.

American badger (*Taxidea taxus*)

This species inhabits primarily drier open stages of shrub, forest, and herbaceous habitats with friable soils. This species requires uncultivated ground for digging burrows. This species can be identified all year long.

The nearest known occurrence of this species is approximately 2 miles northwest of the project site. The observation was recorded on April 13, 1989, when 1 adult was observed during two consecutive surveys on April 12 and April 13. The observations were made in the vicinity of Little Salado Creek. The habitat in the area where the observations were made consisted of walnut orchard and adjacent ruderal grasslands. No American badgers were observed during the site visit conducted on April 16, 2009. Grasslands in the area of the expansion site appear to represent suitable habitat for this species.

San Joaquin kit fox (*Vulpes macrotis mutica*)

This species inhabits annual grasslands or grassy open stages with scattered shrubby vegetation. This species requires loose-textured sandy soils for burrowing, and a suitable prey base. The San Joaquin kit fox can be observed all year.

The nearest know occurrence of this species is approximately ½-mile west of the project site. The observation was recorded on April 11, 1989, when 1 adult was observed foraging during nocturnal surveys. The habitat in the area of the observation was a walnut orchard adjacent to non-native grasslands. However, the U.S. Fish and Wildlife Service has 10 records of kit fox occurring within a 10-mile radius of the landfill. In addition, the landfill is located near a kit fox corridor. No San Joaquin kit foxes or dens were observed during the site visit conducted on April 16, 2009. Grasslands in the area of the expansion site appear to represent suitable habitat for this species.

Special-Status Reptile Species

San Joaquin whipsnake (*Masticophis flagellum ruddocki*)

This species inhabits primarily open dry habitats with little or no tree cover. This species requires mammal burrows for refuge and oviposition sites.

No San Joaquin whipsnakes or burrows were observed during the site visit conducted on April 16, 2009. Grasslands in the area of the expansion site appear to represent suitable habitat for this species.

Special-Status Amphibian Species

Western Spadefoot toad (*Spea hammondii*)

This species inhabits primarily grassland habitats, but can be found in valley-foothill hardwood woodlands. This species requires vernal pools for breeding and egg-laying. Breeding typically occurs from December through February.

The nearest known occurrence of this species is approximately 3.5 miles northwest of the project site. The observation was recorded on May 15, 1994, when 10 + tadpoles were observed within a vernal pool at the west end of a cherry orchard near Salado Creek. The surrounding habitat at the time of the observation consisted of non-native grassland, with numerous natural and artificially-created vernal pools. No vernal pools or Western spadefoot toads were observed during the site visit conducted on April 16, 2009. The lack of vernal pools on the project area lead to unsuitable habitat for Western Spadefoot toads.

Although no impacts are anticipated on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service as a result of this project mitigation measures have been provided to ensure no impact to the San Joaquin kit fox, burrowing owl and other special status species. The following mitigation measures are identified in the documents *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance*, June 1999, United States Fish and Wildlife Service and *Staff Report on Burrowing Owl Mitigations*, October 1995, California Department of Fish and Game. (Sources: Personal communication with Annine Berangy, *California Department of Fish and Game-Fresno Field Office, December 4, 2007),*

(b) The project site and its immediate surroundings do not contain riparian habitat or other sensitive natural communities as defined by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The nearest riparian corridor is Little Salado Creek, located approximately 5,000 feet northwest of the project site. No impacts would occur as a result of this project to any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.

(c) The United States Army Corps of Engineers (USACE) regulates the dredge and fill of Waters of the U.S. through Section 404 of the Clean Water Act (CWA). This project site is developed with an existing landfill and access road and does not contain federally or

state protected waters or wetlands. No impacts would occur on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means as a result of this project.

(d) The project site is located in a rural area that is surrounded by open space and agricultural uses. The project site is not located within an established fish or wildlife migratory corridor. Therefore, no impacts to the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites would occur as a result of this project.

(e) No local policies protecting wildlife are expected to be in conflict with the proposed action. Therefore, no impacts to any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance would occur as a result of this project.

(f) The landfill expansion project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The site is not under a Habitat Conservation Plan. Therefore, there would not be an impact.

References: *Draft Environmental Impact Report for the Fink Road Landfill Expansion Project, January 7, 2002).*

California Natural Diversity Database, Query on April 14, 2009. Reprinted on June 8, 2009.

United States Fish and Wildlife Service, Recovery Plan for Upland Species of the San Joaquin Valley, California, 1999.

United States Fish and Wildlife Service, Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, June 1999.

Mitigation Measures

1. Pre-construction San Joaquin kit fox surveys will be conducted 2 weeks to 30 days before construction to ensure no kit foxes or special status listed species plants have established territories in the project area. Pre-construction surveys for special status listed plant species must be completed during the appropriate bloom periods, which means that the survey may need to occur well in advance of initiation of construction.

2. Project-related vehicles will observe a 20-mph speed limit in all project areas, except on country roads and State and Federal highways; to limit the possibility of hitting any wildlife. Off-road traffic outside of designated project areas will be prohibited.

3. To prevent inadvertent entrapment of kit foxes or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered at the close of each working day by plywood or similar materials, or provided with one

or more escape ramps constructed of earth fill or wooden planks. Before trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped or injured special status species is discovered, the Sacramento Fish and Wildlife Office and the California Department of Fish and Game will be contacted immediately. If a non-listed animal is entrapped during construction, measures to free the animal must be taken, but regulatory contact is not required.

4. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods will be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or moved in any way. Caps will be placed on pipes while they are being stored until they are ready to be used.

5. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at least once a week from the construction site.

6. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets will be permitted on the construction site.

7. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, and pipeline corridors will be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions.

8. Pre-construction burrowing owl surveys will be conducted 30 days before construction to ensure no burrowing owls have established territories in the project area.

9. Burrows occupied by burrowing owls will not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Department of Fish and Game verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

10. If burrowing owls must be moved away from the disturbed area, passive relocation techniques will be used rather than trapping.

5.5 Cultural Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

(a) The site is occupied by an existing landfill and related structures. A cultural and historic resources survey was conducted for an un-related onsite water storage project at the landfill in April 2008 (ART April 2008). The area included within the investigation included the proposed water line and entire landfill facility. Given the recent date of that study/survey, the results are considered valid for the proposed In-Fill Project. The results of the historic resources investigation found that no structures of historic resources are present on the proposed in-fill site. Therefore, no impact to a historical resource, as defined in 15064.5, would occur as a result of this proposed project.

(b) There are no archaeological resources pursuant to 15064.5 on the proposed project site. Therefore, no impact to an archaeological resource will occur as a result of this project.

(c) The proposed project site is located within an existing landfill/developed site and is not expected to impact unique paleontological or geographic features. Therefore, there a less than significant impact to a unique paleontological resource on the site.

The proposed property site and surrounding area is in a level area devoid of geological features of interest. Therefore, there is no unique geologic feature which would be impact by the In-Fill Project.

(d) The proposed project site has historically been heavily disturbed by urban development. Therefore, it is unlikely the site would disturb any human remains, including those interred outside of formal cemeteries. Therefore, no impacts are anticipated.

Reference: Architectural Resources Technology, Fink Road Landfill Records Review, April 28, 2008).

Mitigation Measures

None required.

5.6 Geology and Soils

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS—Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

(a)(c) Stanislaus County consists of three distinct geologic regions: the eastern dissected uplands, the San Joaquin Valley, and the western mountains. The eastern portion of the County comprises Pliocene and Pleistocene non-marine and sedimentary deposits, recent river and major stream channel deposits, Pliocene non-marine sedimentary rocks, Quaternary non-marine terrace deposits, undivided Eocene and Miocene non-marine sedimentary rocks, and Jurassic and/or Triassic metavolcanic rocks. The San Joaquin Valley portion is primarily made up of recent alluvial fan deposits, recent river and major stream channel deposits, and recent basin deposits. The western mountain portion of the County is comprised of rocks of the Franciscan Formation, Mesozoic rocks, upper

Cretaceous marine sedimentary rocks, Paleocene and Eocene marine sedimentary rocks, and Pliocene non-marine sedimentary rocks.

Based on information contained in the facility's Joint Technical Document (2004), the soils immediately underlying the Fink Road Landfill are alluvial deposits consisting predominantly of interbedded clays, silts, and sands with minor amounts of gravel. The Tulare Formation underlies the deposits. Permeability of the interbedded layers displays values ranging from $1x10^{-5}$ to $1x10^{-9}$ cm/sec based on laboratory tests.

The site lies on relatively flat to gently sloping land and accordingly, there are no slope stability issues for this site. The Ortigalita fault in the western portion of Stanislaus County has been active within the last 12,000 years and has an associated Alquist-Priolo Earthquake Fault Zone. Ortigalita fault is located approximately 10-miles west of Fink Road Landfill. The site is not in the Alquist-Priolo Earthquake Fault Zone. The western half of Stanislaus County can be expected to have an earthquake with an intensity of VII or VIII on the Modified Mercalli Intensity Scale, producing considerable damage to ordinary structures.

The site lies on relatively flat to gently sloping land and accordingly the project will not cause a geologic unit or soil to become unstable. The western half of Stanislaus County can be expected to have an earthquake with an intensity of VII or VIII on the Modified Mercalli Intensity scale, producing considerable damage to ordinary structures. The probability of liquefaction and related ground failures is expected to be highest in areas that are subject to ground shaking; have clean, unconsolidated alluvial sediments and soils; and have groundwater within 50 feet of the ground surface. Depth to first groundwater beneath the site is estimated to range from about 12 feet to about 85 feet (WDR) below the average natural grades. The majority of the saturated native soils underlying the site are fine-grained and dense. Additionally, the upper 10 to 40 feet of the natural soils, which tend to be less dense and potentially susceptible to liquefaction, are excavated prior to landfill cell construction. Therefore, the risk of damaging soil liquefaction is very low.

(b) The site lies on relatively flat to gently sloping land; therefore, the proposed actions associated with the In-Fill Project and relocation of the interior access road is not anticipated to result in substantial soil erosion or loss of topsoil. Once the access road relocation is completed, the disturbed construction area will be stabilized to prevent erosion.

(d) The site is occupied by an existing landfill and associated facilities and is not located within an area mapped as expansive soil. The proposed modifications to the landfill should not create substantial risk to life or property and would be engineered for safety. Therefore, impacts are less than significant.

(e) The proposed project site is located within the existing landfill site. Therefore, the disposal of wastewater would be in accordance with the facility's existing Waste Discharge Requirements issued by the RWQCB. Septic systems would not be constructed for the proposed project, and impacts are not anticipated.

References: *Initial Study/Mitigated Negative Declaration, Fink Road Landfill, Soil Relocation Project, Phase 2, Stanislaus County Department of Public Works, February 16, 2006.)*

Mitigation Measures

None required.

5.7 Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS—Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

(a) The proposed project involves extending the life of the landfill by in-filling between existing disposal cells. The project would not change the maximum tonnage, permitted traffic volumes, nor the type of waste accepted at the landfill. Construction of the project will not require the use or storage of hazardous materials. The current permit to operate prohibits the landfill from accepting or disposing of hazardous waste/materials. The landfill currently implements a waste screening program that looks for inadvertent materials in the solid waste stream and these materials are segregated and sent offsite for proper disposal. Therefore, no impact is anticipated from the proposed project.

(b) The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Therefore, no impact is anticipated from the proposed project.

(c) The proposed project would not involve the handling of either hazardous or acutely hazardous materials in any significant quantities. Therefore, no impact is anticipated from the proposed project.

(d) The site is not listed on the Cortese List. The project will not impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan.

(e) The Crows Landing Naval Auxiliary Landing Field is located approximately 1.5 miles to the northeast, and the City of Patterson is located approximately 5 miles to the north. The Crows Landing Naval Auxiliary Landing Field was historically used by the National Aeronautics and Space Administration (and NASA) and the U.S. Navy for testing purposes and training operations. Ownership of the landing field has subsequently been transferred to the County. The landing field is currently not in operation. However, Stanislaus County adopted a Preliminary Redevelopment Plan in November 2005 for the landing facility and adjacent lands. The vertical expansion of the existing landfill is not expected to result in a conflict with the planned operation of the landing field nor result in safety hazard for those working in the area. Stanislaus County is taking the proposed landfill vertical expansion into consideration with respect to the landing field project. Therefore, the impacts of the proposed project are expected to be less than significant.

(f) A *Fire Hazard Severity Zones in State Responsibility Area (SRA) Map* was prepared by the California Department of Forestry and Fire Protection under the Fire and Resource Assessment Program. This map was adopted by CAL FIRE on November 7, 2007 and indicates that very high Fire Hazard Severity Zones (FHSZ) is located in the project area. Work crews will have portable fire extinguishers in their vehicles to help fight any small fires that should occur in the project area. Water tanker trucks will also be available to fight any fires that should occur on the project area. If additional help is required, the local fire department (West Stanislaus Fire Department) will be called. Therefore, impacts are expected to be less than significant.

References: *Stanislaus County, Planning and Economic Development Department, Crows Landing Air Facility Redevelopment Plan, February 2009)*

Fire and Resource Assessment Program, California Department of Forestry and Fire Protection website; http://frap.cdf.ca.gov/ website accessed April 13, 2009.

Mitigation Measures

None required.

5.8 Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
d) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
e) Otherwise substantially degrade water quality?			X	
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
g) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
h) Inundation by seiche, tsunami, or mudflow?				X

(a) The existing landfill facility currently operates in accordance with Waste Discharge Requirements Order No. R5-2008-0144, revised by the California Regional Water Quality Control Board (RWQCB), Central Valley Region in 2008. The wastewater generated at the site would continue to be discharged in accordance with that permit and the permit would be amended as needed for the In-Fill Project. Existing project facilities, including the existing waste-to-energy facility located at the southwest corner of the

landfill, the drainage basin, surface impoundments, and facility entrance location and scales will remain the same. Additional slope drains would be installed and all surface water drainage would be conveyed to the existing onsite basin. Therefore, no impacts are expected to result from the proposed project.

(b) Groundwater in the County is contained in primarily unconsolidated continental deposits; specifically deposits of Pleistocene age, and alluvium and flood basin deposits of Pleistocene and Holocene ages. Groundwater is the major source of domestic and industrial water in Stanislaus County, and is used as a supplemental water supply for irrigation. Three types of groundwater resources underlie the County: groundwater found in unconfined and semiconfined aquifers formed from alluvial deposits, groundwater in confined aquifers derived from alluvial and lake deposits, and saline groundwater occurring in primarily marine formations.

The three major rivers located within the County have excellent water quality in their mountain headwaters. As the rivers flow into the San Joaquin Valley, their water quality deteriorates because of agricultural return flows and nutrients from municipal, industrial, and agricultural resources.

The quality of groundwater is determined by the geologic formation it flows through. Groundwater quality west of the San Joaquin River is currently deteriorating because of the following three factors: a rising perched water table that exposes groundwater to potential pollutants in the former vadose zone, saline build-up in the soil from leached irrigation water, and drawdown of the regional groundwater system. Groundwater quality east of the San Joaquin River is good.

First encountered groundwater across most of the site is present as small perched zones that generally follow surface topography (JTD). Recent landfill groundwater monitoring well data indicate depths to groundwater in the range of about 12 to 85 feet below native ground surface. Several of the landfill's shallow groundwater monitoring wells have exhibited seasonal elevation changes approaching 15 feet, which is indicative of a shallow, perched groundwater zone highly influenced by precipitation infiltration. Production wells in the vicinity of the landfill typically encounter groundwater at depths of 100 feet or more. Shallow trenching that may be required to relocate an existing oil pipeline to accommodate the project would not interfere with groundwater.

The proposed extension of the landfill life will result in more total water consumption but the landfill does not use groundwater. Instead, the landfill obtains water from an offsite source and the water is trucked into the site and stored. Therefore, the project would not deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Therefore, no impact to groundwater supplies would result from the project.

(c) There are no waterways onsite that would be altered as a result of this proposed project. There is an existing drainage swale that would need to be crossed for the access road realignment. A culvert would be placed below the road to convey the natural drainage in the swale. Therefore, less than significant impacts to the existing drainage pattern of the

site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site would occur as a result of this project. To accommodate the additional runoff potentially resulting from the vertical expansion, additional slope drains will be installed and all surface water drainage would be conveyed to the existing onsite basin. Therefore, the impact of the project on site drainage is expected to be less than significant. .

(d) The proposed project would not significantly alter the existing drainage on the site. The site and its surroundings have been developed and are covered with hard surfaces. It is not expected the existing drainage swale would continue to convey flows from the adjacent property and through the landfill, similar to pre-project conditions. It is anticipated that the amount of stormwater runoff draining from the landfill cells would increase with the additional capacity; however, the project would be designed to take into account the increased runoff and additional slope drains would be installed to safely convey the water off the cells. In addition, the existing stormwater basin would be modified if needed to handle the increased runoff. Therefore, stormwater runoff would result in an increase risk of flood hazard in the area.

(e) The proposed project would not generate or discharge water that would alter the current water quality at the site or in the area. The project would continue to operate under the existing WDRs issued by the RWQCB and that permit will be amended if needed to address modifications to the landfill. Therefore, the impacts to surface water quality are expected to be less than significant.

(f) The site is not identified within the 100-year flood hazard area as designated by the Federal Emergency Management Agency (FEMA). The proposed In-Fill Project will not establish any structures that would impede or redirect flood flows. Therefore, no impact is anticipated.

(g) No residential housing is located in the vicinity of the site. Therefore the project will not expose people or structures to a significant risk of loss, injury or death as a result of flooding, including flooding due to failure of a levee or dam.

(h) The proposed project is not in the near vicinity of the ocean and the proposed project would not be impacted by a seiche, tsunami, or mudflow. Therefore, there will be no impact associated with the proposed project.

References: Stanislaus County GIS Websit http://www.co.stanislaus.ca.us/GIS/countyGIS.htm,

Site Reconnaissance conducted by J. Rhoades, Shaw EI, April 16, 2009.)

Mitigation Measures

None required.

5.9 Land Use and Planning

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING—Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

(a) The existing land is located adjacent to range and agricultural lands designated as (A-2) General Agricultural District (Stanislaus County General Plan, Dated 1994). Adjacent to and west of the landfill the County also owns parcels consisting of (A-2) General Agricultural District. No residential properties are identified in any of the neighboring areas. The proposed project will only involve the relocation of an existing access road onto the adjacent County owned A-2 zoned land and possibly relocation of an existing crude oil pipeline to accommodate the vertical expansion of the landfill. No changes to the existing use of the landfill would occur and the proposed changes to the landfill would not physically divide an established community. As a result, no impacts to land use would result from the project

(b) The current and proposed use of the landfill site will not change as a result of the In-Fill Project nor would the project adversely affect the proposed Preliminary Redevelopment Plan for the nearby landing facility and adjacent lands. Therefore, this impact is considered less than significant.

(c) The proposed project is not subject to any habitat conservation plans or natural community conservation plans. Therefore, no impacts would occur as a result of this project.

References: Joint Technical Document, Fink Road Landfill, Stanislaus County, Kleinfelder, Stanislaus County Department of Public Works, June 4, 2004)

Mitigation Measures

None required.

5.10 Mineral Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES—Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

(a) Currently the site does not have any known mineral deposits. The area is classified by the California Geological Survey as MRZ-1, a Mineral Resource Zone for which there is adequate information to indicate there are no aggregate mineral resources present; therefore, no impact would result from the In-Fill Project.

(b) The site is already developed as a regional landfill and the proposed In-Fill Project would not result in the loss of availability of any important mineral resource recovery. Therefore, no impact would result from implementation of the propose project.

References: *California Department of Conservation, California Mineral Map, 2004.*

Stanislaus County Planning Department, Stanislaus County General Plan, April 18, 2006.

US Geological Survey, 1991, 7.5-Minute Patterson Quadrangle Map.)

Mitigation Measures

None required.

5.11 Noise

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

(a-d) The Noise Element of the Stanislaus County General Plan establishes a normally acceptable daytime stationary source noise exposure level of 60 dBA Ldn for residential land uses. Noise generated by construction equipment can reach high levels during construction activities. The estimated noise emissions for such equipment ranges from 85 dBA to 89 dBA at 50 feet. The U.S. Environmental Protection Agency has found that the noisiest equipment operating cycles may involve 2 minutes of full power, followed by 3 or 4 minutes at lower settings. Noise from localized point sources (such as construction equipment) typically decreases by about 6 dBA with each doubling of distance from the source.

The existing landfill is located in an agricultural area that is devoid of densely populated public housing and is bordered by Interstate 5, Fink Road, Ward Avenue, and Fink Road Landfill access road. Only a few rural residences are located in the vicinity of the landfill. The traffic traveling along these streets is the source of constant background noise. Construction will occur during weekday work hours and should not create significant

noise levels based on typical construction equipment to be used during site preparation and construction activities. It is assumed that the most intensive period of construction occurring at the perimeter of the existing landfill will occur during the access road realignment. Construction activities within the interior of the landfill will likely not be noticeable from normal landfill operational noise. After construction, operational noise will not impact the surrounding areas as normal landfill activities will resume.

(e-f) The existing landfill is located 1.5 miles from the, currently non-operational, Crows Landing Naval Auxiliary Landing Field. There are no known private airstrips within the vicinity of the landfill. The landfill was in operation when the Crows Landing Field was in use and it is expected that the County's plans for redevelopment of the airfield will eventually result in the airfield being reactivated. However, operations at the landfill will continue as they have historically and is not expected to adversely affect future operations at the airfield. Therefore, the project should not have any impact on noise and no further analysis is needed.

References: *Site Reconnaissance conducted by J. Rhoades, Shaw E&I, April 16, 2009*

Initial Study/Mitigated Negative Declaration, Fink Road Landfill, Soil Relocation Project, Phase 2, Stanislaus County Department of Public Works, February 16, 2006.)

Mitigation Measures

None required.

5.12 Population and Housing

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING—Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

(a) The landfill In-Fill expansion project will not result in an increase in population growth within the area. It is assumed that temporary workers associated with construction will commute from their existing residences and the scope of the project modification will not include the construction of additional housing for workers either during construction or as part of operation of the landfill. Impacts would be less than significant.

(b) (c) The proposed project calls for modification of existing facilities at the landfill and will not require renovation of existing buildings on site. No impact would occur to existing housing onsite or offsite from the landfill In-Fill Project.

Mitigation Measures

None required.

5.13 Public Services

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

The Patterson-West Stanislaus Fire District (PWSFD) is responsible for providing fire protection and suppression services to the project area. Two fire substations are located within 5 miles of the Fink Road Landfill. The Patterson Fire station is located approximately 5 miles north of the project site and the Crows Landing substation is located approximately 4 miles east of the project site. If a major fire were to occur at the project site, crews from the Patterson and Crows Landing substations would both respond. Response times to the project site average less than 5 minutes.

In addition, the California Department of Forestry and Fire Protection (CDFFP) has a station located near the Sperry Road/I-5 interchange, approximately 5 miles northwest of the project site. PWSFD and CDFFP have a mutual aid agreement that allows crews from CDFFP to automatically respond to fires in the District during the fire season (June to November).

The project site is served by the Stanislaus County Sheriff's Department and traffic control is provided by the California Highway Patrol (CHP). The Sheriff's Department's main headquarters is located in Modesto, but the department also maintains offices and substantiations throughout the county. The closest stations to Fink Road Landfill are a Sheriff's Department substation in Crows Landing and the contract city police station in Patterson.

The project site is located within the Newman Crow's Landing Unified School District (for grades Kindergarten through 12). Maintenance of public facilities, including roads in the project

vicinity, is provided by the County of Stanislaus. Other governmental services in the project vicinity are also provided by Stanislaus County

(a) The project landfill In-Fill Project would not result in substantial adverse physical impacts on public facilities. The proposed modifications would not alter or increase the demand for public services and existing levels of services would not be affected by the project. The project is located within Stanislaus County approximately 4 miles west of downtown Crows Landing. The Stanislaus County Sheriff's department patrols the area around Fink Road Landfill and will provide any law enforcement action. Either the PWSFD or the CDFFP departments would provide fire prevention and suppression to the site**.** The landfill has plans to install a service water line for dust and fire suppression but that project has not been completed to date. In addition, the required construction work force is expected to commute to the site and would not result in an increased demand for schools or parks because the construction would not require workers to relocate their families to the area. Therefore, no impacts on public resources are expected to result from the proposed In-Fill Project.

References: Initial Study/Mitigated Negative Declaration, Fink Road Landfill, Soil Relocation Project, Phase 2, Stanislaus County Department of Public Works, February 16, 2009.)

Mitigation Measures

None required.

5.14 Recreation

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X

(a) The site is located in an agricultural area containing, orchards, scattered row crops, California Aqueduct, Fink Road Landfill, Interstate 5 and other local roads. There are no public parks, or recreational areas or activities in the project site or areas immediately adjacent to the site. The proposed actions will not have an impact on recreation facilities.

(b) See above response. The proposed project does not include construction or expansion of any recreational facilities. Therefore no impact would result from the proposed project

Mitigation Measures

None required.

5.15 Transportation/Traffic

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Interstate 5 (I-5) provides regional access to the project site by way of Fink Road. The I-5/Fink Road interchange currently operates at a Level of Service (LOS) A. LOS A indicates that no congestion occurs at the interchange and traffic is generally free flowing.

(a) The main routes of traffic to and from the site are Interstate 5, Fink Road, Ward Avenue, and Fink Road Landfill access road. Proposed actions include temporary construction associated with relocation of the landfill access road and Covanta waste-to-energy water supply line, and modification to the landfill cells and associated drainage facilities (slope drains). The vehicle usage during construction of is expected to be minimal. Traffic along Ward Avenue, Fink Road, and the Fink Road Landfill access road appears to flow freely and is not in significant use. Traffic will need to be diverted around work crews which may need lead to the blocking of traffic lanes on adjacent roadways, including Ward Avenue, Fink Road, and Fink Road access road during construction. Traffic will

be controlled through markings and personnel as required. The landfill has parking for work crews. Because of the light amount of traffic observed, it is anticipated that the project will have minimal impact on transportation and traffic, and no further analysis is needed.

(b) (c) The landfill In-Fill Project will not change the permitted maximum tonnage, permitted traffic volumes, nor the type of waste accepted. During construction there is expected to be a small increase in construction related traffic as a result of working mobilizing to the site and movement of construction equipment. However, onsite parking for the workers is available and traffic control will be used to minimize congestion for in-coming and out-going vehicles. The project is not expected to adversely affect the level of service or result in an increased safety risk on adjacent County roadways. As part of the construction specifications, the contractor is required to submit a traffic control plan to Stanislaus County prior to construction. The traffic control plan will specify any required land closures and other means to minimize construction related impacts. Therefore, this impact is considered less than significant.

(d) The proposed project will not change any design features or alter any adjacent roadways nor will it result in a significant increase in hazards as a result of movement of construction related vehicles and equipment. Traffic control will be provided by the contractor and signage will be installed as needed to alert drivers of construction activities.

(e) The proposed project would have adequate emergency access at all times during and after construction.

(f) It is anticipated that parking would be provided onsite for construction workers and site personnel. Therefore, impacts resulting form inadequate parking are not expected.

(g) It is anticipated that the proposed In-Fill Project will not conflict with adopted policies, plans, or programs supporting alternative transportation. Therefore no impact would occur.

References: *Initial Study/Mitigated Negative Declaration, Fink Road Landfill, Soil Relocation Project, Phase 2, Stanislaus County Department of Public Works, February 16, 2009.*

Personnel communication, Stanislaus County, Ron Grider, May 13, 2009

Mitigation Measures

None required.

5.16 Utilities and Service Systems

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

(a) (b) (c) (e) Wastewater and Stormwater. No wastewater facilities are proposed as part of the In-Fill Project. Currently there are restroom facilities including sinks and toilets located in the office buildings at the entrance to the Fink Road Landfill. Wastes from these facilities are disposed of in a septic tank and leach field located on the site, near the office building. No increased demand for wastewater would be required for the In-Fill Project. Storm water flow at the existing landfill is currently controlled through the storm water drainage system. The existing landfill drainage-related facilities were designed to accommodate a 100-year, 24-hour storm event per California regulations. As part of the In-Fill Project, vertical expansion of the landfill will require installation of additional slope drains to manage stormwater (including dust suppression water) off the landfill. Since the In-Fill Project will increase the capacity of the landfill, the amount of stormwater generated would increase and the existing detention facilities would need to

be evaluated in accordance with Title 27 and the project's WDRs to determine if they can accommodate the additional increase in order to meet a 100-year, 24-hour storm event.

(**d**) **Water Service.** The existing landfill currently receives water from the Delta-Mendota Canal, which is controlled by the Del Puerto Water District. The current landfill operations use an annual average of 17,000 gallons per day for dust control and other operational uses. This water is trucked from the Delta-Mendota Canal to the landfill. The landfill is supplied water from the Del Puerto Water District primarily because of the available access to the Delta-Mendota Canal. The County currently has rights to approximately 1-acre feet of water which is available for operational purposes at the landfill site.

Relocation of the existing landfill access road will require relocation of the Covanta waste-to-energy facility's water supply line. Any disruption to the facility's water supply is expected to be minimal since construction of the new access road and water line will be completed prior to decommissioning of the current access road and water line. As such, the water line change over will be sequenced to minimize delays and service interruption and it is expected that the service disruptions will be limited to one day.

(f) Landfill Capacity. The proposed In-Fill Project would increase the capacity of the exiting landfill and extend the life of the landfill. Therefore, the project would result in a significant beneficial impact.

(g) Solid Waste Management Regulations. The proposed In-Fill Project would be designed to maintain the exiting landfill's compliance with solid waste management design requirements and regulations. Therefore no impacts would occur and no further analysis is needed

References: *Joint Technical Document, Fink Road Landfill, Stanislaus County, Kleinfelder, Stanislaus County Department of Public Works, June 4, 2004*

Initial Study/Mitigated Negative Declaration, Fink Road Landfill, Soil Relocation Project, Phase 2, Stanislaus County Department of Public Works, February 16, 2009)

Mitigation Measures

None required.

5.17 Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
b) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

The proposed project does not have significant environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly when mitigated. Potential impacts identified are either minimal or can be reduced or eliminated, and these mitigation measures are identified in this document.

6.0 Mitigation Measures Summary

Aesthetic Resources:

Stanislaus County will implement contour grading as part of the project design to achieve a more natural appearance of the landfill profile. The landfill cells will be vegetated with a mixture of native grasses similar to that which exists in the adjoining landscapes as part of final landfill closure.

Air Resources:

The following mitigation measures that can be used to help control fugitive dust during the proposed action:

- Monitor dust-generating activities and implement appropriate measures for maximum dust control.
- Apply water to unpaved surfaces and areas around the site during the construction process.
- Limit or reduce vehicle speed on unpaved roads and traffic areas
- Maintain areas in a stabilized condition by restricting vehicle access
- Install wind barriers to limit airborne dust caused by wind.
- During high winds, cease outdoor activities that disturb the soil.

Biological Resources:

1. Preconstruction San Joaquin kit fox surveys will be conducted 2 weeks to 30 days before construction to ensure no kit foxes or special status listed species plants have established territories in the project area. Pre-construction surveys for special status listed plant species must be completed during the appropriate bloom periods, which means that the survey may need to occur well in advance of initiation of construction.

2. Project-related vehicles will observe a 20-mph speed limit in all project areas, except on country roads and State and Federal highways; to limit the possibility of hitting any wildlife. Off-road traffic outside of designated project areas will be prohibited.

3. To prevent inadvertent entrapment of kit foxes or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped or injured special status species is discovered, the Sacramento Fish and Wildlife Office and the California Department of Fish and Game will be contacted immediately. If a non-listed animal is entrapped during construction, measures to free the animal must be taken, but regulatory contact is not required.

4. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods will be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or moved in any way. Caps will be placed on pipes while they are being stored until they are ready to be used.

5. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at least once a week from the construction site.

6. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets will be permitted on the construction site.

7. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors will be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions.

8. Preconstruction burrowing owl surveys will be conducted 30 days before construction to ensure no burrowing owls have established territories in the project area.

9. Burrows occupied by burrowing owls will not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Department of Fish and Game verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

10. If burrowing owls must be moved away from the disturbed area, passive relocation techniques will be used rather than trapping.