

Cabin Creek Biomass Facility Project

**Final Environmental Impact Report
SCH# 2011122032**



PREPARED FOR:
Placer County
Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603

December 2012



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**Final Environmental Impact Report
SCH# 2011122032**

PREPARED FOR:

**Placer County
Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
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Maywan Krach, Community Development Technician
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December 4, 2012

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- A Mitigation Monitoring and Reporting Program
- B (On CD – See Back Cover) Attachments to the Center for Biological Diversity Comment Letter on the Draft EIR

Tables

Table 2-1	List of Commenters	2-1
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ACRONYMS AND ABBREVIATIONS

ARB	California Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BDT	bone dry tones
bgs	below ground surface
CA State Parks	California Department of Parks and Recreation
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CALFIRE	California Department of Forestry and Fire Protection
CalRecycle	California Department of Resources Recycling and Recovery
CAPCOA	California Air Pollution Control Officers Association
CAPs	criteria air pollutants
CCR	California Code of Regulations
CEC	California Energy Commission
CEQA	California Environmental Quality Act
cfs	cubic feet per second
CFSA	core fuel supply area
CNEL	Community Noise Equivalent Level
CO	carbon dioxide
CO ₂ e	carbon dioxide equivalent
dB	decibel
DOE	Department of Energy
DPW	Department of Public Works
Draft EIR	draft environmental impact report
EA	environmental assessment
EIS	environmental impact statement
Final EIR	final environmental impact report
FONSI	Finding of No Significant Impact

GHG	greenhouse gas
gpm	gallons per minute
I-80	Interstate 80
IC	internal combustion
lb/day	pounds per day
LFG	landfill gas
LTBMU	Lake Tahoe Basin Management Unit
MMBtu	Million Metric British Thermal Units
MRF	Materials Recovery Facility
MSA	Master Stewardship Agreement
MT	metric tons
MW	megawatt
NAAQS	National Ambient Air Quality Standards
NDFE	Nondisposal Facility Element
NEPA	National Environmental Policy Act
NFMA	National Forest Management Act of 1976
NFS	National Forest System
NMOC	non-methane organic compounds
NSAQMD	Northern Sierra Air Quality Management District
OPR	California Office of Planning and Research
PCAPCD	Placer County Air Pollution Control District
PH	Public Hearing
PM ₁₀	particulate matter
PM _{2.5}	small diameter particulate matter
PRC	Public Resources Code
RFI	Report of Facility Information
ROG	reactive organic gases
SBC	Sierra Business Council
SCAQMD	South Coast Air Quality Management District

SPI	Sierra Pacific Industries
SR	State Route
SWFP	Solid Waste Facility Permit
TAC	toxic air contaminant
TART	Tahoe Area Regional Transit
TCPUD	Tahoe City Public Utility District
TCPUD/T-TSA	Tahoe City Public Utility District/Tahoe-Truckee Sanitation Agency
TNF	Tahoe National Forest
tpy	tons per year
TROA	Truckee River Operating Agreement
TTSA	Tahoe-Truckee Sanitation Agency
T-TSA	Tahoe-Truckee Sanitation Agency
U.S. EPA	U.S. Environmental Protection Agency
USFS	U.S. Forest Service
VOCs	volatile organic carbons
WUI	wildland urban interface
$\mu\text{g}/\text{m}^3$	micrograms per cubic meter

1 INTRODUCTION

1.1 OVERVIEW

This document is a final environmental impact report (Final EIR) prepared on behalf of Placer County pursuant to the California Environmental Quality Act (CEQA), Section 15132. On July 27, 2012, Placer County distributed the draft environmental impact report (Draft EIR) on the Cabin Creek Biomass Facility Project to public agencies and the general public. A public review period of 45 days was provided, in accordance with State CEQA Guidelines Section 15105(a). The review period began on July 27, 2012 and ended on September 10, 2012. One public hearing was held to solicit comments on the Draft EIR on August 30, 2012. The hearing was held before the Placer County Planning Commission at the Granlibakken Resort located at 725 Granlibakken Road in Tahoe City, California.

As described in Chapter 3 of the Draft EIR, Placer County is proposing to construct a two-megawatt (MW) wood-to-energy biomass facility at the Eastern Regional Materials Recovery Facility (MRF) and Transfer Station that would use a gasification technology. Gasification systems generate electricity through transformation of the solid woody biomass into a “syngas” (i.e., synthetic gas) and combustion of the syngas in an internal combustion (IC) engine or turbine. Gasification is the thermochemical conversion of woody biomass into a syngas under controlled temperature and oxygen conditions; woody biomass materials are not “burned” in a gasification system. Gasification also produces a solid carbon char (also known as biochar).

The entire Eastern Regional MRF and Transfer Station site is approximately 292 acres and includes four County-owned parcels (APNs 080-010-031, 080-010-033, 080-070-017, and 080-070-016). The proposed project would be located on a 3.7-acre site in the southernmost area of the property. The site is located within the unincorporated portion of Placer County, California, approximately 2 miles south of Interstate 80 (I-80) at 900 Cabin Creek Road, west of State Route (SR) 89.

The proposed project would include construction of an approximately 11,000 square-foot, two-story structure that would house the power generating and emissions control equipment and an approximately one-acre material storage area. The storage area would include a 7,000 square-foot open air pole barn structure to allow materials to dry before use in the energy generation process. Additional onsite improvements would include eight parking spaces, a paved vehicle circulation area that includes new driveways on Cabin Creek Road and the access road to the Tahoe Area Regional Transit (TART) and County Department of Public Works (DPW) facilities located on the site, a paved haul road south of the material storage area, stormwater treatment facilities (including an infiltration trench and detention basin), retaining walls, and utility improvements/extensions.

Biomass materials (fuel for the plant) would be processed (ground and screened) at the locations from which they are removed (such as U.S. Forest Service [USFS] fuels reduction sites) and delivered via haul truck to the project site. No additional wood material processing would occur at the project site beyond that which is already occurring in association with current Eastern Regional MRF and Transfer Station wood waste handling activities at their site. As needed, additional fuel for the plant (potentially during extended winters) could include wood waste materials (forest waste biomass) already being processed at the Eastern Regional MRF and Transfer Station.

Written and oral comments were received from public agencies, organizations, and individuals. Pursuant to State CEQA Guidelines Section 15090, Placer County is preparing the Final EIR prior to considering approval of the project. The Final EIR consists of the following documents:

- ▲ Draft Environmental Impact Report for the Cabin Creek Biomass Facility Project (including Appendices A through F), dated July 27, 2012; and
- ▲ Responses to Comments on the Draft EIR, and revisions to the Draft EIR contained in this document.

1.2 CERTIFICATION AND PROJECT APPROVAL PROCESS

The EIR is intended to be used by the Placer County Planning Commission when considering the proposed project or an alternative to the proposed project and issuance of a Conditional Use Permit. At a scheduled public hearing, the Placer County Planning Commission will consider the adequacy of the Final EIR and the merits of the proposed project. The Planning Commission will decide whether to certify the Final EIR as being adequate under CEQA. If the Planning Commission certifies the Final EIR, it will make certain findings, including: that the Final EIR has been completed in compliance with CEQA; that the Planning Commission has reviewed and considered the information in the Final EIR; and that the Final EIR reflects the County's independent judgment and analysis. After certification, the Planning Commission will consider whether to approve the proposed project, approve it with conditions, or deny the project, in accordance with Section 15092 of the State CEQA Guidelines.

1.3 ORGANIZATION AND CONTENT OF THE FINAL EIR

This Final EIR is organized as follows:

- ▲ **Chapter 1, Introduction.** Chapter 1 provides an overview of the environmental review process and presents a discussion of the EIR certification and project approval process.
- ▲ **Chapter 2, Responses to Comments on the Draft EIR.** This chapter contains a list of all agencies, organizations, and persons that submitted written comments on the Draft EIR or provided oral comments at the public hearing during the public review period; copies of the comment letters and summary notes from the public hearing; and individual responses to the comments.
- ▲ **Chapter 3, Revisions and Corrections to the Draft EIR.** Chapter 3 includes corrections, clarifications and other revisions to the Draft EIR text, based on issues raised by comments on the Draft EIR or County-staff initiated text changes. Revisions are shown as excerpts from the Draft EIR text, with strikethrough (~~strikethrough~~) text for deletions and underlined (underlined) text for additions.
- ▲ **Chapter 4, Report Preparers.** This chapter identifies the Final EIR authors or consultants who provided analysis in support of the Final EIR.
- ▲ **Chapter 5, References.** This chapter lists references cited in this document.
- ▲ **Appendices.** The Mitigation Monitoring and Reporting Program is included in Appendix A, and attachments to the Center for Biological Diversity comment letter on the Draft EIR are included in Appendix B.

This document and the Draft EIR together comprise the Final EIR.

2 RESPONSES TO COMMENTS ON THE DRAFT EIR

2.1 INTRODUCTION

This Final EIR contains the comment letters received on the Draft EIR, including summarized oral comments received during the August 30, 2012 public hearing, and individual responses to substantive environmental issues raised in those comments. The 45-day public review period began on July 27, 2012 and ended on September 10, 2012.

2.2 FORMAT OF COMMENTS AND RESPONSES

Comment letters and responses to comments are arranged in the following order:

- ▲ State Agencies
- ▲ Local Agencies
- ▲ Service Providers
- ▲ Organizations
- ▲ Individuals
- ▲ Public Hearing

Each letter and each comment within a letter have been given an identification number. Responses correspond with letter and comment numbers, and are cross-referenced where appropriate to avoid redundancy.

2.3 LIST OF COMMENTERS

Table 2-1 lists all parties that submitted written comments on the Draft EIR. Individuals that provided oral comments at the public hearing are listed in the public hearing summary notes.

Table 2-1 List of Commenters		
Letter #	Agency / Commenter	Date of Comment
State Agencies		
1	California Department of Forestry and Fire Protection (CALFIRE), Matthew Reischman	September 11, 2012
2	California Department of Parks and Recreation, Tamara Sasaki	September 10, 2012
3	California Department of Water Resources, Eric Hong	August 13, 2012
4	California State Clearinghouse and Planning Unit, Scott Morgan	September 11, 2012
Local Agencies		
5	Northern Sierra Air Quality Management District, Gretchen Bennitt	September 7, 2012
6	Placer County Flood Control and Water Conservation District, Andrew Darrow	August 30, 2012
7	Sierra County Department of Planning and Building Inspection, Tim H. Beals	September 6, 2012
8	Town of Truckee, Joan deRyk Jones	September 6, 2012
Service Providers		
9	Tahoe-Truckee Sanitation Agency, Marcia A. Beals	August 27, 2012

Table 2-1 List of Commenters		
Letter #	Agency / Commenter	Date of Comment
Organizations		
10	Center for Biological Diversity, Kevin P. Bundy	September 10, 2012
11	Sierra Business Council, Anne Grogan	August 30, 2012
Individuals/Businesses		
12	Jesse Boeri, Boeri Design Architecture and Planning	August 31, 2012
13	Jim Brennan, J.C. Brennan & Associates	September 10, 2012
14	Steve Kerby	September 2, 2012
15	Larry Lawrence, Lawrence Realty	September 2, 2012
16	Eric Perlman	July 30, 2012
17	Steven Shearer, Butler Manufacturing	August 21, 2012
18	Michal Theroux, Teru Talk	August 11, 2012
19	Scott Wesley, MP Biomass	September 4, 2012
20	Matt Woodward, Industrial Contractors	August 21, 2012
Public Hearing (PH)		
PH1	Public Hearing	August 30, 2012

2.4 COMMENTS AND RESPONSES ON THE DRAFT EIR

The written and oral comments on the Draft EIR and the responses to those comments are provided in this section in accordance with State CEQA Guidelines Section 15088. Pursuant to State CEQA Guidelines Section 15088(c) the response describes the disposition of significant environmental issues raised. Where a commenter has provided multiple comments, each comment is indicated by brackets and an identifying number notation in the margin of the comment letter. During the public review period, 20 letters that identified environmental issues or questions, or offered support for the project, were submitted to Placer County. In addition to these letters, two commenters from the public provided oral comments at the hearing on August 30, 2012.

2.4.1 STATE AGENCIES

1

STATE OF CALIFORNIA—THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

13760 Lincoln Way
AUBURN, CA 95603
(530) 889-0111
Website: www.fire.ca.gov



September 11, 2012

RECEIVED

SEP 12 2012

ENVIRONMENTAL COORDINATION SERVICES

Gerry Haas
Placer County Comm. Dev. Resource Agency
3091 County Center Drive, Suite 190
Auburn, CA 95603

RE: cabin Creek Biomass Facility Project (SCG#2011122032)

The above project has been reviewed for compliance with the California Forest Practice Act and Rules. Pertinent requirements of the rules are summarized in the bullets list below, with rule references and explanation provided here:

The project could involve the cutting or removal or both of timber or other solid wood forest products from timberlands for commercial purposes. Additionally, Public Resources Code 4527 defines commercial purposes, among other activities, as the cutting or removal of trees during the conversion of timberlands to land uses other than the growing of timber including residential or commercial development projects. Any such projects implemented under the revised plan are subject to the Forest Practice Act and Rules.

Recommendations for compliance with the Forest Practice Act and Rules are as follows:

- o Submittal of a Timber Harvest Plan (RM-63) or other harvesting document for timberland acreage included in the project.
- o Submittal of a timberland conversion permit or applicable timberland conversion exemption.
- o Incorporation of a California Licensed Timber Operator for conduct of timber operations.

The Forest Practice Rules and harvesting forms are available online at:

http://www.fire.ca.gov/php/rsrc-mgt_forestpractice.php

Sincerely,

Matthew Reischman
Unit Forester
Nevada-Yuba-Placer Unit
(530) 265-2603

RECEIVED
SEP 12 2012

cc Ken Nehoda, CAL FIRE-Sacramento CA
State Clearinghouse-Sacramento CA

1-1

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

**Letter 1
Response****California Department of Forestry and Fire Protection
Matthew Reischman, Unit Forester
September 11, 2012**

1-1

The commenter states that the project could involve the cutting or removal or both of timber or other solid wood forest products from timberlands for commercial purposes. Activities defined as commercial purposes under Public Resources Code (PRC) Section 4527 include the cutting or removal of trees during the conversion of timberlands to land uses other than the growing of timber, including residential and commercial development projects. These activities are subject to the Forest Practice Act and Rules, which require submittal of a Timber Harvest Plan, submittal of a timberland conversion permit and require that a California licensed Timber Operator oversee the conduct of timber operations.

As stated on page 3-11 of the Draft EIR, the fuel supply for the proposed project would be solely woody biomass, derived from a variety of sources including forest-sourced material (hazardous fuels residuals [i.e., woody biomass material that poses a substantial fire threat to human or environmental health], forest thinning and harvest residuals [i.e., woody biomass generated from forest maintenance and restoration activities], and clean wildland urban interface [WUI]-sourced waste materials from residential and commercial property defensible space clearing activities). (The project description has been revised to clarify that clean urban wood waste and any treated wood would not be used, and to eliminate reference to pine needles as a fuel source [see Chapter 3 of this Final EIR].)

While the fuel supply used in the proposed facility would be derived from the sources as described above, the applicant or the County would not be the entity responsible for timber removal activities. These activities would occur independent of the project. Project activities do not include the cutting or removal of timber or other wood products from the forest. The project would not harvest forest residuals and would not otherwise cause specific timber harvest or fuel reduction projects to occur; rather, the proposed project would use residual forest biomass from independent projects that would be required to be in compliance with existing laws and regulations. These independent projects, which could generate forest residuals for use as biomass, would occur regardless if the proposed project is in operation. Therefore, a timber harvest plan or timberland conversion permit would not be required for the delivery of forest biomass to the biomass facility.

Forest management projects on federal lands are generally conducted in accordance with forest management plans prepared pursuant to the National Forest Management Act of 1976 (NFMA), and site-specific environmental analyses prepared under the National Environmental Policy Act (NEPA). Timber harvest and timberland conversion projects would be required to comply with CEQA and the Forest Practice Act and Rules on a case-by-case basis, as they are proposed. As described above, projects that result in timberland conversion and timber harvest operations would occur regardless of whether or not the proposed biomass facility was constructed and placed in operation. The entities responsible for these conversion and harvest operations would be responsible for complying with appropriate federal and State regulations.

With regard to tree removal at the project site, the Draft EIR (pages 5-18 and 5-19) describes that approximately 1.87 acres of Jeffrey pine forest on the project site would be cleared and graded in preparation for construction of proposed project facilities. This tree removal and conversion of the site to a non-timber use must comply with the Forest Practice Act and Rules.

In this case, because the extent of tree removal is less than 3 acres, the applicant may file a Timberland Conversion Exemption to filing a Timber Harvest Plan (Section 1104.1 of the 2012 Forest Practice Rules). The applicant will need to have a Notice of Conversion Exemption prepared by a registered professional forester for submittal to the California Department of Forestry and Fire Protection. The text on page 3-24 of the Draft EIR is revised as follows to reflect the exemption; these changes are also reflected in Chapter 3 of this Final EIR. These revisions do not constitute new significant information or alter conclusions regarding environmental impacts contained in the Draft EIR.

- ▲ Fire Protection Agency Pre-Approval (Truckee Fire Protection District)
- ▲ ~~Timberland Conversion Permit~~ Notice of Conversion Exemption to filing a Timber Harvest Plan (California Department of Forestry and Fire Protection)

2



State of California • Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION
Sierra District
P.O. Box 266
Tahoma, CA 96142
530/525-7232

Edmund G. Brown Jr., Governor
Janelle R. Beland, Acting Director

September 10, 2012

Placer County
Community Development Resource Agency
Maywan Krach, Community Development Technician
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603

Subject: Cabin Creek Biomass Facility Project, SCH# 2011122032

Dear Ms. Krach,

The California Department of Parks and Recreation (CA State Parks) appreciates the opportunity to comment on the Cabin Creek Biomass Facility Project proposed by Placer County. CA State Parks has five park units in Placer County (portion of Donner Memorial State Park [SP], Ward Creek Unit; Burton Creek SP, Tahoe State Recreation Area [SRA], and Kings Beach SRA) and nine total park units within the Lake Tahoe Basin. We have an active forestry program that includes forest thinning and fuels reduction. Where feasible, CA State Parks forestry projects tries to chip smaller trees and slash and has the chips hauled to biomass facilities for utilization. Placer County has helped to support CA State Parks in the transport of our chips to appropriate biomass facilities, sometimes as far as Woodland, CA. CA State Parks would like to see a biomass facility within a reasonable distance from our park units.

2-1

I just recently found out that the former Sierra Pacific Industries (SPI) biomass facility in Loyalton is preparing to be operational in about a month. SPI will transfer ownership of the facility in January 2013 to Plumas Rural Services. I verified this with Michelle Fuller, Executive Director of Plumas Rural Services. Since Loyalton biomass plant is within the 30 mile radius of the proposed Cabin Creek Biomass Plant, the EIR should analyze if the region can support two biomass facilities over time.

2-2

If you have any questions or need additional information, please contact me.

Sincerely,

Tamara Sasaki
Sr. Environmental Scientist

**Letter 2
Response**

**California Department of Parks and Recreation
Tamara Sasaki, Senior Environmental Scientist
September 10, 2012**

- 2-1 The commenter notes that the California Department of Parks and Recreation (CA State Parks) has five park units in Placer County and a total of nine parks in the Lake Tahoe Basin. CA State Parks tries to chip smaller trees and slash and have the chips hauled to a biomass facility. CA State Parks would like to see a biomass facility within a reasonable distance from their parks.
- The commenter's support for the construction of a biomass facility near state park facilities is noted.
- 2-2 The commenter notes that the Loyalton biomass plant will be operational in about a month; the commenter states that the EIR should analyze whether the region can support two biomass facilities over time.
- With regard to the future operation of the Loyalton biomass plant, Placer County staff (Brett Storey) contacted Jim Turner, Sierra Pacific Industries (SPI) Plant Manager, in early September 2012 to determine the status of repowering the plant at Loyalton. Staff at the SPI facility in Loyalton have secured grant funding to support future operations at the site. As discussed with Placer County staff, staff at Loyalton are currently negotiating a power purchase agreement and it is expected that the plant could be operational by summer 2013 at the earliest.
- As described in Section 3.4.3 of the Draft EIR, the current biomass material markets in the region include a demand of approximately 40,350 bone dry tones (BDT) per year. This figure includes fuel demand from a number of existing facilities including the currently idle SPI facility at Loyalton. The material that the Cabin Creek Biomass Facility would use is not likely to be used by Loyalton because of the cost of removal of the material from the forest and the distance to Loyalton. Historically, the facility at Loyalton has not taken forest-sourced material from in-field locations in the area, which is why it is currently burned in piles. The Master Stewardship Agreement (MSA) that Placer County has in place with the USFS would remove biomass material that would otherwise be piled and burned. It is unlikely that it would be economically feasible for the Loyalton plant to take that material in the future, unless they too negotiated a similar MSA, but the distance would likely be too great. Regardless, the County's fuel supply study states that there is an estimated 112,440 BDT per year available and the proposed project would not exceed 17,000 BDT per year. More than 50 percent of the fuel within the core fuel supply area (CFSa) would be available at such time that Loyalton were to be repowered. As such, there would be adequate fuel supplies to support operation of both plants.

3

STATE OF CALIFORNIA - CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., Gov

DEPARTMENT OF WATER RESOURCES

NORTH CENTRAL REGION OFFICE
3500 INDUSTRIAL BOULEVARD
WEST SACRAMENTO, CA 95691



AUG 13 2012

Ms. Maywan Krach
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, California 95603

RECEIVED

AUG 17 2012

ENVIRONMENTAL COORDINATION SERVICES

Re: Draft Environmental Impact Report
Cabin Creek Biomass Facility Project
SCH No. 2011122032

Dear Ms. Krach:

The Department of Water Resources' North Central Region Office (NCRO) has received Placer County's "Notice of Availability of a Draft EIR for Public Review" for the above referenced project and appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR). NCRO had provided comments on the Notice of Preparation for the project in a February 29, 2012 letter, copy attached. Our comments requested that the environmental documents for the above project reference the Truckee River Operating Agreement (TROA). NCRO has reviewed the DEIR and cannot find reference to TROA in the document.

The DEIR states in Section 3.4.6 on page 3-19 the preferred alternative, gasification, does not result in consumptive water use, but does use well water which is then disposed to the sewer. Under TROA's terms the use of well water disposed of to the sewer is charged against California's allocation contained within TROA. The quantity of water thus disposed is estimated by the DEIR to amount to 12.9 acre-feet per annum assuming an 80% duty rating for the plant. Since the water required by the plant will be charged to the California allocation under TROA, if and when it goes into effect, our comment to the DEIR is that TROA and the effect of the plant's water use on California's allocation should be mentioned in the document.

3-1

If you have any questions, please contact John Headlee, of my staff, at (916) 376-9636.

Eric Hong, Chief,
North Central Region Office

Enclosures

cc: Dean Crippen, Chief
Groundwater Supply Assessment & Special Studies Section

James Mizell, Staff Counsel
DWR Office of Chief Counsel

*J. Headlee**CABIN CREEK BIOMASS**FEB 29 2012*

Ms. Maywan Krach
Placer County Community Development Resource Agency
3091 County Center Drive, Suite 190
Auburn, California 95603

Re: Cabin Creek Biomass Facility Project
SCH No. 2011122032

Dear Ms. Krach:

Thank you for the opportunity to comment on the Notice of Preparation, dated December 9, 2011, for the above referenced project. The California Department of Water Resources (DWR) represented California in negotiations leading up to the signing of the Truckee River Operating Agreement (TROA). TROA contains an interstate allocation of water between California and Nevada. DWR believes it is important to keep potentially affected parties informed of TROA and the interstate allocation during planning activities such as yours, since they may become effective concurrently.

In view of the fact that the Notice of Preparation refers on page 10 to a use of water of up to 7200 gallons per day for 330 days per year, we recommend that you review the terms of the Public Law 101-618 (1990) and TROA for applicability to the subject project. TROA was executed by the United States and the states of California and Nevada, among others, on September 6, 2008. Public Law 101-618 includes an interstate allocation of surface and ground water in the Lake Tahoe and Truckee Basins which would go into effect when TROA goes into effect. A precondition to TROA going into effect is the resolution of recently initiated federal litigation. This pending interstate allocation and any applicable provisions of TROA should be referenced in environmental documents for projects that include new wells or diversions of water in the Lake Tahoe and Truckee Basins. More information concerning TROA and Public Law 101-618 can be obtained by referencing our web site at www.cd.water.ca.gov/cnwa/troa.cfm. The text of TROA can be found at http://www.usbr.gov/mp/troa/final/troa_final_09-08_full.pdf.

If you have any questions, please contact John Headlee of my staff at (916) 376-9636.

ORIGINAL SIGNED BY

Eric Hong, Chief,
North Central Region Office

cc: Mr. Dean Crippen, Chief
Groundwater Supply Assessment & Special Studies Section

Ms. Linda Ackley, Staff Counsel
DWR Office of Chief Counsel

**Letter 3
Response****California Department of Water Resources,
Eric Hong, Chief, North Central Region Office
August 13, 2012**

3-1

The commenter states that the Draft EIR does not reference the Truckee River Operating Agreement (TROA) as was requested in the Agency's Notice of Preparation comments. The commenter further states, that because the project would use well water, which is then disposed of to the sewer, under the TROA's terms the water used is charged against California's allocation contained with the TROA. The commenter states that the effect of the biomass plant's water use on California's allocation should be mentioned in the environmental document.

Section 15.2.1 and Impact 15-1 of the Draft EIR have been revised to include a description of TROA and a discussion of the proposed project's effects on California's TROA allocation, if and when it goes into effect. These revisions do not constitute new significant information or alter conclusions regarding environmental impacts contained in the Draft EIR.

In response to this comment, the text of Section 15.2.1, page 15-4, is revised as follows: (Note: these changes are also incorporated into Chapter 3, Revisions and Corrections to the Draft EIR, of this Final EIR.)

15.2.1 FEDERAL

~~There are no federal plans or policies addressing public services and utilities that pertain to the project.~~

TRUCKEE RIVER OPERATING AGREEMENT

The Truckee River Operating Agreement (TROA), signed on September 6, 2008, was developed to formalize, regulate, and monitor water rights and water use within the Tahoe Region, the Truckee River Watershed, and the final outflow areas of Pyramid Lake and the Carson River. TROA was signed by: the U.S. Department of the Interior; the U.S. Department of Justice; the states of California and Nevada; the cities of Fernley, Sparks, and Reno; the Pyramid Lake Paiute Tribe; Washoe County; Sierra Pacific Power Company, and seven public utility and/or water districts. This agreement, which represents the culmination of 18 years of negotiation, was designed to establish minimum storage volumes for and improve the operational flexibility of the Truckee River reservoirs. Under TROA, the interstate allocation caps total groundwater pumping in California at 32,000 acre-feet per year in the Truckee River Basin, less whatever surface water is diverted (surface water is currently limited to 10,000 acre-feet per year) (U.S. Bureau of Reclamation and Department of Water Resources 2008: p. 3-130). Implementation of TROA will involve hydrologic and water accounting data and tracking. While TROA has been signed, it is not yet in effect. Several actions, including court approvals in California and Nevada and approval of water rights change petitions, must be completed before TROA can be implemented.

Also, in response to this comment, the text of the Impact 15-1, on page 15-7 of the Draft EIR, is revised as follows; these same changes are made to Impact 15-1 on page 2-26 of the Draft EIR:

Impact 15-1 **Water Supply Impacts.** Water supply on the site is limited to the capacity of the existing well and pump. The Applicant would select a vendor whose gasification technology could conform to water supply capabilities of the well and water supply system serving the site. Additionally, the project includes construction of a second well to provide redundant supply and reliability in the remote event the existing well would fail. The new well would be required to meet water quality and quantity criteria of the Placer County Environmental Health Department. Water used for plant operation would also be charged against California's water allocation under TROA, if and when it goes into effect. The additional water consumed by the plant would not be at a level that would cause California's TROA allocation to be exceeded. Because adequate well capacity and redundant water supply would be provided with implementation of the project, the project's water supply impacts would be **less than significant**.

Finally, in response to this comment, the following has been added to the discussion under Impact 15-1, page 15-8:

In order to install a second well for the water supply system, the Domestic Water Supply Permit for the existing water system would require amendment. The permit amendment requires the following steps: 1) obtaining a well construction permit; 2) testing the new well to make a determination that the new well can provide adequate quantity and quality; and 3) applying for an amendment to the Water Supply Permit (Ramsey, pers. com. 2012).

The quantity of water used and treated would also be charged against the California allocation for the Truckee River Basin under TROA, when and if it goes into effect. In California, as of 2008 groundwater use in the Truckee River Basin was 10,370 acre-feet per year (of which 2,800 acre-feet was surface water use) (U.S. Bureau of Reclamation and Department of Water Resources 2008). Under TROA, the interstate allocation caps the total groundwater pumping volume in the Truckee River Basin for California at 32,000 acre-feet per year, less whatever surface water is diverted. Water consumption on an annual basis for the proposed project has not been calculated. Peak demand estimates described above are included for informational purposes and to determine the adequacy of the well and pump to accommodate the proposed project. Depending on vendor selection, average water use would be well below the projected peak use. Therefore, it is difficult to predict the annual water usage of the proposed biomass facility at the site and the project's effect on California's TROA allocation for the Truckee River Basin, if and when it goes into effect. For comparative purposes, even under an unrealistic scenario whereby the plant were to operate at a continuous peak level (up to 14,400 gpd for 365 days of the year, which is equivalent to 15.8 acre-feet per year), the proposed project would add incrementally (0.05 percent of the total allocation, and 0.07 percent of the remaining allocation as of 2008) to groundwater pumping against the TROA allocation, but would not cause the allocation cap to be exceeded.

These revisions do not constitute new significant information or alter conclusions regarding environmental impacts contained in the Draft EIR.

4



EDMUND G. BROWN, JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEVIN ALLEN
DIRECTOR

September 11, 2012

Gerry Haas
Placer County Community Development Resource Agency
3091 County Center Drive, Suite 190
Auburn, CA 95603

Subject: Cabin Creek Biomass Facility Project
SCH#: 2011122032

Dear Gerry Haas:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 10, 2012, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECEIVED

SEP 12 2012

ENVIRONMENTAL COORDINATION SERVICES

4-1

RECEIVED
SEP 12 2012

PLACER COUNTY

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 325-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2011122032
Project Title Cabin Creek Biomass Facility Project
Lead Agency Placer County

Type EIR Draft EIR
Description Placer County is proposing to construct a two-megawatt wood-to-energy biomass facility that would use gasification technology at the Eastern Regional Materials Recovery Facility (MRF) and Landfill. The project site is located on 3.7-acre site in the southernmost area of the property. The proposed project would include construction of an approximately 11,000 sf, two-story structure to house the power generating and emissions control equipment, an approximately one-acre material storage area including a 7,000 sf open air pole barn structure, and additional onsite improvements to support operations at the facility. Biomass materials (fuel) would be processed (ground and screened) at locations from which they are removed (e.g. USFS fuels reduction sites) and delivered via haul truck to the proposed project site.

Lead Agency Contact

Name Gerry Haas
Agency Placer County Community Development Resource Agency
Phone 530 745 3084 **Fax**
email
Address 3091 County Center Drive, Suite 190
City Auburn **State** CA **Zip** 95603

Project Location

County Placer
City Truckee
Region
Lat / Long
Cross Streets SR 89/Cabin Creek Road
Parcel No. 080-070-016
Township 17N **Range** 16E **Section** 28 **Base** MDD&M

Proximity to:

Highways SR 89
Airports
Railways
Waterways Truckee River
Schools
Land Use Placer County General Plan: Agricultural/Timberland - 80 Acre Minimum; Zoning: forestry-special purpose (FOR-SP)

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 2; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 3 N; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Department of Toxic Substances Control; Native American Heritage Commission; California Energy Commission; Public Utilities Commission

Date Received 07/27/2012 **Start of Review** 07/27/2012 **End of Review** 09/10/2012

**Letter 4
Response**

**California State Clearinghouse and Planning Unit
Scott Morgan, Director
September 11, 2012**

- 4-1 This comment includes a transmittal letter from the State Clearinghouse office to state agencies for review of the Draft EIR. The comment does not raise any issues regarding the environmental analysis in the Draft EIR. Consistent with the requirements of CEQA, no further response is required.

2.4.2 LOCAL AGENCIES

5

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT Gretchen Bennett, Executive Director

DISTRICT HEADQUARTERS
200 Linton Drive, Suite 320
P.O. Box 2509
Orono Valley, CA 95945
(530) 274-8390 / FAX (530) 274-7546
email: office@nsaqmdistrict.com or www.nsqamdistrict.com

DISTRICT FIELD OFFICE
13450 Donner Pass Rd., Ste. B, Truckee, CA 96161
Mailing Address: P.O. Box 9766, Truckee, CA 96162
(530) 550-7872 / FAX (530) 587-2625
email: ryan@nsaqmdistrict.com

NORTHERN FIELD OFFICE
270 County Hospital Road, Suite 127
P.O. Box 3981, Quincy, CA 95971
(530) 283-4654 / FAX (530) 283-6699

September 7, 2012

Maywan Krach
Placer County Community Development Resource Agency,
Environmental Coordination Services
3091 County Center Drive, Suite 190,
Auburn, CA 9560

Re: Cabin Creek Biomass Facility Project Draft EIR

Dear Ms. Krach:

The Northern Sierra Air Quality Management District (NSAQMD) has reviewed the Draft EIR for the proposed Cabin Creek Biomass Facility Project and would like to submit the following comments.

Historically, the NSAQMD has supported efforts to convert excess woody biomass into energy and anticipates (based on emissions information in the DEIR) that direct air quality impacts from the project site to the jurisdiction of the NSAQMD are likely to be less than significant. However, the NSAQMD recommends the following information regarding air quality be addressed in the DEIR in the interest of informing the public and decision-makers.

Potential for Air Quality Impact on Truckee

The proposed project site is located 1.67 miles from the Nevada County/Town of Truckee limits (NSAQMD jurisdiction); 2.8 miles from downtown Truckee; and 2.9 miles from the NSAQMD's particulate matter air monitors in downtown Truckee.

The EIR should address pollutant behavior under extreme winter-time inversions and the possibility that emissions could be channeled down the Truckee River canyon. Open burning of wood waste adjacent to the proposed site has historically impacted Truckee under inversion conditions.

Truckee has historically had high levels of particulate matter and only through a very pro-active program (and tremendous sacrifices by the Truckee population), has the area managed to avoid becoming classified as a federal nonattainment area. This has been especially challenging due to extreme wintertime inversions in the area.

Note that the Truckee Fire Station hosts two NSAQMD PM2.5 Federal Reference Monitors (one that samples for 24 hours every three days and one that samples for 24 hours every 6 days) and one continuously operated Beta Attenuation Monitor (BAM) that yields hourly values. The Particulate Matter values from the BAM can be accessed via the Air Resources Board's website: <http://www.arb.ca.gov/aqmis2/aqselect.php>.

5-1
5-2
5-3

Greenwaste Disposal

Currently, the ERM Recovery Facility receives greenwaste generated in the vicinity of Truckee, which has traditionally been forwarded to other biomass-fired power plants to be used for power production, with stringent air pollution controls. This has resulted in the diversion of many tons of greenwaste from open-burn piles (with avoided emissions of air pollutants). Under the proposed new use for the site, will residents still be allowed to drop off greenwaste? It is the NSAQMD's understanding that the fuel proposed for the plant is not to include residential greenwaste.

5-4

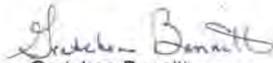
Federal Air Quality Attainment Status

The DEIR states on page 9-3 that the MCAB is "classified as non-attainment for ozone," which is incorrect. The air basin as a whole has not received a federal classification – only specific portions. Eastern Nevada County (including Truckee) is not non-attainment for ozone.

5-5

Thank you for your consideration of these comments.

Sincerely,



Gretchen Bennitt,
Executive Director
Northern Sierra Air Quality Management District

GB/si

**Letter 5
Response**

**Northern Sierra Air Quality Management District
Gretchen Bennitt, Executive Director
September 7, 2012**

- 5-1 The commenter includes prefatory remarks and provides an introductory statement that the Northern Sierra Air Quality Management District (NSAQMD) has reviewed the Draft EIR and is generally supportive of efforts to convert excess woody biomass into energy. NSAQMD recommends that additional information regarding air quality be addressed in the Draft EIR in the interest of informing the public and decision-makers. The request for specific additional information and questions raised by NSAQMD are addressed in the responses below.
- 5-2 The commenter states that the project site is located 1.67 miles from the Town of Truckee and the EIR should address pollutant behavior under extreme winter time inversions and the possibility that emissions could be channeled down the Truckee River canyon. The commenter also states that Truckee has historically experienced high levels of particulate matter.
- Many air districts in California, including the Placer County Air Pollution Control District (PCAPCD) and NSAQMD, establish mass emission thresholds for particulate emissions to determine whether emissions of PM₁₀ and PM_{2.5} from individual projects would violate applicable, concentration-based air quality standards or contribute substantially to an existing or projected air quality violation. As explained on pages 9-7 and 9-9 of the Draft EIR, the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) were established for criteria air pollutants, including PM₁₀ and PM_{2.5}, to protect the public health and public welfare. The NAAQS and CAAQS are standards for every day of the year, including days when a winter-time inversion may be present, as well as other types of worst-case meteorological conditions. Thus, it is understood that the PCAPCD mass emission threshold of 82 lb/day takes into account worst-case meteorological conditions that could occur throughout the seasons of the year. (In addition, as stated on page 9-9 of the Draft EIR, the CAAQS incorporate a margin of safety to protect sensitive individuals.) PCAPCD does not recommend different mass emission thresholds for different seasons of the year, or for specific meteorological conditions such as a wintertime inversions. Also, PCAPCD recommends one set of mass emission thresholds to be used for all types of projects, rather than having different thresholds for different projects.
- Emissions of particulate matter associated with project construction, including PM₁₀ and PM_{2.5}, were analyzed under Impact 3.9-1. Short-term construction-related emissions of PM₁₀ and PM_{2.5} were estimated using the California Emissions Estimator Model (CalEEMod) Version 2011.1.1 computer program (SCAQMD 2011), as recommended by both NSAQMD and PCAPCD. A detailed description of model input and output parameters, and assumptions, is provided in Appendix D of the Draft EIR. As shown in Table 9-6, the maximum daily emissions of PM₁₀ generated by project construction would be approximately 8 pounds per day (lb/day). This is less than both PCAPCD threshold of 82 lb/day and NSAQMD Level A threshold of 24 lb/day. The maximum daily emissions of PM_{2.5} generated by project construction would be approximately 5 lb/day. Because construction-generated PM₁₀ emissions would be less than the applicable threshold of 82 lb/day, and because PM_{2.5} is a subset of PM₁₀, it is not anticipated that construction activity would result in concentrations of PM_{2.5} that would violate or substantially contribute to a violation of the ambient air quality standards for PM_{2.5}. Therefore, no mitigation is required.

Operational emissions of PM₁₀ and PM_{2.5} were analyzed under Impact 3.9-2. As shown in Table 9-7, this analysis estimated that maximum daily operation emissions of PM₁₀ and PM_{2.5} would be 29.5 lb/day and 17.5 lb/day, respectively. These levels are also less than PCAPCD's recommended thresholds of significance and the Level A thresholds recommended by NSAQMD and therefore, no mitigation is required.

The commenter also states, "open burning of wood waste adjacent to the proposed site has historically impacted Truckee under inversion conditions." The impact conclusion under Impact 3.9-2 is conservative in that it did not account for the fact that operation of the project would result in less open burning in the region, though open burning of forest-sourced biomass is a substantial source of PM₁₀ and PM_{2.5}. However, estimated levels of avoided emissions of PM₁₀ and PM_{2.5} associated with the open burning of forest-sourced biomass are provided in Table 9-8 on page 9-21. As shown in Table 9-8, approximately 167 tons of PM₁₀, and 142 tons of PM_{2.5} would be avoided annually.

Moreover, the proposed biomass plant would be subject to the permitting requirements of PCAPCD.

- 5-3 The commenter states that the Town of Truckee has historically experienced high levels of particulate matter and that ambient levels of PM_{2.5} are monitored by NSAQMD at the Truckee Fire Station. On page 9-3, the Draft EIR recognizes that "the Truckee Fire Station, located approximately three miles to the north, is the closest monitoring station to the project site with recent data for ozone and PM_{2.5}" and monitoring data for PM_{2.5} from the Truckee Fire Station is summarized in Table 9-2 on page 9-4. Note #1 at the bottom of Table 9-2 explains that the PM_{2.5} data presented in the table is from the Truckee Fire Station. This comment does not specifically raise any issues with the environmental analysis provided in the Draft EIR; therefore, no further response can be provided.
- 5-4 The commenter notes that the Eastern Regional MRF and Transfer Station receives greenwaste generated in the Truckee area, which has resulted in many tons of diversion and as such is an important non-disposal option for the town. The greenwaste hauled to the facility has then been taken to other biomass facilities with stringent air pollution controls to be used for power production. The commenter asks if residents will still be allowed to drop off greenwaste at the Eastern Regional MRF and Transfer Station facility.
- The fuel supply characteristics for the proposed plant are described in Section 3.4.3 of the Draft EIR. Operations at the Eastern Regional MRF and Transfer Station would not be altered by the operations at the proposed biomass facility. Therefore, residents would continue to drop off greenwaste at the Eastern Regional MRF and Transfer Station site, consistent with current practices. Residents, however, would not be able to drop off materials at the proposed biomass facility, which would be a separate operation from the MRF and Transfer Station.
- 5-5 The commenter remarks about a statement on page 9-3 of the Draft EIR, which states "...the MCAB is classified as non-attainment for ozone as a result of ozone levels measured at other monitoring stations throughout the MCAB." The commenter explains that the MCAB as a whole has not received a federal classification and that only specific portions of the MCAB, including eastern Nevada County, are classified as nonattainment. The commenter is correct. The text on page 9-3 of the Draft EIR is revised as follows. These revisions do not constitute new significant

information or alter conclusions regarding environmental impacts contained in the Draft EIR.
(Note: these changes are also reflected in Chapter 3 of this Final EIR.)

Note that although the Truckee monitoring station indicates that the local Truckee area is in attainment for ozone, the western portion of Nevada County, including Truckee, is classified as non-attainment for ozone according to the ARB (ARB 2011; ARB no date). ~~the MCAB is classified as non-attainment for ozone as a result of ozone levels measured at other monitoring stations throughout the MCAB.~~



PLACER COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT



Ken Grehm, Executive Director
Brian Keating, District Engineer
Andrew Darrow, Development Coordinator

August 30, 2012

Maywan Krach
Placer County
Community Development Resource Agency
3091 County Center Drive
Auburn, CA 95603

RE: Cabin Creek Biomass Facility / PCPJ 20110376, Draft EIR

Maywan:

We have reviewed the Draft EIR dated July 27, 2012 for the subject project and have the following comments.

- 1. Per the Draft EIR, the applicant is proposing to construct a 120' x 30' onsite stormwater detention basin to mitigate for the subject project's increases in peak flow runoff. The District requests that this project be conditioned to mitigate peak flow rates to pre-development levels for 10- and 100-year storm events per the Placer County Stormwater Management Manual.
- 2. Have the applicant check and confirm the 10- and 100-year pre-project peak flow rates listed on Page 13-13 of the Draft EIR. Also, adjust the post-project peak flow rate increases if necessary.

6-1

6-2

6-3

The District requests that the applicant provide a copy of the preliminary drainage report, as well as any future environmental documents, for our review and comment. Please call me at (530) 745-7541 if you have any questions regarding these comments.

Andrew Darrow, P.E., CFM
Development Coordinator

d:\data\letters\cn12-46.doc

3091 County Center Drive, Suite 220 / Auburn, CA 95603 / Tel: (530) 745-7541 / Fax: (530) 745-3531

**Letter 6
Response****Placer County Flood Control and Water Conservation District
Andrew Darrow, P.E., CFM, Development Coordinator
August 30, 2012**

- 6-1 The commenter requests that this project be conditioned to mitigate peak flow rates to pre-development levels for 10- and 100-year storm events per the Placer County Stormwater Management Manual.
- As described on page 13-14 of the Draft EIR, preliminary drainage calculations show a respective post-development increase of 0.4 and 0.3 cfs for the 10- and 100-year storm events, respectively. These project flows represent an increase of less than 3% over pre-project conditions. This difference is considered negligible and was found to be less than significant. Additionally, Mitigation Measure 13-1c requires the submittal of a drainage report as a part of the Improvement Plan submittal. This report would address design of the detention basin and would be prepared in accordance with Placer County standards.
- 6-2 The commenter asks that the applicant confirm the accuracy of the 10- and 100-year pre-project peak flow rates listed on page 13-13 of the Draft EIR, and adjust the post-project peak flow rate increases if necessary.
- The project flows have been checked and updated. Text at the bottom of page 13-13 of the Draft EIR has been revised as shown below to reflect an error in the Draft EIR and is included in Chapter 3 of this Final EIR. These revisions do not constitute new significant information or alter conclusions regarding environmental impacts contained in the Draft EIR.
- Preliminary calculations of pre-and post-project flows were calculated by Wood Rodgers (April 2012). Pre-project flows are estimate to be ~~13.3~~12.9 cubic feet per second (cfs) for the 10-year event and ~~10~~22.4 cfs for the 100-year event. The 10-year and 100-year post project flows are estimated to result in a 3% and 1% increase respectively, in flows from pre-development levels. This results in an approximate post-development increase in flow of 0.4 cfs for the 10-year event and 0.3 cfs for the 100-year event.
- 6-3 The Flood Control and Water Conservation District requests that the applicant provide a copy of the preliminary drainage report, as well as any future environmental documents, for its review and comment. Placer County will provide a copy of the preliminary drainage report and any future environmental documents related to the proposed project to the District for review.

7

SIERRA COUNTY
Department of Planning and Building Inspection
P.O. Box 530
Downieville, California 95936
(530) 289-3251 (800) 655-3251
Fax (530) 289-2828



Tim H. Beals
Director
via certified mail
&

e-mail: cdnecs@placer.ca.gov

September 6, 2012

Maywan Krach
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603

Re: Cabin Creek Biomass Facility Project Draft EIR

Dear Ms. Krach:

Please accept the comments herein from the Sierra County Board of Supervisors regarding the proposed Cabin Creek Biomass Facility Project DEIR that is currently released for public review.

The County Board of Supervisors is very concerned over potential impacts to the existing biomass plant located at Loyalton. While it has been suggested that the proposed project does not have any impact on the Loyalton plant, we do not find any clear indication that this matter has been analyzed and that it has been established that an impact does not exist that could be deleterious to the future operation of the Loyalton biomass plant nor the economic stability of the eastern Sierra Valley region, Loyalton in particular.

Please confirm or otherwise provide clear information that the proposed project does not have any short term or long term physical or economic impacts, neither direct or indirect nor cumulative, on the Loyalton biomass plant. Also, we would strongly urge you to consider as proposed mitigation to potential impacts related to competition for fuels and availability of fuels to satisfy the potential demands of both plants, some form of commitment to fuel procurement protocols and implementation of potential procurement agreements that could serve to benefit both biomass plants in the region.

Sierra County appreciates the outreach offered by Placer County earlier in this year and further appreciates the working relationship that we have experienced on this and other projects. We feel that with proper mitigation, concerns over fuel procurement and market issues can be adequately addressed. The Board of Supervisors is very concerned over any impacts to the Loyalton plant and the concurrent impacts to a most fragile economic condition now in existence in the eastern Sierra County region and wants a clear understanding and assurance that potential impacts have been analyzed and clear evidence exists that there will not be any impact.

Thank you.

Sincerely yours,

Tim H. Beals
Director of Public Works and Planning
Sierra County

TMS:bwj 8/30/12

7-1

**Letter 7
Response****Sierra County Department of Planning and Building Inspection
Tim H. Beals, Director of Public Works and Planning
September 6, 2012**

7-1

The commenter states that the Sierra County Board of Supervisors is very concerned about impacts to the biomass plant located at Loyalton. The commenter also states that they do not find any clear indication that this matter has been analyzed and that it has been established that an impact does not exist that could be deleterious to the future operations of the Loyalton biomass plant and to the economic stability of the eastern Sierra County and Loyalton area.

The commenter states that with proper mitigation, concerns over fuel procurement and market issues can be adequately addressed. The Board of Supervisors wants a clear understanding and assurance that potential impacts have been analyzed and clear evidence that there will not be any impact.

Biomass is a waste product of timber harvest or fuel reduction thinning operations. The Applicant has worked with all of the federal, state, and local agencies to determine the amount of biomass that would be available to the proposed project, based on the past and future management plans of these agencies.

As mentioned in Section 3.4.3, Woody Biomass Fuel Supply, of the Draft EIR, the fuel procurement study for the proposed biomass facility used a 40-year planning horizon when forecasting fuel availability. This time period was selected as it coincided with the commercial service life of the proposed Cabin Creek Biomass Facility. The fuel study included historic data from both public land management agencies and private landowners to forecast sustainably available biomass fuel.

Also described in Section 3.4.3 of the Draft EIR is the demand created by current biomass material markets in the region; the current demand is approximately 40,350 BDT per year. This figure includes fuel demand from a number of existing facilities including the currently idle Sierra Pacific Industries facility at Loyalton. The material that the Cabin Creek Biomass Facility would use is not likely to be used by Loyalton because of the cost of removal of the material from the forest and the distance to Loyalton. Historically, the facility at Loyalton has not taken forest-sourced material from in-field locations in the area, which is why it is currently burned in piles. Regardless, the County's fuel supply study states that there is an estimated 112,440 BDT per year available and the proposed project would not exceed 17,000 BDT per year. More than 50 percent of the fuel within the core fuel supply area (CFSA) would be available at such time that Loyalton were to be repowered. As such, there would be adequate fuel supplies to support operation of both plants.

Placer County has signed an MSA with the USFS. The purpose and primary objective of this Tahoe Basin Biomass MSA is to reduce the number of acres of fuels burned annually on national Forest System (NFS) lands within the Lake Tahoe Basin by entering into a stewardship agreement with Placer County for removal of biomass from these lands. The biomass removed from in-field locations would be generated during implementation of fuels reduction and forest health treatments currently being conducted and/or planned within the WUI on NFS lands.



Town Council

Jöan deRyk Jones, Mayor

Barbara Green, Vice Mayor

Dr. Mark Brown D.C., Council Member

Carolyn Wallace Dee, Council Member

Richard Anderson, Council Member



Department Heads

Tony Lashbrook, Town Manager

J. Dennis Crabbs, Town Attorney

Adam McGill, Chief of Police

John McLaughlin, Community Development Director

Kim Szczurek, Administrative Services Director

Judy Price, Town Clerk

Alex Terrazas, Assistant Town Manager

Daniel Wilkins, Public Works Director/Town Engineer

September 6, 2012

Ms. Maywan Krach
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive
Suite 190
Auburn, CA 95603

RE: Town of Truckee Comments on Placer County Cabin Creek Biomass Facility Draft EIR

Dear Ms. Krach,

Thank you for the opportunity to comment on the Draft EIR for the proposed Placer County Cabin Creek Biomass Facility. At a recent Town Council meeting, Placer County and Town staff presented an overview of the proposed biomass facility and its associated environmental impacts. In general, the Town finds that the environmental impacts are minimal and that in certain cases, beneficial impacts are anticipated. However, several questions and/or comments were made during public comment and discussion that the Town Council wishes to forward to Placer County for inclusion in the Final EIR. The below list is provided to summarize the Town's input on the proposed project.

8-1

State Route 89 South "Mousehole"

The Draft EIR states that there are cumulative traffic impacts which result from construction of the biomass facility and that payment of traffic impact mitigation fees is required to reduce impacts to less than significant levels. The Town of Truckee recognizes the previous agreement between the Town and Placer County regarding traffic impact mitigation fees and that each of our fee programs accounts for impacts we may cause in the other jurisdiction. The Town only requests that the importance of improvements (pedestrian and vehicular) to the Mousehole are recognized as beneficial and necessary to both residents of the county and the town.

8-2

Air Quality Monitoring Stations

A number of concerns were expressed regarding air quality issues which may impact nearby Truckee residents. The nearest air quality monitoring station is located in central Truckee at the Truckee Fire Protection District station on Donner Pass Road. Given the stated increases in respirable particulate matter, the Town would request consideration as to the installation of an additional monitoring station closer to the biomass plant and impacted residences towards

8-3



10183 Truckee Airport Road, Truckee, CA 96161-3306

www.townoftruckee.com

Administration: 530-582-7700 / Fax: 530-582-7710 / email: truckee@townoftruckee.com

Community Development: 530-582-7820 / Fax: 530-582-7889 / email: cdd@townoftruckee.com

Animal Services/Vehicle Abatement: 530-582-7830 / Fax: 530-582-7889 / email: animalservices@townoftruckee.com

Police Department: 530-550-2328 / Fax: 530-550-2326 / email: policedepartment@townoftruckee.com

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Page 2

Truckee: A closer monitoring station may be able to provide more relevant information on increases in respirable particulate matter and how that could impact nearby residences.

8-3
Cont'd

Traffic Volume Increases

The Draft EIR states that 28% of traffic trips could be traveling through Truckee south toward the biomass facility. While a majority of the heaviest usage will occur during the summer months, concerns were expressed regarding impacts on traffic congestion at the Mousehole and during heavy snow events. From comments made at the meeting, it appears unlikely that significant truck traffic will occur during such snow events. However, the Town would request that consideration be given to truck scheduling during maximum congestion periods.

8-4

Based on the Town's understanding of the Draft EIR analysis, it appears the primary emphasis of the trip analysis focused on traffic traveling through Truckee via Interstate 80. However, it is possible that trucks will "cut through" Truckee if they are traveling on State Route 267 and their final destination is the biomass facility. In these cases, the trucks may travel on local roads which could impact local traffic patterns. Given this possibility, the Town would like consideration of a condition prohibiting using local Truckee roadways, but rather that trucks utilize the state and interstate system.

Thank you again for the opportunity to comment on the proposed biomass facility. Following the Town Council's review of the proposed facility, the Council concluded that this is an exciting and unique opportunity for the Truckee-Tahoe region. If you have any further questions on this letter, please feel free to contact Jenna Endres, Associate Planner at (530) 582-2922 or by email at jendres@townoftruckee.com.

8-5

Sincerely,



Joan deRyk Jones, Mayor
Town of Truckee

cc: Tony Lashbrook, Town Manager
John McLaughlin, Community Development Director
Jenna Endres, Associate Planner

**Letter 8
Response**

**Town of Truckee
Joan deRyk Jones, Mayor
September 6, 2012**

- 8-1 The commenter provides prefatory remarks and an introductory statement that the Town of Truckee Council wishes to see a number of comments and questions addressed in the Final EIR. The specific questions and concerns are listed in the comments below. See responses to comments 8-2 through 8-5 below.
- 8-2 The commenter notes that the Draft EIR identified cumulative traffic impacts from operation of the biomass facility and that payment of traffic impact mitigation fees is required. The Town of Truckee requests that the importance of pedestrian and vehicular traffic improvements to the Mousehole be recognized as beneficial and necessary to both Town and county residents.
- See the response to comment 8-4, below, for a discussion of the Draft EIR analysis of cumulative traffic impacts and related impact fees.
- This comment does not address any new environmental impacts. Placer County agrees that transportation projects in the region that help reduce congestion and improve pedestrian safety are beneficial to all roadway users.
- 8-3 The commenter expresses concern that emissions associated with the proposed project would adversely affect residents in the Town of Truckee, particularly emissions of particulate matter, and the commenter notes the presence of an air quality monitoring station at the Truckee Fire Protection District Station on Donner Pass Road. See the responses to comments 5-2 and 5-3.
- The commenter also requests the installation of an additional air quality monitoring station “closer to the biomass plant and impacted residences towards Truckee.”
- With regard to project-related emissions and impact to residents in the Town of Truckee, staff at PCAPCD performed dispersion modeling using the U.S. Environmental Protection Agency (U.S. EPA) SCREEN3 model for emissions from the biomass plant. PCAPCD modeling indicates that, under extreme worst-case conditions and assuming the plume of exhaust from the biomass facility was moving directly toward Truckee, the biomass facility would contribute a peak one-hour concentration of PM of approximately 1.3 microgram per meter cubed ($\mu\text{g}/\text{m}^3$) to the ambient concentration level at the Truckee Fire Station monitoring station. According to PCAPCD staff, this concentration is well within the statistical deviation of the background PM concentrations measured at the station which can exceed $100 \mu\text{g}/\text{m}^3$ over a 24-hour period. Over longer averaging times, PM contributions are projected to be much lower, at $0.1 \mu\text{g}/\text{m}^3$, which is well below the 24-hour NAAQS of $35 \mu\text{g}/\text{m}^3$ and annual average NAAQS of $15 \mu\text{g}/\text{m}^3$ for $\text{PM}_{2.5}$, which is a subset of total PM. Thus, there is very low probability that emissions from the proposed biomass facility could contribute to an exceedance of the ambient air quality standard for PM. Because of the low emission concentrations projected, there is no evidence to support the need to require a monitoring station be installed at the biomass facility or in other locations of Truckee closer to the project site.
- 8-4 The commenter states concerns regarding traffic congestion impacts at the “mousehole” and during heavy snow events. (Note: The “mousehole” is a two-lane section of SR 89 that crosses under the Southern Pacific Railroad tracks). The commenter requests that consideration be

given to truck scheduling during maximum congestion periods. The commenter also requests that Placer County impose a condition prohibiting use of local Truckee roadways by trucks.

The Draft EIR notes on page 8-13 that the forest thinning season, when biomass material is collected from locations around Lake Tahoe, is primarily limited to the dry season (approximately May 1 to October 15). Therefore, truck hauling during the winter, when heavy snowfall occurs, would be limited, if at all.

As described in the traffic impact analysis provided in the Draft EIR on pages 8-11 to 8-14, it is estimated that 3 truck loads (6 daily trips) would travel to and from the proposed biomass facility from Placer/Nevada County with one trip taking place during the PM peak hour. Trips originating on the east shore of Lake Tahoe would use routes that would travel south from I-80 on SR 89. It is estimated that 3 loads per day (6 daily trips), with one PM peak hour trip would originate from the east shore. This would be a total of 12 daily trips (one in each direction) using SR 89 and passing through the "mousehole", two of the trips being PM peak hour trips. The discussion under Impacts 8-1 and 8-2 of the Draft EIR concludes that the addition of these trips to the roadway network would have a less than significant impact on intersection operations (level of service) and would not meet the criteria for installing a traffic signal at the SR 89/Cabin Creek Road intersection.

The Draft EIR cumulative impacts analysis on pages 18-35 through 18-37 concluded that the proposed project would make a considerable contribution to a significant cumulative traffic impact on County roadways. While the proposed project would not cause the LOS at the study intersection to degrade to an unacceptable LOS under cumulative plus project conditions, the project would, nonetheless, contribute traffic trips to the County roadway system. On a long-term cumulative basis, the County requires that any project that contributes traffic trips to pay the County's traffic impact fees. Consistent with this County requirement, Mitigation Measure 18-1 requires the Applicant to pay traffic impact fees that are in effect for the Tahoe Resorts area. Payment of this fee would reduce the project's contribution to this significant cumulative impact to a less than considerable level.

It is considered unlikely that a truck hauling biomass material to the site would cut through Truckee on local streets, except for trucks hauling WUI material from within the local community, because this would add time to the trip related to additional traffic signals and slower speeds. Further, as described in the Draft EIR no significant project-related traffic impacts were identified. Nonetheless, the County agrees to incorporate the following language into the Conditional Use Permit as a condition of project approval:

Biomass truck deliveries shall avoid travel through the Town of Truckee on either Donner Pass Road or West River Road, unless an emergency, road closure, or other unique circumstance would necessitate travel on these roadways. Further, biomass truck deliveries on SR 89, between Cabin Creek Road and I-80, shall be prohibited on federal holidays and Sundays.

8-5 The commenter concludes by thanking Placer County for the opportunity to comment.

2.4.3 SERVICE PROVIDERS



TAHOE-TRUCKEE SANITATION AGENCY

A Public Agency
13720 Butterfield Drive
TRUCKEE, CALIFORNIA 96161
(530) 587-2525 • FAX (530) 587-5840

Directors
O.R. Butterfield
Dale Cox
Erik Henriksen
S. Lane Lewis
Jon Northrop
General Manager
Marcia A. Beals



August 27, 2012

RECEIVED

AUG 29 2012

ENVIRONMENTAL COORDINATION SERVICES

Ms. Maywan Krach, Community Development Technician
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603

**Re: Cabin Creek Biomass Facility Project
Draft Environmental Impact Report Review Comments**

Dear Ms. Krach:

Consistent with previous requests for information from Tahoe-Truckee Sanitation Agency (T-TSA) with regard to the Cabin Creek Biomass Facility, please provide the following information:

1. Estimated average and maximum quantities of wastewater discharge (expressed in gallons per minute and gallons per day).
2. All constituents of wastewater from the gasification system. Constituents of concern include macro-characteristics [i.e., pH, temperature, total suspended solids (TSS), turbidity, color, biological oxygen demand (BOD), chemical oxygen demand (COD), and odor], California Title 22 CAM-17 metals, volatile organics, semi-volatile organics, herbicides, pesticides, PCBs, oil and grease of vegetable and petroleum origin, sulfides, and any other contaminants of concern that may result in an interference or pass through at the Agency's Water Reclamation Facility.

9-1

After the wastewater quantity and quality is characterized, potential pretreatment requirements will need to be addressed. Provided that T-TSA approves the wastewater discharge from the Cabin Creek Biomass facility, connection fees and service charges for this discharge would be assessed based on the actual wastewater quantity and quality (following whatever pretreatment is deemed necessary by T-TSA). Enclosed please find the following documents for additional information on discharge restrictions and pretreatment requirements: excerpts from T-TSA's Rules and Regulations (Attachment A), T-TSA's Pretreatment Ordinance 3-89 (Attachment B), and T-TSA's Local Discharge Limits (Attachment C).

9-2

With regard to T-TSA capacity, change the words "permitted capacity of approximately 3.2 mgd" to "permitted available capacity of approximately 3.2 mgd" on page 15-8 in the description of Impact 15-2. Also, please be aware that all sewer connections are made on a first-come, first-serve basis. T-TSA does not reserve future allocations.

9-3

NORTH TAHOE • TAHOE CITY • ALPINE SPRINGS • SQUAW VALLEY • TRUCKEE

**Cabin Creek Biomass Facility Project
Draft Environmental Impact Report Review Comments**

There are also errors in the description of the sanitary sewer collection system on page 15-8. Our understanding, based on discussions with TCPUD, is that Placer County owns the collection system that serves the existing Eastern Regional MRF and Transfer Station operations as well as the TART and DPW facilities adjacent to the southern portion of the site. Sewage from this collection system owned by Placer County discharges into a TCPUD collection manhole, and then into T-TSA's Truckee River Interceptor, both of which are located in the Truckee River corridor near SR 89. This section of the Draft EIR also incorrectly mentions a North Tahoe Public Utility District (NTPUD) sewer main. NTPUD does not own a sewer main in the vicinity of the Cabin Creek Biomass Facility Project.

9-4

Additional revisions are requested on page 15-2. The sentence that reads "The Tahoe City Public Utility District (TCPUD) provides sanitary sewer service to the existing MRF and Transfer Station" should be followed by "Placer County owns the collection system that serves the existing MRF and Transfer Station." Furthermore, the sentence that begins "Sewage collected from the site..." should be rewritten in two sentences as follows: "Sewage collected from the site discharges into a Tahoe City Public Utility District (TCPUD) collection manhole and then into Tahoe-Truckee Sanitation Agency's (T-TSA's) Truckee River Interceptor, both of which are located in the Truckee River corridor near SR89. T-TSA's Truckee River Interceptor ranges in size from 24 inches to 42 inches and supplies sewage to T-TSA's advanced water reclamation plant."

9-5

Please do not hesitate to contact me directly with questions.

Sincerely,



Marcia A. Beals
General Manager/Treasurer

cc: Jay Parker, Engineering Department Manager
Tom Rinne, Senior Engineer

ATTACHMENT A

SECTION 5. RESTRICTIONS AS TO USE OF SANITARY SEWER SYSTEM.

A. No building, industrial facility or other structure to be served by the sanitary sewer system shall be occupied until the owner of the premises has complied with all rules and regulations of the Agency and the member entity including the payment of all applicable connection charges, additional connection charges, service charges, and all penalties thereon and is in receipt of a T-TSA Sewer Connection Application Receipt from the member district or the Agency wherever required by the Agency.

B. Neither temporary nor permanent drainage or excavations into the sanitary sewerage system shall be permitted. Drainage from roofs, foundation drains, unpolluted cooling water, surface or groundwater drains shall not be permitted into the sanitary sewerage system. Overflows or drains from private or public swimming pools shall be permitted upon consent of the Agency and the member entity pursuant to Section 2 of these rules and regulations.

C. A member entity and the Agency shall have the right, on behalf of the Agency, to reject the application for service for any property owner upon whose property industrial or commercial activities create a waste of unusual strength, character or volume if it appears likely that the strength, character, or volume could adversely affect the treatment processes or equipment. All applications for the discharge of industrial waste shall be reviewed on an individual basis by the Agency. The General Manager may direct that certain restricted wastes may require pretreatment requirements before discharge to the sewerage system in accordance with the requirements of the T-TSA ordinance which pertains to pretreatment facilities. Where pretreatment facilities are required, they shall be installed and maintained continuously by the owner at his expense in satisfactory and effective operation. An inspection and sampling manhole shall be constructed and made available to the Agency for examination and testing at any time.

D. No person shall discharge or cause to be discharged any substances, materials, waters or wastes, if it appears likely to the Agency that such waste can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or will constitute a nuisance, or will violate standards established by the Regional Water Quality Control Board. In determining the acceptability of the wastes, the Agency will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors.

E. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in

sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard to the receiving waters of the sewage treatment plant including, but not limited to, cyanide.

3. Any waters having a pH lower than 6.5 or higher than 8.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, et cetera, either whole or ground by garbage grinders.

5. Oil-component wastes except that separators are employed, the effluent from which contains no more than 20 mg/l of oil.

6. Any liquid or vapor having a temperature higher than one hundred eighty (180) degrees F (82 C).

7. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 C). When in the judgment of the Agency Chief Engineer waste pretreatment is required, an approved type grease interceptor complying with the provisions of this section shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment in the following establishments: restaurants, cafes, lunch counters, cafeterias, bars and clubs; hotels, hospitals, sanitariums, factories or school kitchens, and any other establishments where grease may be introduced into the drainage or sewerage system in quantities that can affect line stoppage or hinder sewer treatment or private sewage disposal. A grease interceptor is not required for individual units or for any private living quarters.

8. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Agency and the member entity.

9. Any waters or wastes containing strong acid, iron, pickling wastes or concentrated plating solutions whether neutralized or not.

10. Any waters or wastes containing iron, chromium, copper, zinc, lead, fluorides and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established for such materials.

11. Any waters or wastes containing phenols or other taste or odor-producing substances in concentrations which after treatment of the composite sewage exceed limits which may be established by the Agency as necessary to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

12. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Agency in compliance with applicable state or federal regulations.

13. Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities so as to constitute a significant load on the sewage treatment works.

d. Unusual volume of flow or concentration of wastes constituting "surges" as defined herein.

14. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of discharge to the receiving waters.

15. Industrial plants may be required to have separate collection systems; one system to be installed for customary sanitary sewerage connected directly to the member entity system; a second system to be installed to collection processing wastes from shop sinks, floor drains, wash stations, plating or cleaning works and all other industrial waste sources. This latter system shall discharge into an exterior concrete sump of sufficient capacity to hold at least one day's discharge from these sources and be connected to the member entity system only by a valved overflow. Said sump shall be readily accessible for inspection and analysis by the Agency, the member entity and the County, and only treated or neutralized wastes of the type approved by the General Manager will be allowed to flow into the member entity system. The Agency reserves the right to require that Agency approval be secured for each incident of discharge.

F. The interpretation of technical provisions of the Agency, the review of plans and specifications required thereby, determination of the suitability of alternate materials and types of construction and development of rules and regulations covering unusual conditions not consistent with the requirements of the Agency shall be made by the Agency.

ATTACHMENT B

ORDINANCE 3-89

PRETREATMENT REQUIREMENTS
OF THE TAHOE-TRUCKEE SANITATION AGENCY

BE IT ORDAINED by the Board of Directors of the Tahoe-Truckee Sanitation Agency as follows:

SECTION 1. GENERAL PROVISIONS.1.1 Purpose and Policy.

This Ordinance sets forth uniform requirements for direct and indirect contributors into the Tahoe-Truckee Sanitation Agency ("Agency") wastewater treatment system and enables the Agency to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the Agency wastewater system which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the cost of the Agency wastewater system.

This Ordinance provides for the regulation of direct and indirect contributors to the Agency wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall apply to all users of the Agency's Publicly Owned Treatment Works ("POTW"). The General Manager/Chief Engineer of the Tahoe-Truckee Sanitation Agency shall administer, implement, and enforce the provisions of this Ordinance.

1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1252, et seq.
2. Approval Authority. The Executive Officer of the Lahontan Regional Water Quality Control Board.
3. Authorized Representative of Industrial User. An authorized representative of an Industrial User may be (1) a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy- or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million dollars in second-quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; (2) a general partner or proprietor if the Industrial User is a partnership or sole proprietorship, respectively; and (3) a duly authorized representative of the individual designated above if the authorization is made in writing, the authorization specifies either an individual or position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Control Authority.
4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
5. Categorical Standards. National Pretreatment Standard.
6. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
7. Control Authority. The term "Control Authority" shall refer to the Board of Directors of the Agency.
8. Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized

official of said agency.

9. Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
10. Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
11. Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
12. Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).
13. Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirements of this Ordinance, any other T-TSA Ordinance, rules or regulation, or of the Waste Discharge Requirements imposed upon the Agency by the Lahontan Regional Water Quality Control Board.
14. National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
15. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.
16. New Source. The term "New Source" means any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source, if such Standards are thereafter promulgated in accordance with that section, provided that: (i) the building, structure, facility or installation is constructed at a site at which no other source is located; or (ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (iii) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be

considered.

17. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
18. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
19. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
20. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
21. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes and other means, except as prohibited by 40 CFR Section 403.6(d).
22. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
23. Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act, (33 U.S.C. 1291) which is owned in this instance by the Agency.
24. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
25. Significant Industrial User. Any Industrial User of the Agency wastewater treatment and disposal system who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the Agency wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to this Ordinance or (iv) is found by the Agency to have significant impact either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

26. State. State of California.
27. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
28. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
29. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
30. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
31. User. Any person who contributes, causes or permits the contribution of wastewater into the Agency's POTW.
32. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.
33. Waters of the State. All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of any portion thereof.
34. Wastewater Contribution Permit. As set forth in section 4.2 of this Ordinance, means "T-TSA Sewer Connection Application Receipt".

1.3 Abbreviations.

The following abbreviations shall have the designated meanings:

- BOD - Biochemical Oxygen Demand.
- CFR - Code of Federal Regulations.
- COD - Chemical Oxygen Demand.
- EPA - Environmental Protection Agency.
- l - Liter.
- mg - Milligrams.
- NPDES- National Pollutant Discharge Elimination System.
- POTW - Publicly Owned Treatment Works.
- SIC - Standard Industrial Classification.
- SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- USC - United States Code.

TSS - Total Suspended Solids.

SECTION 2. REGULATIONS

2.1 General Discharge Prohibitions.

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A user may not contribute the following substances to any POTW:

- a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Agency, the State or EPA has notified the User is a fire hazard or a hazard to the system.
- b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- c) Any wastewater having a pH less than 6.5, or more than 8.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified

pursuant to Section 307(a) of the Act.

e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

g) Any substance which will cause the POTW to violate its Waste Discharge Requirements as imposed by the Lahontan Regional Water Quality Control Board or the receiving water quality standards.

h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 180 degrees Fahrenheit.

j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the General Manager/Chief Engineer of the Agency in compliance with applicable State or Federal regulations.

l) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the General Manager/Chief Engineer determines that a User(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the General Manager/Chief Engineer shall: 1) Advise the User(s) of the

impact of the contribution on the POTW; and 2) Develop effluent limitation(s) for such User to correct the Interference with the POTW.

2.2 Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The General Manager/Chief Engineer shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

2.3 Modification of Federal Categorical Pretreatment Standards.

Where the Agency's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Agency may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Agency may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

2.4 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or more stringent than those in this Ordinance.

2.5 Agency's Right of Revision

The Agency reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 2.1 of this Ordinance.

2.6 Excessive Discharge

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Agency or by its member entities--Tahoe City Public Utility District, North Tahoe Public Utility District, Squaw Valley County Water District, Alpine Springs County Water District, or Truckee Sanitary District. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 2.1, e.g., the pH prohibition.)

2.7 Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and

expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Agency for review, and shall be approved by the Agency before construction of the facility. All existing Users shall complete such a plan by January 1, 1990. No user who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Agency. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice Within five (5) days following an accidental discharge; the User shall submit to the General Manager/Chief Engineer a written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability, which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

Notice to Employees: A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION 3 - FEES

3.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from Users of the Agency's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Agency's Schedule of Charges and Fees.

3.2 Charges and Fees

The Agency may adopt charges and fees which may include:

- a) fees for reimbursement of costs of setting up and operating the Agency's Pretreatment Program;
- b) fees for monitoring, inspections and surveillance procedures;
- c) fees for reviewing accidental discharge procedures and con-

struction;

- d) fees for permit applications;
- e) fees for filing appeals;
- f) fees for consistent removal (by the Agency) of pollutants otherwise subject to Federal Pretreatment Standards;
- g) other fees as the Agency may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Agency.

SECTION 4 - ADMINISTRATION

4.1 Wastewater Dischargers

It shall be unlawful to discharge to the Agency system without an Agency permit, any wastewater except as authorized by the General Manager/Chief Engineer in accordance with the provisions of its Ordinances.

4.2 Wastewater Contribution Permits

4.2.1. General Permits

All significant users proposing to connect to or to contribute to the POTW shall obtain a T-TSA Sewer Connection Application Receipt before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a T-TSA Sewer Application Receipt within 180 days after the effective date of this Ordinance.

4.2.2 Permit Application

Users required to obtain a T-TSA Sewer Connection Application Receipt shall complete and file with the Agency, an application in the form prescribed by the Agency, and accompanied by a fee to be determined by the Agency on an individual basis according to the amount of discharge, the strength and character of the discharge, and any other factors pertinent to the treatment and disposal of the discharge. Existing users shall apply for a Sewer Connection Application Receipt within 30 days after the effective date of this Ordinance, and proposed new users shall apply at least 60 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a) Name, address, and location;
- b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

- c) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- d) Time and duration of contribution;
- e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Agency, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or pretreatment is required for the User to meet applicable Pretreatment Standards.
- i) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)

(2) No increment referred to in paragraph (1) shall exceed nine (9) months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the General Manager/Chief Engineer including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if

not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the General Manager/Chief Engineer.

- j) Each product produced by type, amount, process or processes and rate of production;
- k) Type and amount of raw materials processed (average and maximum per day);
- l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operations of pretreatment system;
- m) Any other information as may be deemed by the Agency to be necessary to evaluate the permit application.

After evaluation and acceptance of the data furnished, the Agency may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

4.2.3 Permit Modifications

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 4.2.2, the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the General Manager/Chief Engineer within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 4.2.2.

4.2.4 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Agency. Permits may contain the following:

- a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- b) Limits on the average and maximum wastewater constituents and characteristics;

- c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- d) Requirements for installation and maintenance of inspection and sampling facilities;
- e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- f) Compliance schedules;
- g) Requirements for submission of technical reports or discharge reports (see 4.3);
- h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Agency, and affording Agency access thereto;
- i) Requirements for notification of the Agency of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- j) Requirements for notification of slug discharges as per 5.2;
- l) Other conditions as deemed appropriate by the Agency to ensure compliance with this Ordinance.

4.2.5 Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The user shall apply for a permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Agency during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

4.2.6 Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Agency. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit until a new permit is issued.

4.3 Reporting Requirements for Permittee

4.3.1 Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the General Manager/Chief Engineer a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

4.3.2 Periodic Compliance Reports

- (1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the General Manager/Chief Engineer during the months of June and December, unless required more frequently in the Pretreatment Standards or by the General Manager/Chief Engineer, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in paragraph (b)(4) of this section. At the discretion of the General Manager/Chief Engineer and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the General Manager/Chief Engineer may agree to alter the months during which the above reports are to be submitted.
- (2) The General Manager/Chief Engineer may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the General Manager/Chief Engineer, of pollutants contained therein which are limited by the applicable Pretreatment

Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

4.4 Monitoring Facilities

The Agency shall require to be provided and operated, at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Agency may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Agency's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Agency.

4.5 Inspection and Sampling

The Agency shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Agency or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Agency, Approval Authority and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User security measure is in force which would require property identification and

clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Agency, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

4.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Agency shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Agency for review, and shall be acceptable to the Agency before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Agency under the provisions of this and any other T-TSA Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Agency prior to the User's initiation of the changes.

The Agency shall annually publish in the local newspaper a list of the Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

4.7 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Agency that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, State Waste Discharge Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.

Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Agency as confidential shall not be transmitted to any governmental agency or to the general public by the Agency until and unless a ten-day notification is given to the User.

SECTION 5 - ENFORCEMENT

5.1 Harmful Contributions

The Agency may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Agency, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, cause interference to the POTW, or causes the Agency to violate any condition of its Waste Discharge Requirements.

Any person notified of a suspension of its wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Agency shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Agency shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Agency within 15 days of the date of occurrence.

5.2 Revocation of Permits

Any User who violates the following conditions of this Ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 5 of this Ordinance:

- a) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- d) Violation of conditions of the permit.

5.3 Notification of Violation

Whenever the Agency finds that any User has violated or is violating this Ordinance, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the Agency may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Agency by the User.

5.4 Show Cause Hearing

5.4.1

The Agency may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Agency Board of Directors why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Agency Board of Directors regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Agency Board of Directors why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

5.4.2

The Agency Board of Directors may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Agency to take the evidence and transmit a report of the evidence and hearing, together with recommendations, to the Agency Board of Directors for action thereon.

5.4.3

At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded. The transcript will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

5.4.4

After the Agency Board of Directors has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

5.5 Legal Action

If any person discharges sewage, industrial wastes or other wastes into the Agency's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the Agency, the Agency Attorney may commence an action for appropriate legal and/or equitable relief in the appropriate County Court.

SECTION 6 - PENALTY: COSTS

6.1 Civil Penalties

Any User who is found to have violated an Order of the Agency Board of Directors or who willfully or negligently, failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than (One Hundred Dollars) for each offense nor more than (One Thousand Dollars) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Agency may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

6.2 Falsifying Information

Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

SECTION 7 - SEVERABILITY

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 8. EFFECTIVE DATE

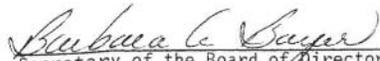
This Ordinance is effective September 8, 1989.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF
TAHOE-TRUCKEE SANITATION AGENCY ON AUGUST 9, 1989 BY THE FOLLOWING VOTE:

- AYES: Albert J. Burghardt, O. R. Butterfield,
John Forsberg, Joseph Marillac, and Jerry Tippin
- NOES: None
- ABSENT: None

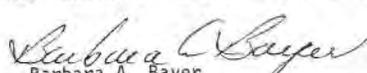

 Albert J. Burghardt, President
 Board of Directors
 Tahoe-Truckee Sanitation Agency

ATTEST:


 Secretary of the Board of Directors
 Tahoe-Truckee Sanitation Agency

CERTIFICATE

I hereby certify that the foregoing is a full, true and correct copy of
Ordinance 3-89 duly and regularly adopted by the Board of Directors of
Tahoe-Truckee Sanitation Agency, County of Nevada, State of California,
on August 9, 1989.


 Barbara A. Bayer
 Secretary of the Board
 Tahoe-Truckee Sanitation Agency

ATTACHMENT C



TAHOE-TRUCKEE SANITATION AGENCY

A Public Agency
 13720 Joerger Drive
 TRUCKEE, CALIFORNIA 96161
 (530) 587-2525 • FAX (530) 587-5840

Directors
C.R. Butterfield
Dale Cox
Erik Henrikson
S. Lane Lewis
Jon Northrop
 General Manager
Marcia A. Beals

PRELIMINARY DISCHARGE GUIDELINES
 Local Discharge Limits (a)

<u>CONSTITUENT</u>	<u>MILLIGRAMS/LITER</u>
Arsenic	1.0
Cadmium	1.0
Chromium (Total)	2.0
Copper	3.0
Cyanide (Amenable)	1.0
Cyanide (Total)	5.0
Iron	25.0
Lead	2.0
Manganese	1.1
Mercury	0.03
Nickel	10.0
Oil and Grease of Animal or Vegetable Origin	100.0
Oil and Grease of Petroleum Origin	20.0
Pesticides	0.01
Polychlorinated Biphenyls	0.01
Silver	0.05
Sulfide (Dissolved)	0.5
Sulfide (Total)	5.0
Suspended Solids	20.0
Total Petroleum Hydrocarbon (TPH)	1.0
Total Toxic Organics	0.58
Zinc	10.0
Sulfate	150
Total Dissolved Solids	1,000
Aluminum	22.0
pH	6.5 to 8.5
	<u>PARTS PER BILLION</u>
Acetone (di methyl ketone)	700
Benzene	5
Carbon Tetrachloride	5
Ethylbenzene	680
MTBE	13
Styrene	100
Tert Butyl Alcohol	100
Tetrachloroethene (PCE)	5
Toluene	100
Vinyl Chloride	2
Xylene	620

LIMITS FOR WASTEHAULERS DISCHARGING DOMESTIC WASTE

<u>CONSTITUENT</u>	<u>MILLIGRAMS/LITER</u>
Cadmium	1.0
Chromium	2.0
Copper	25.0
Lead	10.0
Zinc	50.0

(a) Users subject to Federal Categorical Pretreatment Standards may be required to meet more stringent limits. 6/8/2009
 NORTH TAHOE • TAHOE CITY • ALPINE SPRINGS • SQUAW VALLEY • TRUCKEE

**Letter 9
Response****Tahoe-Truckee Sanitation Agency
Marcia A. Beals, General Manager/Treasurer
August 27, 2012**

9-1

The commenter requests information on the estimated average and maximum quantities of wastewater discharge (expressed in gallons per minute [gpm] and gallons per day [gpd]) and the constituents of the wastewater from the gasification system.

The information requested by the commenter is vendor-specific and are details that would be included in the sewer connection application submitted to the Tahoe-Truckee Sanitation Agency (T-TSA) subsequent to project approval and prior to groundbreaking. Because a specific gasification vendor has not yet been selected, the Draft EIR evaluates the range of possible wastewater discharge outcomes based on information obtained from several potential vendors.

With regards to wastewater volume, the text on pages 3-19 and 15-8 of the Draft EIR explains that the maximum continuous flow required by the gasification system would be up to 10 gpm and 14,400 gpd. The Draft EIR further states that the Applicant would limit vendor selection to those that could meet these specifications (page 3-19). This reflects the worst-case peak demand. The Draft EIR (Impact 15-2) determined that based on the worst-case demand that T-TSA has the available capacity to serve the project. The T-TSA's comment letter does not dispute the Draft EIR conclusion, but rather requests information that would be provided at a later date in support of an application to T-TSA for service. If the project is approved, a vendor will be selected and the details of wastewater generation will be submitted to T-TSA for review and approval.

With regard to the wastewater constituents, the text on pages 3-21 of the Draft EIR recognizes that "[d]epending on the specific gasification technology chosen for the project, there may be need for pretreatment of wastewater from the gasification system prior to discharge to the TCPUD sewer main that connects to the T-TSA sanitary sewer system...Prior to discharge this water would be pre-treated to the standards required by the sewer system." The information requested by the commenter is again vendor-specific and would be included in the sewer connection application submitted to T-TSA subsequent to project approval and prior to groundbreaking. The application would include the following: (1) the name of all substances to be discharged to the system, (2) their concentrations, (3) the quantity of flow, (4) the proposed discharge point, (5) hours of discharge, and (6) other pertinent information necessary to determine possible effects. The project would be required to comply with all provisions of T-TSA Rules and Regulations, Pretreatment Ordinance 3-89, and Local Discharge Limits. The Applicant would work with T-TSA to refine the information in the application and determine the appropriate pre-treatment options, as necessary.

At least one of the vendors (Phoenix Technology, manufacturer of the gasification system at the Merced Facility) under consideration, has indicated that there system would yield no wastewater discharge from the site (except limited quantities of domestic wastewater from the proposed restroom at the facility), as is the case at their Merced Facility (Tornatore, pers. comm., 2012). This system uses an evaporator such that there would be no industrial wastewater discharge. The evaporator could be placed next to the cooling tower; the evaporator would be smaller than the cooling tower. It is possible that other vendors could use an evaporator to minimize or eliminate any discharge like the Phoenix Technology system. Use

of an evaporator, in lieu of discharging to the T-TSA sewer system, would result in residual solids and emissions of volatile organic carbons (VOCs) from the evaporator.

Based on input from Phoenix, use of an evaporator is estimate to generate about 346 lb/day or 1.2 tons/week of residual solids (Tornatore, pers. comm., 2012). It is estimated that this would generate up to one additional truck trip per month to off-haul the residual solids to an appropriate disposal facility. Phoenix has conservatively calculated that an evaporator generates 0.0016083 lbs/gallon of VOCs; these VOCs come from the wood itself and some are products of the gasification process. The proposed 2 megawatt (MW) system with a Phoenix gasifier is expected to emit up to 3.06 lbs/day of VOCs (Tornatore, pers. comm., 2012). The additional VOCs, even if all reactive organic compounds (ROGs), would still result in operational emissions that are below the 82 lb/day threshold for ROG (Table 9-7). Similarly, the addition of one truck trip per month would be within background traffic and emissions levels, such that the use of an evaporator would not alter conclusions regarding environmental impacts contained in the Draft EIR.

9-2 The commenter states that after wastewater quantity and quality is characterized, potential pretreatment requirements will need to be addressed. The commenter also provides additional information on pretreatment requirements and discharge restrictions, as well as connection fees and service charges for discharges. Excerpts from T-TSA rules and Regulations, T-TSA Pretreatment Ordinance 3-89, and T-TSA Local Discharge Limits related to discharge restrictions and pretreatment requirements are attached also attached to the comment letter.

The comment letter provides useful information for securing a sewer connection permit, if required. This comment does not specifically raise any issues with the environmental analysis provided in the Draft EIR, and as such no further response is necessary.

9-3 The commenter provides corrections to Impact 15-2 of the Draft EIR regarding the statement of T-TSA capacity. The commenter further notes that all sewer connections are made on a first-come, first-served basis. In response to this comment, the text of Impact 15-2 on page 15-8 of the Draft EIR is revised as follows; these changes are also reflected in Chapter 3 of this Final EIR:

Impact 15-2	Wastewater Conveyance and Treatment Capacity Impacts. The T-TSA advanced water reclamation plant has a permitted <u>available</u> capacity, <u>on a first-come, first-served basis</u> , of approximately 3.2 mgd. At maximum peak use flow, the biomass facility would discharge 14,400 gpd, which would be less than 0.5 percent of the T-TSA's available capacity. Therefore, adequate treatment capacity is available to serve the proposed biomass facility and no new facilities would be required. This impact would be less than significant .
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These revisions do not constitute new significant information or alter conclusions regarding environmental impacts contained in the Draft EIR.

9-4 The commenter notes that there are errors in the description of the sanitary sewer collection system on page 15-8 in the Draft EIR. In response to this comment, the following revisions are made to the text in Impact 15-2:

An existing sanitary sewer collection system serves the existing Eastern Regional MRF and Transfer Station operations and TART and DPW facilities adjacent to the southern portion of the site. This collection system, which is owned by Placer County, would be extended to the site to serve the project. Currently, the site's sanitary sewer collection system ~~connects with the NTPUD sewer main, which runs along SR 89.~~ discharges into a TCPUD collection manhole, and then into T-TSA's Truckee River Interceptor, both of which are located in the Truckee River corridor near SR 89. Wastewater is conveyed via ~~NTPUD main and the T-TSA TCPUD sewer main~~ to the T-TSA WRP located east of the Town of Truckee. As part of the project, the existing sewer line would be extended to the site within the existing road alignment. The impacts of this improvement are evaluated throughout this EIR. No additional wastewater conveyance improvements would be required to convey project wastewater to the T-TSA reclamation plant.

These revisions are also reflected in Chapter 3 of this Final EIR. These revisions do not constitute new significant information or alter conclusions regarding environmental impacts contained in the Draft EIR.

- 9-5 The commenter provides clarification on page 15-2 of the Draft EIR regarding ownership of the wastewater collection system at the MRF and Transfer Station site. In response to this comment, the following revisions are made to the first full paragraph on page 15-2 of the Draft EIR:

The Tahoe City Public Utility District (TCPUD) provides sanitary sewer service to the existing MRF and Transfer Station. Placer County owns the collection system that serves the existing MRF and Transfer Station. The boundaries of the District lie within both Placer and El Dorado Counties, extending from Emerald Bay to Dollar Hill, and along the Truckee River to the Nevada County line. Sewage collected from the site discharges into a TCPUD collection manhole, and then into the Tahoe-Truckee Sanitation Agency (T-TSA) Truckee River Interceptor, both of which are located in the Truckee River corridor near SR 89. The T-TSA Truckee River Interceptor ranges in size from 24 inches to 42 inches and supplies sewage to T-TSA advanced water reclamation plant located in Truckee. Sewage collected from the site flows in a 36" pipe along the Truckee River corridor to the Tahoe-Truckee Sanitation Agency (T-TSA) wastewater treatment plant located on the eastern side of Truckee. The Tahoe-Truckee Sanitation Agency (T-TSA) was founded in 1972 in response to the Porter Cologne Water Quality Control Act, promulgated to protect Lake Tahoe and Truckee River water quality. T-TSA provides regional wastewater treatment service to several Tahoe-area communities through the Agency's five-member sewage collection districts. The member agencies served by T-TSA facilities include:

These revisions are also reflected in Chapter 3 of this Final EIR. These revisions do not constitute new significant information or alter conclusions regarding environmental impacts contained in the Draft EIR.

2.4.4 ORGANIZATIONS



CENTER for BIOLOGICAL DIVERSITY

10

September 10, 2012

Via e-mail: cdraecs@placer.ca.gov
 Hard copy to follow via U.S. Priority Mail

Maywan Krach
 Community Development Technician
 Placer County Community Development Resource Agency
 Environmental Coordination Services
 3091 County Center Drive, Suite 190
 Auburn, CA 95603

Re: Cabin Creek Biomass Facility Project Draft Environmental Impact Report (SCH# 2011122032)

Dear Ms. Krach:

The Center for Biological Diversity (“Center”) submits the following comments on the Draft Environmental Impact Report (“DEIR”) for the above-referenced Cabin Creek Biomass Facility (the “Project”). The Center is a non-profit environmental organization dedicated to the protection of imperiled species, their habitats, and the environment through science, policy, and environmental law. The Center has more than 378,000 members and online activists throughout the United States, including many members in the Lake Tahoe and Sierra Nevada regions. The goal of the Center’s Climate Law Institute is to reduce U.S. greenhouse gas emissions and other air pollution to protect biological diversity, the environment, and public health. Specific objectives include securing protections for species threatened by the impacts of global warming, ensuring compliance with applicable law in order to reduce greenhouse gas emissions and other air pollution, and educating and mobilizing the public on global warming and air quality issues.

Biomass energy generation, although often touted as a “clean” alternative to fossil-fueled generation, has potentially significant environmental impacts of its own. Absent proper consideration of these impacts—particularly air pollution, greenhouse gas emissions, and effects on forest habitat associated with the harvest and combustion of woody biomass—decision-makers and the public may be misled as to the benefits and environmental drawbacks of a biomass project.

Scrupulous compliance with the disclosure and mitigation requirements of the California Environmental Quality Act (“CEQA”) is therefore essential. Before the County may approve the Project, it must certify an EIR that complies with CEQA’s substantive and procedural requirements. *See generally* Public Resources Code section 21000 *et seq.*; *see also* 14 Cal. Code Regs. § 15000 *et seq.* (“CEQA Guidelines”). An

10-1

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EIR is “the heart of CEQA.” *Laurel Heights Improvement Ass’n v. Regents of University of California*, 47 Cal. 3d 376, 392 (1988) (citations omitted) (“*Laurel Heights I*”). It serves as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action. Because the EIR must be certified or rejected by public officials, it is a document of accountability.” *Id.* (citations and internal quotations omitted). Where an EIR fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Res. Code § 21061.

10-1
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As explained in detail below, the EIR fails to meet CEQA’s standards. In particular, the EIR fails to provide a complete, accurate, and consistent description of the Project. As a result, neither decision-makers nor the public can meaningfully assess the Project’s impacts or evaluate mitigation measures and alternatives to lessen those impacts. The EIR also fails to adequately disclose, analyze, and propose mitigation for the Project’s emissions of air pollutants including greenhouse gases, its potential effects on forest habitat and other biological resources, and its potential effects on groundwater supplies. For these reasons, as well as others described herein, the County cannot approve this Project unless and until it recirculates a revised draft EIR that meets all applicable legal standards.

I. The Project Description is Inconsistent and Lacks Sufficient Detail to Permit Informed Consideration of the Project’s Environmental Impacts.

In order for an environmental document to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. An EIR must describe a proposed project with sufficient detail and accuracy to permit informed decision-making. *See* CEQA Guidelines §15124. Indeed, “[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal. App. 4th 713, 730 (1994), quoting *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 193 (1977). As a result, courts have found that, even if an EIR is adequate in all other respects, the use of a “truncated project concept” violates CEQA and mandates the conclusion that the lead agency did not proceed in a manner required by law. *San Joaquin Raptor*, 27 Cal. App. 4th at 730. Furthermore, “[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” *Id.* (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. *See Communities for a Better Env’t v. City of Richmond*, 184 Cal. App. 4th 70, 82-83 (2010) (approval of EIR based on inadequate project description constitutes legal error).

10-2

As described below, the DEIR lacks consistency and detail regarding the Project’s fuel supply, the design of the gasifier and generator, the Project’s consistency with

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renewable generation goals, and the possible need for transmission upgrades to connect the Project to the grid. Absent consistent and adequately detailed information, neither the public nor the County’s decision-makers can properly evaluate the Project’s environmental consequences.

10-2
 Cont'd

A. Fuel Supply and Characteristics

The DEIR’s descriptions of the sources and characteristics of Project biomass fuels are vague and inconsistent. The DEIR acknowledges in some places that fuel will be “derived from a variety of sources,” DEIR at 3-11, but in others appears to assume fuel will come from a far more limited range of sources (i.e., woody materials from hazardous fuels reduction, thinning and harvest residuals, and WUI-sourced materials). DEIR at 3-13. Still other portions of the DEIR suggest that construction and demolition materials may be accepted in the future. DEIR at 5-19 to 5-20. Similarly, although the DEIR makes clear that woody materials “already being processed” at the existing Materials Recovery Facility (“MRF”) will be used as fuel during the winter, DEIR at 3-5, 3-7, 3-10, it does not adequately describe what kinds of wood waste are currently processed at the existing facility or how the Project proposes to ensure compliance with fuel specifications. *See* DEIR at 3-13 to 3-15.

10-3a

The DEIR similarly neglects to describe how existing demand for wood currently processed at the MRF and “reused” for ski slope stabilization and other purposes will be met if that wood is diverted to the Project.¹ Presumably, that demand will have to be met from other sources as a result of Project implementation; the DEIR thus must evaluate the potential environmental effects of meeting that demand.

10-3b

Without a complete, internally consistent, and accurate account of the actual fuel mix, it is impossible to evaluate the Project’s direct and indirect environmental effects. The sources and characteristics of fuels have a direct bearing on disclosure and analysis of air pollutant and greenhouse gas emissions as well as potential indirect forest and habitat effects. Indeed, the Project Description’s inconsistencies and omissions make it impossible to determine whether the Project will facilitate additional forest thinning operations. Project objectives include supporting forest management through “already planned forest thinning operations,” DEIR at 3-7, but the Project lifespan is 40 years, well beyond any acknowledged planning horizon for forest management activities. *See* DEIR at 3-15. Neither the public nor decision-makers can determine from the information provided in the Project Description whether this Project will incentivize additional biomass harvest or forest management activities. This information is necessary to evaluate potential impacts to forest and biological resources.

10-3c

¹ The DEIR’s discussion of current uses of the wood processed at the MRF is inconsistent. In the Project Description, the DEIR states this wood is transferred to other biomass facilities, including SPI’s Lincoln facility, DEIR at 3-7, but in a later section, the DEIR says the cost of transporting wood to Lincoln is economically prohibitive. DEIR at 5-20.

10-3d

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The DEIR’s assumptions regarding transportation of fuels are similarly unclear. The document’s truck trip estimates appear to be based on transport of “bone dry tons” of wood. DEIR at 3-15 to 3-16, 8-12 to 8-13. The actual wood hauled to the facility, however, will not be “bone dry,” but rather may have up to 50% moisture content. DEIR at 3-13. The DEIR does not disclose whether the resulting weight difference is significant in terms of chip van capacity and vehicular weight limits on the roads to be used for transportation. In short, the difference between theoretical “bone dry” fuels and the *actual* fuels to be transported may affect the number of truck trips and associated air pollution, greenhouse gas, traffic, and road maintenance impacts. Again, without an accurate characterization of the actual Project, analysis of these impacts is impossible.

10-4

B. Gasifier/Generator Design

The DEIR does not disclose sufficient information about the gasification and generation technology proposed for the Project to permit intelligent evaluation of potential impacts. The document does not describe any particular technology, but rather makes reference to a “preliminary layout of proposed facilities.” DEIR at 3-10. Under CEQA, the Project has to be described in sufficient detail to permit evaluation of its environmental consequences. The promise of “additional environmental review” later if the actual Project falls outside these vague parameters, DEIR at 3-10, is not sufficient.

10-5

For example, the DEIR does not specify whether a “lean burn” or a “rich burn” generator will be used, DEIR at 3-10, or what the difference might be in terms of air emissions. Emissions calculations presented elsewhere in the DEIR show zero emissions from natural gas, DEIR at 9-19 and App. D, even though the Project Description states natural gas may be used at startup depending on the final choice of technology. DEIR at 3-21. These inconsistencies make it impossible to evaluate the DEIR’s discussion of air quality impacts.

Similar Project Description deficiencies impede discussion of water quality impacts. Depending on the choice of technology for producing and cleaning the syngas, the Project may or may not use wet scrubbers or electrostatic precipitators to remove “entrained solid particulate and condensed tars, and trace contaminants containing alkalis and halogens.” DEIR at 3-10. Absent more precise information about generation technology, it is impossible to determine or evaluate what hazards these materials might pose or what will happen to them once they are filtered out of the syngas (i.e., whether they will be discharged in wastewater or as solid waste). The necessity of wastewater pretreatment also apparently depends upon a choice of technology that has not yet been made. DEIR at 3-21. Again, there is no way to analyze the potential impacts of providing pretreatment or discharging wastewater without knowing what technology will be used in the Project.

10-6

The DEIR similarly lacks information about potential transmission line improvements that may be necessary to carry the electricity generated by the Project. The Project Description concedes that interconnection studies have not yet been done, but rather will be deferred until the “latter phases of design.” DEIR at 3-21. Construction of

10-7

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adequate transmission facilities, however, is at least a foreseeable consequence (if not an integral part) of the Project, and thus must be evaluated in this EIR. *See, e.g., Laurel Heights I*, 47 Cal. 3d at 396. The DEIR’s proposal to defer analysis of potentially necessary “offsite improvements” for transmission, DEIR at 3-21, constitutes improper “piecemealing” of environmental review.

10-7
cont’d

The timing of environmental review under CEQA is of critical importance. While environmental review cannot be delayed past the point where important decisions have already effectively been made, an EIR should not be prepared “before the project is well enough defined to allow for meaningful environmental evaluation.” *Save Tara v. City of West Hollywood*, 45 Cal. 4th 116, 130 (2008). The Project here, at least as described in this DEIR, still lacks definition. Accordingly, a revised analysis must be prepared that better describes the proposed technology—or, at the very least, more fully describes each of the options potentially under consideration—so that the public and the County can fully and intelligently weigh their choices.

10-8

C. RPS Eligibility/Permitting

The DEIR’s discussion of the Project’s eligibility for consideration under the Renewable Portfolio Standard contains outdated and incomplete information. For example, the DEIR refers to a definition of “biomass fuels” under Public Resources Code section 25743(f), DEIR at 3-11, but that section was repealed earlier this year. Stats. 2012, ch. 39 § 100 (SB 1018) (effective June 27, 2012). As a result, the basis for the DEIR’s claim that the facility qualifies under the RPS is unclear. The Project may not qualify as a “gasification” or “municipal solid waste conversion” facility under section 25741(b) or section 40117 of the Public Resources Code due to its emissions of air pollutants. Yet it is also not a biomass combustion facility. Because the DEIR’s analysis and conclusions regarding greenhouse gases explicitly depend on the notion that the Project will be RPS-eligible, the DEIR must be revised to provide a more complete and accurate account of the basis for the document’s conclusions regarding RPS eligibility.

10-9

II. The DEIR Fails to Adequately Disclose, Analyze, and Propose Mitigation for the Project’s Potentially Significant Environmental Impacts.

The discussion of a proposed project’s environmental impacts is the core of an EIR. *See* CEQA Guidelines § 15126.2(a) (“[a]n EIR shall identify and focus on the significant environmental effects of the proposed project”). One of the “basic purposes” of CEQA is to “[i]nform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.” CEQA Guidelines, § 15002(a)(1). To this end, an EIR must contain facts and analysis, not just an agency’s bare conclusions. *Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal. 3d 553, 568 (1990). Public agencies must make a good-faith effort to disclose all they reasonably can about a project and its effects. *See* CEQA Guidelines §§ 15144, 15151.

10-10

CEQA further prohibits public agency approval of projects with significant environmental effects unless all feasible mitigation measures or alternatives available to

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lessen those effects have been incorporated. See Pub. Res. Code §§ 21002, 21002.1, 21081. Accordingly, an EIR must identify feasible, enforceable measures to mitigate significant environmental impacts. CEQA Guidelines § 15126.4.

10-10
Cont'd

As explained below, the DEIR fails to disclose, analyze, and identify mitigation for the Project’s potentially significant impacts, including its effects on air quality, climate change, forest habitat, and water supplies. These inadequacies go to the heart of CEQA’s informational purpose—and thus require that the DEIR be revised to provide a complete and accurate analysis of the proposed Project’s significant environmental impacts and feasible mitigation for those impacts, as required by law.

A. Air Quality

The DEIR’s disclosure and analysis of air pollutant emissions from the Project is incomplete. For example, the document neither discloses nor discusses the significance of operational carbon monoxide (“CO”) emissions from the Project. Estimated operational emissions were derived from a study conducted by TSS Consultants and the Placer County Air Pollution Control District. DEIR at 9-16, Table 9-5 n.2. According to that study, CO emissions from syngas production and combustion alone may range from 3.6 lb/hr to 6.5 lb/hr. TSS & PCAPCD 2011 at 12-15. This is not disclosed in the DEIR. Moreover, neither the DEIR nor the TSS/PCAPCD study clearly discloses CO emissions from other components of the Project. These emissions must be disclosed and their significance evaluated, regardless of whether the PCAPCD has adopted a threshold of significance for CO.

10-11

Although the DEIR references project-related PCAPCD thresholds of significance for other pollutants, it does not discuss the District’s cumulative threshold of significance for NOx and reactive organic gases (“ROG”). This threshold for both pollutants is 10 lbs/day; although the PCAPCD does not use this threshold in determining whether an EIR should be prepared, it nonetheless requires mitigation measures for emissions above this threshold.² Operational emissions of both NOx and ROG exceed this threshold. DEIR at 9-19, Table 9-7. Yet neither the Air Quality section nor the Cumulative Impacts section of the DEIR discusses this threshold or proposes any mitigation. The DEIR must be revised to disclose this threshold, properly evaluate the significance of emissions, and propose feasible mitigation.

10-12

The DEIR further fails to address the potential for objectionable odors from the biomass storage piles. Although the DEIR references certain biomass facilities that have not generated odor complaints, other biomass facilities have created significant odor problems.³ The DEIR acknowledges anaerobic activity in storage piles could create

10-13

² PCAPCD Draft CEQA Air Quality Handbook 24-25 (2012), available at <http://www.placer.ca.gov/Departments/Air/CEQAHandbook.aspx> (last visited Sept. 7, 2012).

³ For example, an EIR for a development project near the Wheelabrator biomass plant in Anderson (Shasta County) references “numerous” complaints about odors from the

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objectionable odors. DEIR at 9-23. Although the DEIR claims this potential would be diminished due to frequent mixing and throughput of fuels, *id.*, it concedes elsewhere that “there would be extensive storage of woody biomass fuels” on the site during winter months. DEIR at 16-14. The DEIR also references mitigation measure 16-4 as potentially effective in limiting odors, but that measure is primarily designed to minimize fire risk. DEIR at 16-15. Indeed, mitigation measure 16-4 does not require mixing storage piles frequently, which the DEIR at 9-23 suggests would minimize odors, but rather requires regular compaction of the piles. DEIR at 16-15. To the extent measure 16-4 explicitly addresses odors at all, it does so only by reference to a plan that will be prepared at some point in the future. Nothing in measure 16-4 sets forth specific performance standards or concrete mitigation commitments. As such, the DEIR impermissibly defers mitigation for this potential impact.

10-13
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Finally, the DEIR contains contradictory statements regarding the significance of toxic air contaminant (“TAC”) emissions. Both the Air Quality and Cumulative Impacts sections of the document claim TAC emissions are less than significant. DEIR at 9-22 to 9-23; 18-38 to 18-39. Yet the DEIR also identifies cumulative TAC emissions (i.e., emissions in conjunction with other nearby sources of TACs) as a significant and unavoidable effect of the Project for which no additional feasible mitigation is available. DEIR at 18-26. If TAC emissions are not significant, the EIR must provide facts and analysis to support this conclusion. If TAC emissions *are* cumulatively significant, on the other hand, the EIR must discuss potentially feasible mitigation measures, and must provide evidence and explanation supporting any conclusion that mitigation is infeasible.

10-14

B. Greenhouse Gases

The DEIR falls short of CEQA’s requirements in two major ways. First, it uses an unlawful and unsupported threshold of significance that inappropriately minimizes the Project’s greenhouse gas emissions. Second, it does not demonstrate that the Project’s effects will be less than significant, even under this inappropriate threshold.

10-15

1. Threshold of Significance

The DEIR evaluates the significance of the Project’s greenhouse gas emissions in comparison to a threshold based on the overall “efficiency” of the California electrical generation fleet necessary to meet AB 32’s 2020 targets. DEIR at 10-10 to 10-11 (explaining threshold of .28 MTCO₂e/MWh). This threshold is both inappropriate and insufficient.

10-16

The greenhouse gas reduction goals in the AB 32 Scoping Plan are a *projection* of planned reductions, based on business-as-usual emissions, that the state will strive to achieve by 2020. By evaluating the Project solely in light of these future projections, the DEIR limits its analysis to a comparison between the Project and a hypothetical future

facility. Enplan, Panorama Planned Development Project EIR at 4.3-32 to 4.3-33 (excerpt attached as Ex. 1).

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condition. Put simply, the DEIR ignores the Project’s effects as compared to existing environmental conditions. This is contrary to a long line of CEQA cases addressing the “baseline” for environmental analysis. *See, e.g., Communities for a Better Env’t v. S. Coast Air Quality Mgmt. Dist.*, 48 Cal. 4th 310 (2010); *Woodward Park Homeowners Ass’n v. City of Fresno*, 150 Cal. App. 4th 683 (2007); *Envtl. Planning & Info. Council v. County of El Dorado*, 131 Cal. App. 3d 350 (1982). The DEIR must be revised to include an evaluation of the Project’s emissions in light of existing conditions.

10-16
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At best, the DEIR evaluates only the Project’s consistency with policy goals, and neglects to evaluate its effect on the actual physical environment. Even assuming for the sake of argument that the Project would be consistent with achievement of AB 32’s goals—which, as explained below, the DEIR does not adequately demonstrate—this consistency would not relieve the County of its responsibility to determine whether the Project’s actual cumulative contribution to climate change is nonetheless significant. *Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099 (2004).

10-17

Recent climate science makes clear that projects consistent with AB 32 may still contribute significantly to climate change. The goal of AB 32 is to reduce California greenhouse gas emissions to 1990 levels by 2020. Health & Saf. Code § 38550. However, far steeper reductions are necessary to avoid the most significant impacts of climate change. Even to stabilize atmospheric CO₂ concentrations at 450 ppm and limit global average temperature increases to 2°C—a level at which devastating effects may still occur⁴—industrialized countries will have to reduce emissions by 25-40% below 1990 levels by 2020.⁵ Merely returning to 1990 emissions levels is not enough. Indeed, many scientists believe that avoiding the worst impacts of climate change will require reducing the concentration of CO₂ in the atmosphere to 350 ppm or below, which will require even steeper and more rapid reductions.⁶ The DEIR must analyze the cumulative significance of the Project’s emissions in light of the emissions reductions needed to avoid contributing to the actual physical impacts of climate change, not just measure them against an efficiency metric derived from the AB 32 Scoping Plan.

For these reasons, a threshold of significance based on mass emissions is appropriate to evaluate the Project’s effects in light of existing conditions. The timing and severity of climate change impacts ultimately depend on long-term atmospheric

⁴ Recognizing this fact, scientists and international climate negotiators have begun to explore pathways for limiting average global temperature increases to less than 1.5°C. *See, e.g., M. den Elzen, et al., United Nations Environment Programme, The Emissions Gap Report* (Nov. 2010) (attached as Ex. 2).

⁵ M. den Elzen & N. Höhne, *Reductions of greenhouse gas emissions in Annex I and non-Annex I countries for meeting concentration stabilisation targets*, 91 *Climatic Change* 249 (2008) (attached as Ex. 3).

⁶ J. Hansen, et al., *Target Atmospheric CO₂: Where Should Humanity Aim?*, 2 *Open Atmos. Sci. J.* 217 (2008) (attached as Ex. 4).

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concentrations of greenhouse gases. Analysis of mass emissions is directly relevant—indeed, essential—to any analysis of an individual project’s contribution to these impacts.⁷ The vast majority of state and federal climate policies and regulations—including, for example, EPA’s monitoring and reporting programs and its recent rulemakings regarding PSD and Title V permitting—use mass emissions thresholds.⁸ Evaluated at the smokestack,⁹ the Project’s greenhouse gas emissions on a mass basis exceed thresholds of significance proposed by air pollution control experts and public agencies for use in the CEQA context.¹⁰ The Project’s emissions should be evaluated in light of these thresholds, not merely by reference to AB 32’s policy goals.

10-17
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⁷ Indeed, current scientific work focuses on establishing a global “carbon budget” and defining the emissions reduction trajectories necessary to limit the worst environmental impacts. *See, e.g.,* Joeri Rogelj, et al., *Emission Pathways Consistent with a 2° Global Temperature Limit*, 1 *Nature Climate Change* 413 (2011) (attached as Ex. 5); Niklas Höhne and Sara Moltmann, *Sharing the Effort Under a Global Carbon Budget* (WWF and Ecofys 2009) (attached as Ex. 6). A mass-based significance threshold is essential to evaluation of a project’s impacts in the context of carbon budget limitations.

⁸ *See* Mandatory Reporting of Greenhouse Gases; Final Rule, 74 Fed. Reg. 56,260 (Oct. 30, 2009) (imposing reporting requirements on emitters of more than 25,000 tons per year CO₂e); Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule; Final Rule, 75 Fed. Reg. 31,514 (June 30, 2010) (requiring PSD and Title V permits for sources emitting more than 75,000 or 100,000 tons per year CO₂e).

⁹ The DEIR treats greenhouse gases and other air pollutants inconsistently. In the air quality context, purportedly “avoided” emissions from open burning are not included in the DEIR’s analysis, but in greenhouse gas context, these “avoided” emissions are subtracted (or “netted out”) from the Project’s smokestack emissions. Netting out reductions from off-site “avoided” emissions—emissions whose occurrence or non-occurrence is under the control of distant third parties and government agencies other than the County—is inconsistent with state and federal Clean Air Act practice and principles. Significance should be evaluated based on stack emissions alone.

¹⁰ *See, e.g.,* Cal. Air Pollution Control Officers Ass’n, *CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act* (Jan. 2008) at 42-57 (evaluating thresholds of zero, 900, 25,000, and 50,000 metric tons per year) (attached as Ex. 7); Cal. Air Res. Bd., *Preliminary Draft Staff Proposal, Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases Under the California Environmental Quality Act* (Oct. 24, 2008) at 10 (attached as Ex. 8) (recommending a presumptive threshold of significance of 7,000 metric tons of CO₂ equivalent per year for industrial projects); South Coast Air Quality Mgmt. Dist., *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold* (Oct. 2008) at 3-18 (Table 3-4) (attached as Ex. 9) (adopting screening threshold of 10,000 metric tons of CO₂ equivalent for industrial projects); Bay Area Air Quality Mgmt. Dist., *California Environmental Quality Act Guidelines Update: Proposed Thresholds of Significance* (Dec. 7, 2009) at 7

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The DEIR rejects a mass emissions threshold as inappropriate for a renewable energy facility based on the theory that larger renewable projects result in greater greenhouse gas reductions. DEIR at 10-10. But this assertion simply begs the question. To meet CEQA's requirements, an EIR must disclose and evaluate whether a renewable project *actually achieves* greenhouse gas reductions. All "renewable" energy technologies are not created equal when it comes to greenhouse gas emissions. Biomass generation is especially carbon-intensive, and has been shown to cause increases in atmospheric greenhouse gas concentrations over a period of decades to centuries depending on the feedstock.¹¹ Woody materials derived from forest thinning operations, even if intended to reduce fire risk, also result in long-term atmospheric CO₂ increases if combusted for bioenergy.¹² Even increased use of forest residuals represents a change in management practice that may affect overall greenhouse gas emissions.¹³ Biomass generation may be defined as "renewable" under California law, but that definition alone says nothing about the high carbon emissions associated with bioenergy.

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(attached as Ex. 10) (adopting threshold of 10,000 metric tons of CO₂ equivalent for stationary sources).

¹¹ See, e.g., Stephen R. Mitchell, et al., *Carbon debt and carbon sequestration parity in forest bioenergy production*, GCB Bioenergy (2012), doi: 10.1111/j.1757-1707.2012.01173.x (attached as Ex. 11); Ernst-Detlef Schulze, et al., *Large-scale bioenergy from additional harvest of forest biomass is neither sustainable nor greenhouse gas neutral*, GCB Bioenergy (2012), doi: 10.1111/j.1757-1707.2012.01169.x at 1-2 (attached as Ex. 12); Jon McKechnie, et al., *Forest Bioenergy or Forest Carbon? Assessing Trade-Offs in Greenhouse Gas Mitigation with Wood-Based Fuels*, 45 Environ. Sci. Technol. 789 (2011) (attached as Ex. 13); Manomet Center for Conservation Sciences, Massachusetts Biomass Sustainability and Carbon Policy Study: Report to the Commonwealth of Massachusetts Department of Energy Resources 103 (Walker, T., ed. 2010), available at <http://www.manomet.org/manomet-study-woody-biomass-energy>; T. Searchinger, et al., *Fixing a Critical Climate Accounting Error*, 326 Science 527 (2009) (attached as Ex. 14).

¹² See John L. Campbell, et al., *Can fuel-reduction treatments really increase forest carbon storage in the western US by reducing future fire emissions?* Front. Ecol. Env't, doi:10.1890/110057 (2011) (attached as Ex. 15); Tara Hudiburg, et al. 2011. *Regional carbon dioxide implications of forest bioenergy production*, Nature Climate Change, doi: 10.1038/NCLIMATE1264 (2011) (attached as Ex. 16).

¹³ "[A] change in forest management practices, for instance, by decreasing the rotation length or increasing the use of harvest residues, also has a long-term impact on the landscape-level terrestrial stock or the stand-level C stock time-averaged over the rotation." Kim Pingoud, et al., *Global warming potential factors and warming payback time as climate indicators of forest biomass use*, Mitig. Adapt. Strateg. Glob. Change (2011), DOI 10.1007/s11027-011-9331-9 at 2 (emphasis added) (attached as Ex. 17); see also Anna Repo, et al., *Indirect Carbon Dioxide Emissions from Producing Bioenergy from Forest Harvest Residues*, Global Change Biology Bioenergy, doi: 10.1111/j.1757-1707.2010.01065.x (2010) (attached as Ex. 18).

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Indeed, California’s RPS is not at all sensitive to the wide range of greenhouse gas emissions associated with different types of renewable generation, and does nothing to ensure that all RPS facilities actually reduce emissions.¹⁴ As a result, the DEIR’s logic is fatally flawed. While larger low-carbon renewable facilities—solar and wind installations, for instance—might arguably achieve greater greenhouse gas reductions, the same cannot be said for high-carbon biomass generation; larger biomass facilities produce more emissions, not less. Recent empirical research also has shown that renewable generation does not always displace fossil-fueled generation, but rather may simply add capacity to the grid, leaving any presumed greenhouse gas reductions from displacement unrealized.¹⁵

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Greenhouse gas reductions from renewable facilities cannot be assumed. They have to be demonstrated on a project-by-project basis, in light of each project’s actual emissions to the atmosphere. The DEIR’s threshold of significance does not provide an adequate basis for this demonstration, and thus fails to serve CEQA’s informational purpose.

2. Analysis of Significance

Even using a flawed standard of significance, the DEIR fails to substantiate its conclusion that the Project’s greenhouse gas emissions will be less than significant. Indeed, the DEIR’s conclusion that the Project will achieve an efficiency of .22 MTCO₂e/MWh is grounded in unsupported assumptions rather than substantial evidence.

The DEIR assumes every ton of fuel used by the Project would otherwise be burned in the open. DEIR at 10-13 (“only biomass that would otherwise be open burned would be hauled to the biomass plant.”). Using this assumption, the DEIR then subtracts emissions from “avoided” open burning from the Project’s actual emissions in order to arrive at the efficiency figure of .22 MTCO₂e/MWh. DEIR at 10-14 to 10-15, App. D.

This fundamental assumption—critical to the DEIR’s conclusion that the Project’s greenhouse gas emissions are less than significant—is contradicted by other statements in the DEIR. For example, the Project will use fuels from the existing MRF facility during several months of the year—fuels that would otherwise be reused for non-combustion purposes like ski slope stabilization.¹⁶ The DEIR also anticipates that the

10-18

¹⁴ Indeed, “reducing emissions of greenhouse gases” is only one of the nine enumerated “benefits” of the RPS program; the other eight “benefits” have nothing to do with climate change. See Pub. Util. Code § 399.11(b).

¹⁵ See Andrew K. Jorgenson, *Analyzing fossil-fuel displacement*, 2 Nature Climate Change 398 (2012) (attached as Ex. 19); Richard York, *Do alternative energy sources displace fossil fuels?* 2 Nature Climate Change 441 (2012) (attached as Ex. 20). York 2012 specifically finds that non-hydropower renewables, including biomass, do not displace fossil fuels at all, but rather simply add capacity.

¹⁶ Although the DEIR states some of this fuel is currently trucked to other biomass plants, DEIR at 3-7, it also concedes this is economically prohibitive. DEIR at 5-20. In any

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Project will accept construction and demolition waste during its 40-year lifetime. DEIR at 5-19 to 5-20. The EIR also purportedly assumes up to a quarter of the fuel supply may come from WUI projects, DEIR at 3-13, which by definition may occur in residential areas where open burning may be more restricted and less common.

Contrary to all of these statements, the DEIR’s analysis of greenhouse gases seems to assume that the entire fuel supply will come from forest residuals. Yet nothing in the DEIR or the Project Description enforceably limits the fuel supply to forest residuals, much less only those residuals that “would otherwise be open burned.” The DEIR acknowledges that not *all* materials from forest management projects are burned in the open. *See, e.g.*, DEIR at 10-13, 18-6. Nothing in the DEIR explains how anyone associated with the Project will be able to ensure that only residual materials otherwise slated for open burning would be hauled to the biomass plant, when the harvesting, processing, and transportation of these materials will all be under the control of third parties. In short, the assumption that all Project fuel would otherwise be burned in the open is entirely unsubstantiated.

10-18
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The DEIR also assumes in conclusory fashion that open burning would attain a remarkably high combustion efficiency of 95%. DEIR at App. D. Empirical evidence indicates otherwise. According to Forest Service research, fuel consumption in slash piles can range as low as 75%.¹⁷ Combustion efficiencies for broadcast understory burning of coarse woody debris can be as low as 60%.¹⁸ The DEIR thus overstates combustion emissions from purportedly “avoided” open burning operations—and as a result *understates* net emissions from the Project itself.

10-19

Due to these inconsistencies and unsupported assumptions, it appears highly unlikely that the Project will achieve a greenhouse gas efficiency below the DEIR’s threshold of significance of .28 MTCO₂e/MWh. In order to meet this threshold, net Project emissions would have to be no higher than 4,905.6 MTCO₂e—a mere 4.4% higher as a fraction of total emissions than the DEIR’s claimed net emissions of 3,809 MTCO₂e. Accordingly, if only 5% of Project fuels (including construction and demolition waste and materials from the existing MRF) would not otherwise have been open burned, or open burning combustion efficiencies average only 90% (which is still higher than supported in the empirical literature), net Project emissions will be high enough to exceed the DEIR’s .28 MTCO₂e/MWh threshold of significance. The DEIR has not justified its use of assumptions that dramatically underestimate the Project’s

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event, nothing in the DEIR substantiates the assertion that materials currently processed at the MRF “would otherwise be open burned.”

¹⁷ Colin C. Hardy, *Guidelines for Estimating Volume, Biomass, and Smoke Production for Piled Slash*, U.S. Dept. of Agriculture, Forest Service, Pacific Northwest Research Station, Gen. Tech. Rep. PNW-GTR-364 (1996) (attached as Ex. 21).

¹⁸ *See* Eric E. Knapp et al., *Fuel Reduction and Coarse Woody Debris Dynamics with Early Season and Late Season Prescribed Fire in a Sierra Nevada Mixed Conifer Forest*, 208 *Forest Ecology & Mgmt.* 383 (2005) (attached as Ex. 22).

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actual net emissions—and thus has identified inadequate evidence to support its conclusion that those emissions will be less than significant, even under the DEIR’s own flawed threshold.

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Although the DEIR itself does not offer any explanation, a note in Appendix D claims materials left in the forest would decompose anyway, and thus appears to suggest that decomposition and combustion may be treated as equivalent sources of atmospheric emissions. This assumption also lacks a scientific basis. Combustion and decomposition emissions enter the atmosphere in different amounts and at different times, and thus have different climatic consequences. Biomass materials left in the forest following fuels reduction and thinning projects decompose, but at a much slower rate, and a substantial fraction of carbon may remain sequestered even in the smallest residual materials for many decades.¹⁹ Combustion, in contrast, instantly converts biologically stored carbon into atmospheric CO₂.

This is a distinction with a very important difference. Recent climate science indicates global emissions must peak by 2020, and decline sharply and steadily thereafter, in order to preserve a likely chance of limiting average temperature increases to 2°C.²⁰ Near-term emissions increases also add to the risk of triggering climatic “tipping points”—aspects of the Earth’s climate system that could be switched into a “qualitatively different state” by relatively small increases in radiative forcing.²¹ Because combustion emissions increase atmospheric greenhouse gas concentrations immediately—and because those concentrations may remain elevated for decades or even longer compared to what would have happened otherwise—bioenergy emissions cannot be considered equivalent to decomposition emissions in evaluating climate effects. The DEIR fails to disclose or consider the implications of this critical temporal aspect of the Project’s contribution to climate change.

10-21

In sum, the DEIR does not disclose complete and scientifically accurate information about the Project’s greenhouse gas emissions, and thus does not serve CEQA’s purposes. The DEIR also does not identify substantial evidence in support of its conclusion that the Project’s emissions will be less than significant. The DEIR must be revised and recirculated before the Project can be approved.

10-22

C. Biological Resources

The DEIR acknowledges forest management and biomass harvesting activities can affect forests and habitat, yet concludes the Project’s demand for fuel would not cause any changes in management in the Tahoe National Forest or the Lake Tahoe basin. See DEIR at 5-19 to 5-21. This conclusion is unsupported. The document claims there will be “substantial sources” of biomass materials from Forest Service projects over the

10-23

¹⁹ See Repo 2010, supra note 13.

²⁰ Rogelj 2011, supra note 7.

²¹ See, e.g., Timonthy M. Lenton et al., *Tipping elements in the Earth's climate system*, 105 Proc. Natl. Acad. of Sciences 1786 (2008) (attached as Ex. 23).

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next 10 to 15 years. DEIR at 5-19. The facility, however, is expected to be in operation for 40 years; aside from some general conclusory observations about the potential availability of non-forest-sourced fuels, DEIR at 5-19 to 5-20, the document lacks any analysis of the Project’s potential long-term impacts on local forests. The DEIR also states that the facility’s small size would prevent any increase in demand resulting from creation of a market for biomass fuels, DEIR at 5-20, but the document cites no evidence or analysis to support this conclusory statement. As a result, the DEIR’s conclusion that the Project will have no significant impact on forests or habitat lacks a basis in fact.

10-23
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D. Water Quality and Supply

The DEIR’s discussion of water quality falls short of CEQA’s requirements. The document’s Cumulative Impacts section states hydrology and water quality impacts are potentially significant. DEIR at 18-41. Yet the DEIR fails to propose or discuss any feasible mitigation for this effect. See DEIR at 2-30 (summarizing mitigation measures). This is inconsistent with CEQA, which precludes Project approval absent adoption of all feasible mitigation to lessen or avoid significant environmental impacts. See Pub. Res. Code §§ 21000, 21081.

10-24

The DEIR’s analysis of water supply is also flawed. An EIR must demonstrate that water supplies will be adequate over the long term (i.e., the 40-year life of the Project). See generally *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*, 40 Cal. 4th 412 (2007). Here, the DEIR does not provide any evidence that groundwater supplies are adequate, but rather claims there is a lack of evidence that supplies are inadequate. DEIR at 13-12. A lack of evidence of inadequacy is not evidence of adequacy. Indeed, the DEIR lacks any analysis of the actual groundwater basin and resources from which water will be drawn. The well supplying the Project is “not located within a mapped groundwater basin.” DEIR at 13-3. Information on the Martis Valley groundwater basin is thus not directly relevant to the Project’s potential impact on water supply or quality, and comparison to Martis Valley’s groundwater resources is not informative. The DEIR thus contains only conclusory, unsupported statements that water supply is sufficient. The County has a duty under CEQA to investigate these impacts and to support its conclusions with substantial evidence. It is clear from the DEIR that the County has not yet fulfilled these responsibilities.

10-25

E. NEPA Compliance

The Department of Energy (“DOE”) apparently has not yet determined whether to prepare an Environmental Assessment or an Environmental Impact Report for the Project pursuant to the National Environmental Policy Act (“NEPA”), or whether it will simply rely on the DEIR in issuing a finding of no significant impact (“FONSI”). DEIR at 1-1. This DEIR, however, cannot serve as the basis for a FONSI. The document lacks any discussion of NEPA’s requirements for an environmental assessment. See 40 C.F.R. §§ 1501.4, 1508.9. No opportunity has been provided for comments to DOE regarding this document’s adequacy as an environmental assessment. Similarly, there is no indication

10-26

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DOE has followed its own NEPA procedures, as outlined in DOE Order O 451.1B (particularly paragraph 5.a(8) and (9), paragraph 5.d(3) and (11), and paragraph 5.e(5)).²²

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III. Conclusion

For the foregoing reasons, the DEIR cannot serve as the basis for Project approval under either CEQA or NEPA. The County must revise and recirculate a document that fully complies with the law before moving forward with the Project.

10-27

Sincerely,



Kevin P. Bundy
Senior Attorney

Encl.

²² DOE Order O 451.1B (attached as Ex. 24).

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List of Attached Exhibits
 (Submitted as PDF Files via email and on enclosed CD)

Exhibit	Title
1	Enplan/Shasta County, Panorama Planned Development Project EIR (excerpt).
2	M. den Elzen, et al., United Nations Environment Programme, The Emissions Gap Report (Nov. 2010).
3	M. den Elzen & N. Höhne, <i>Reductions of greenhouse gas emissions in Annex I and non-Annex I countries for meeting concentration stabilisation targets</i> , 91 <i>Climatic Change</i> 249 (2008).
4	J. Hansen, et al., <i>Target Atmospheric CO₂: Where Should Humanity Aim?</i> , 2 <i>Open Atmos. Sci. J.</i> 217 (2008).
5	Joeri Rogelj, et al., <i>Emission Pathways Consistent with a 2° Global Temperature Limit</i> , 1 <i>Nature Climate Change</i> 413 (2011).
6	Niklas Höhne and Sara Moltmann, <i>Sharing the Effort Under a Global Carbon Budget</i> (WWF and Ecofys 2009).
7	Cal. Air Pollution Control Officers Ass'n, <i>CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act</i> (Jan. 2008).
8	Cal. Air Res. Bd., <i>Preliminary Draft Staff Proposal, Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases Under the California Environmental Quality Act</i> (Oct. 24, 2008).
9	South Coast Air Quality Mgmt. Dist., <i>Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold</i> (Oct. 2008).
10	Bay Area Air Quality Mgmt. Dist., <i>California Environmental Quality Act Guidelines Update: Proposed Thresholds of Significance</i> (Dec. 7, 2009).
11	Stephen R. Mitchell, et al., <i>Carbon debt and carbon sequestration parity in forest bioenergy production</i> , <i>GCB Bioenergy</i> (2012), doi: 10.1111/j.1757-1707.2012.01173.x.
12	Ernst-Detlef Schulze, et al., <i>Large-scale bioenergy from additional harvest of forest biomass is neither sustainable nor greenhouse gas neutral</i> , <i>GCB Bioenergy</i> (2012), doi: 10.1111/j.1757-1707.2012.01169.x.
13	Jon McKechnie, et al., <i>Forest Bioenergy or Forest Carbon? Assessing Trade-Offs in Greenhouse Gas Mitigation with Wood-Based Fuels</i> , 45 <i>Environ. Sci. Technol.</i> 789 (2011).
14	T. Searchinger, et al., <i>Fixing a Critical Climate Accounting Error</i> , 326 <i>Science</i> 527 (2009).
15	John L. Campbell, et al., <i>Can fuel-reduction treatments really increase forest carbon storage in the western US by reducing future fire emissions?</i> <i>Front. Ecol. Env't</i> , doi:10.1890/110057 (2011).
16	Tara Hudiburg, et al. 2011. <i>Regional carbon dioxide implications of forest bioenergy production</i> , <i>Nature Climate Change</i> , doi: 10.1038/NCLIMATE1264 (2011).

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17	Kim Pingoud, et al., <i>Global warming potential factors and warming payback time as climate indicators of forest biomass use</i> , <i>Mitig. Adapt. Strateg. Glob. Change</i> (2011), DOI 10.1007/s11027-011-9331-9.
18	Anna Repo, et al., <i>Indirect Carbon Dioxide Emissions from Producing Bioenergy from Forest Harvest Residues</i> , <i>Global Change Biology Bioenergy</i> , doi: 10.1111/j.1757-1707.2010.01065.x (2010).
19	Andrew K. Jorgenson, <i>Analyzing fossil-fuel displacement</i> , 2 <i>Nature Climate Change</i> 398 (2012).
20	Richard York, <i>Do alternative energy sources displace fossil fuels?</i> 2 <i>Nature Climate Change</i> 441 (2012).
21	Colin C. Hardy, <i>Guidelines for Estimating Volume, Biomass, and Smoke Production for Piled Slash</i> , U.S. Dept. of Agriculture, Forest Service, Pacific Northwest Research Station, Gen. Tech. Rep. PNW-GTR-364 (1996).
22	Eric E. Knapp et al., <i>Fuel Reduction and Coarse Woody Debris Dynamics with Early Season and Late Season Prescribed Fire in a Sierra Nevada Mixed Conifer Forest</i> , 208 <i>Forest Ecology & Mgmt.</i> 383 (2005).
23	Timothy M. Lenton et al., <i>Tipping elements in the Earth's climate system</i> , 105 <i>Proc. Natl. Acad. of Sciences</i> 1786 (2008).
24	DOE Order O 451.1B.

**Letter 10
Response**

**Center for Biological Diversity
Kevin P. Bundy, Senior Attorney
September 10, 2012**

Note: the attachments to the Center for Biological Diversity comment letter are included in Appendix B of this Final EIR.

10-1 The commenter provides information regarding the Center for Biological Diversity and discusses the requirements of the CEQA. The commenter makes a general statement that the EIR fails to adequately disclose, analyze, and propose mitigation for the project's emissions of air pollutants including greenhouse gases, its potential effects on forest habitat and other biological resources, and its potential effects on groundwater supplies. No specific comments on the EIR analysis are provided. Responses to specific questions and comments regarding these issues are provided below.

10-2 The commenter states that the Draft EIR project description is inconsistent and lacks sufficient detail to permit informed consideration of the project's environmental impacts. The commenter further states that the Draft EIR lacks consistency and detail regarding the project's fuel supply and the design of the gasifier and generator; the Draft EIR lacks consistency with renewable generation goals and lacks detail regarding possible need for transmission line upgrades to connect the project to the grid. This comment provides introductory statements only. Refer to the responses to comments 10-3 through 10-9, below.

10-3a The commenter states that the Draft EIR descriptions of the sources and characteristics of biomass fuels are vague and inconsistent. The commenter asserts that the Draft EIR states that woody material already being processed at the MRF Facility will be used in the winter (Draft EIR pages 3-5, 3-7, 3-10) and the Draft EIR does not adequately describe what kinds of wood waste are currently processed at the existing facility or how the proposed project proposes to ensure compliance with fuel specifications (Draft EIR pages 3-13 to 3-15). The commenter selects quotes and then takes them out of context. For example, the commenter states "although the DEIR makes clear that woody materials 'already being processed' at the existing Material Recovery Facility ("MRF") will be used during the winter, DEIR at 3-5, 3-7, 3-10..."

On Draft EIR page 3-5 the woody biomass material that is already processed at the MRF facility is noted as part of the description of the County's overall Biomass Program, and not referenced specifically to the proposed project. On page 3-7 in Section 3.4.1, Project Overview, the description of the existing wood waste processing operations at the MRF is given as background for current operations adjacent to the project site, in contrast to the description of the source of fuels for the proposed plant, which is described in the following paragraph.

Reference to use of the MRF-processed wood waste on pages 3-7 and 3-10 states "While not anticipated to be needed, if fuel supplies for the biomass facility are low (potentially during extended winter months), the wood waste material (forest waste biomass) already processed at the Eastern Regional MRF and Transfer Station *could be available* as additional biomass fuel supply for the biomass facility *provided the material meets all the of the necessary fuel specifications* (emphasis added)" and refers the reader to the detailed description of woody biomass fuel specifications that are provided in the Section 3.4.3, pages 3-11 to 3-15. Therefore, the Draft EIR project description states that the MRF-sourced wood would only be used if it meets fuel source specifications and only if the need arises. Further on page 3-13, second

paragraph the Draft EIR states that “While the fuel assessment considered fuel availability within 30 miles that includes clean (untreated) construction and demolition wood from building/remodeling activities extending to Reno, Nevada, *the Applicant proposes to procure only forest-source material.*”(emphasis added)

Section 3.4.3 of the Draft EIR describes the woody biomass fuel supply. In response to this comment, the text of Section 3.4.3 (page 3-11) in the Draft EIR is revised as follows to clarify that clean urban wood waste and any treated wood would not be used, to update references to PRC sections regarding renewable energy facilities, and to eliminate reference to pine needles as a fuel source:

3.4.3 WOODY BIOMASS FUEL SUPPLY

The fuel supply for the proposed project would be solely woody biomass, derived from a variety of sources including forest-sourced material (hazardous fuels residuals [i.e., woody biomass material that poses a substantial fire threat to human or environmental health], forest thinning and harvest residuals [i.e., woody biomass generated from forest maintenance and restoration activities], and clean Wildland Urban Interface (WUI; generally areas within ¼-mile of urban centers where materials would otherwise be piled and burned)-sourced waste materials from ~~residential and commercial property defensible space clearing and property management activities; materials that would otherwise be piled and burned, which would include brush and yard clippings, tree trimmings and pine needles~~). The facility would be certified as a renewable energy facility by the CEC based on California Public Resources Code (PRC) Section 25740, 25741 et seq. ~~the proposed sole use of renewable woody biomass as its only fuel source. As stated in California Public Resources Code (PRC) Section 25743(f), the CEC categorizes facilities generating electricity from biomass energy as in-state renewable electricity generation facilities if they report to the CEC the types and quantities of biomass fuels used and certify to the satisfaction of the Commission that the fuel utilization meets certain requirements including:~~

- ~~▲ have been harvested pursuant to an approved timber harvest plan prepared in accordance with the Z’berg-Nejedly Forest Practice Act of 1973 (Chapter 8 [commencing with Sec. 4511] of Part 2 of Division 4, California PRC);~~
- ~~▲ have been harvested for the purpose of forest fire fuel reduction or forest stand improvement; and~~
- ~~▲ do not transport or cause the transportation of species known to harbor insect or disease nests outside zones of infestation or current quarantine zones, as identified by the California Department of Food and Agriculture or CAL FIRE, unless approved by those agencies.~~

Forest-sourced material for the proposed project would generally include:

- ▲ residuals as a result of forest fuels reduction and defensible space activities; and
- ▲ timber harvest residuals including limbs, treetops, and unmerchantable logs generated as byproducts of commercial timber harvest activities.

High-quality, recoverable WUI materials for the proposed project would generally include tree trimmings and brush. The facility would not accept any urban wood waste

from building materials or other potential sources that have been treated (e.g., painted or pressure-treated wood).

To generate 2 MW of power using a gasification system, the plant would consume between approximately 14,000 and 17,000 bone dry tons (BDT) of woody biomass fuel annually depending on the vendor ultimately chosen.^a The analysis contained herein assumes a maximum of 17,000 BDT of woody biomass would be consumed annually. This material would be delivered to the project site processed (i.e., chipped versus whole trees, limbs, and brush). The woody biomass fuel supply is anticipated to originate from within and around the Lake Tahoe Basin, generally within a 20- to 30-mile radius from the project site. In general, the costs associated with transport of woody biomass limit the market area for fuel acquisition. However, biomass fuel sources could come from longer distances if economics allow. All material to be used in the power generating facility would be required to meet established fuel specifications (see discussion of source-material specifications below).

In 2010, Placer County commissioned a comprehensive study of biomass markets, resource availability, and current demand for biomass feed stocks in the greater Lake Tahoe region (*Fuel Procurement Plan for the Lake Tahoe Region Biomass Energy Generation Facility*, Placer County Planning Department, February 16, 2011) to determine supply availability to support a wood-to-energy biomass facility in eastern Placer County. The fuel procurement study used a 40-year planning horizon and determined that sufficient biomass material is available to sustain a 1 to 3 MW biomass power generation facility (Placer County Planning Department 2011). According to the study, approximately 112,440 BDT per year of biomass fuel is available within a 30-mile radius or approximately one-hour drive (Table 3-1). According to the study, current demand for woody biomass materials from other facilities amounts to about 40,350 BDT per year resulting in a net availability of 72,090 BDT per year (Placer County Planning Department 2011), an amount in excess of the maximum 17,000 BDT required for the proposed 2-MW gasification facility. Exhibit 3-7 shows the general location of the core fuel supply area (CFSa).

According to the biomass fuel procurement study, transportation costs are such that use of most of this material at other biomass power plants would be economically infeasible. Transport costs are significant and Placer County is working with land management agencies to cost share the collection, processing, and transport expenses for biomass material that is currently open pile burned or masticated (chipped and scattered) (Placer County Planning Department 2011).

While the fuel assessment considered fuel availability within 30 miles that includes clean (untreated) construction and demolition wood from building/remodeling activities extending to Reno, Nevada, the Applicant proposes to procure only forest-sourced material. There are no plans to procure biomass fuel from the Reno/Sparks area. The Applicant intends to primarily procure material from areas within 20 to 30 miles of the Cabin Creek facility and from sources consistent with the basic project objectives that support fuels management projects designed to reduce catastrophic wildfire risks and healthy forest management projects in the Lake Tahoe Region.

The Applicant has secured access to a majority of the forest-sourced woody biomass waste material from the Lake Tahoe Basin via a contract with the USFS, Lake Tahoe Basin Management Unit. With a Master Stewardship Agreement (MSA), Placer County has a 10-year period to remove the woody biomass waste material from federally managed forest lands (for projects that have completed National Environmental Policy Act [NEPA] review). All MSA contracts are limited to up to 10 years under current law. The MSA can be re-negotiated for extensions. Placer County is currently negotiating a similar contract with the USFS, Tahoe National Forest to conduct similar activities. Within these MSAs, the USFS would assist in the cost of the removal of material that would otherwise be piled and burned or masticated. Contractors to the Applicant would then process and remove material that would be brought to the facility for energy production at the Cabin Creek facility. Similar contracts with local public agencies (e.g., fire districts) and business are also being developed to support the facility and provide each agency with a sustainable option to remove tree waste biomass rather than open burning.

The fuel blend for the facility assumes that 75 percent of the facility's fuel usage would be sourced from hazardous fuels treatment activities, with the balance being made up of forest thinning residuals and WUI-sourced materials (primarily tree trimmings and pine needles) (Placer County Planning Department 2011).

Similarly, the text on page 3-14 of the Draft EIR is revised as follows:

WUI-SOURCED MATERIAL SPECIFICATIONS

WUI waste would include primarily wood waste ~~from tree trimming and yard clean up (pine needles) for~~ from defensible space activities purposes. WUI-sourced material used at the facility would be required to meet the following fuel specifications developed by the Applicant (Placer County Planning Department 2010):

The last paragraph on page 5-19 is revised as follows to be consistent with the above project description revisions:

The proposed biomass facility would use woody biomass derived from forest sources and clean urban sources. The forest sources would include forest residuals generated from hazardous fuel reduction, forest thinning for stand-level management, wildlife habitat enhancement, or other forest management activities conducted by the Tahoe National Forest (TNF) and Lake Tahoe Basin Management Unit (LTBMU) of USFS. Placer County's intention is to primarily use biomass generated from these USFS projects especially in light of the substantial sources of these materials to meet the facilities needs over the next 10 to 15 years; ~~however, over its lifetime, the biomass facility may use clean urban sources of fuels, such as tree trimmings, pine needles, and clean (untreated) construction and demolition wood (e.g., pallets), and forest sources on state or private land as well. The facility would not accept any urban wood waste from building materials or other potential sources that have been treated (e.g., painted or pressure-treated wood).~~

The above revisions do not constitute new significant information or alter conclusions regarding environmental impacts contained in the Draft EIR.

Fuel record keeping described in Section 3.4.3 on Draft EIR page 3-16, states that “The facility operator would record the source location, volume/weight, moisture content, and date and time for all incoming loads of biomass material to project site.” and that “Data would be maintained at the site and made available to CEC and others as necessary.” Environmental Commitment Number 6, on Draft EIR page 3-23 states that “All biomass fuel consumed by the biomass facility shall comply with the fuel specifications identified in Section 3.4.3 above, including specifications about the HHV, ash content, moisture content, fuel size, excluded materials, and *third-party testing for forest-sourced and WUI-sourced biomass.*” (emphasis added)

Fuel specifications have been established to maximize plant operational efficiency and optimize energy production operational efficiencies. The recorded information on fuel source would be available to the County and other agencies with regulatory oversight and would be used to demonstrate compliance with CEC renewable energy resource requirements.

10-3b

The commenter asserts that the Draft EIR neglects to describe how existing demand for wood currently processed at the MRF and reused for ski slope stabilization and other purposes will be met if diverted to the proposed project, and that the Draft EIR must evaluate the potential environmental effects resulting from meeting the demand for these materials.

As described above, the biomass facility would only use the MRF-processed wood waste if needed, and if it meets fuel specifications. Furthermore, the majority of material that the ski slopes use for stabilization consists of pine needles. The proposed facility, which would use a gasification technology, would not accept pine needles as they are the least efficient of the material to gasify (Storey 2012); the revisions to the Draft EIR text to exclude pine needles are discussed above. The Draft EIR on pages 3-11 to 3-12 notes that the fuel procurement study (*Fuel Procurement Plan for the Lake Tahoe Region Biomass Energy Generation Facility*, Placer County 2011) used a 40-year planning horizon, and determined that sufficient biomass material is available to sustain a 1 to 3 MW biomass power generation facility (Placer County 2011). According to the Fuel Procurement Plan, approximately 112, 440 BDT per year of biomass fuel is available within a 30-mile radius or approximately one-hour drive. This includes 180 BDT of pine needles, which would not be used in the gasification process, and would continue to be available for ski slope and other land stabilization and erosion protection measures.

The Fuel Procurement Plan identifies current demand for woody biomass materials from other facilities to be about 40,350 BDT per year resulting in a net availability of 71,910 BDT per year (excluding pine needles)(Placer County 2011), an amount in excess of the maximum 17,000 BDT required for the proposed 2-MW gasification facility. According to the Fuel Procurement Plan, current markets for woody biomass material, other than fuel uses amount to approximately 11,350 BDT/year (Placer County 2011). Therefore, there would be excess wood waste and pine needles in the fuel procurement area to serve other uses.

10-3c

The commenter states that without a complete, internally consistent, and accurate account of the actual fuel mix, it is not possible to evaluate the project’s direct and indirect environmental effects. The commenter further states that the Project Description’s inconsistencies and omissions make it impossible to determine whether the project will facilitate additional forest thinning operations. The commenter also states “the Project Objectives include supporting forest management through ‘already planned forest thinning operations’, but the Project

lifespan is 40 years, well beyond any acknowledged planning horizon for forest management activities.”

See responses above and see the responses to comments 2-2 and 7-1.

10-3d

Finally, in Footnote 3, the commenter states that the Draft EIR is inconsistent in describing the current use of the MRF-processed wood; on page 3-7 the Draft EIR states that this wood is transferred to SPI’s biomass facility in Lincoln, and on page 5-20 the Draft EIR states that transporting the material to Lincoln is cost prohibitive.

The Draft EIR does state on page 3-1 that MRF-processed wood waste “...materials are hauled from the site to more distant biomass facilities (such as Sierra Pacific Industries biomass facility in Lincoln, California) and other sites for reuse (such as ski slope stabilization).” On page 5-20 the Draft EIR states “...TNF and LTBMU are currently not able to dispose of the woody debris generated from their forest management projects at a biomass facility...”. The source of the wood waste referred to in the second instance is material processed on the TNF and LTBMU, and is not wood waste processed at the MRF. Economies of scale, hauling distances, accessibility, and truck capacities differ for these operations. Also, in this instance Placer County by contract subsidizes the removal of materials from forest-lands that would otherwise be open burned. Historically, SPI has not operated within the CFSA with similar cost-sharing arrangements. Therefore, the Draft EIR statement that hauling wood waste directly off of the National Forests to the more distant biomass facilities may not be feasible from an economic standpoint is reasonable and the commenter offers nothing to disprove this statement.

10-4

The commenter expresses confusion about the haul capacity of trucks and the number of truck trips that would be used to transport forest-sourced biomass to the biomass facility. The commenter states, “[T]he actual wood hauled to the facility, however, would not be ‘bone dry’ but rather may have up to 50% moisture content.” Starting on page 3-15, the Draft EIR states “all biomass material would be hauled out of the forests in chip vans, which have a capacity of 12.5 BDT or 93 cubic yards and forest material would only be recovered from locations that are accessible by chip vans using existing roads. Based on the volume of material required to fuel the facility and the number of days that material could be delivered, it is estimated that up to 1,360 truckloads would be delivered per year or a maximum of 22 truck loads per day.” Table 8-6 on page 8-12 of the Draft EIR shows the mathematical relationships among the mass of the biomass consumed by the plant (expressed in BDT/year), the volume capacity of the haul trucks, the mass capacity of haul trucks (expressed in BDT), and the mass of biomass consumed by the facility (expressed in BDT). The number of truck trips analyzed in the Draft EIR is based on the volume of biomass material that is delivered, rather than the mass (expressed in green tons or BDT). Other operational details are provided in Appendix D to the Draft EIR, in a table titled “Operational Parameters.” A chip van can haul a volume of biomass that is equivalent to 12.5 BDT and the annual number of truck trips is based on the fuel demand of the proposed biomass facility (i.e., 14,000-17,000 BDT/year for the gasification alternatives and 17,000-20,000 BDT/year for the direct combustion alternatives). The tables called “Emissions from Trucks Hauling Biomass under Gasification Alternatives” and “Emissions from Trucks Hauling Biomass under Direct Combustion Alternatives” in Appendix D show that detailed calculations of haul truck emissions were based on the capacity of haul trucks expressed in BDT/load.

This comment does not directly raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration during project review. No further response is necessary.

10-5

The commenter asserts that the Draft EIR does not include enough detail about the gasification technology that would be used by the biomass facility to permit intelligent evaluation of potential impacts.

Placer County is the project applicant, as stated on page 3-7 of the Draft EIR. On page 3-10, the Draft EIR explains, “The Applicant has not identified a preferred vendor of gasification system equipment. If the project is approved, the Applicant would select the manufacturer later in the process. However, the Applicant performed a detailed review of gasification systems from numerous credible vendors, and has obtained emissions and performance data and performed engineering analysis of these systems. Based on this information, the Applicant has identified a preliminary layout of proposed facilities based on an understanding of the gasification technology, information provided by prospective vendors, and the size of facilities that would be required to generate 2 MW of energy. This information has been used to develop the proposed project evaluated in this EIR, and based on this information the Draft EIR evaluates the range of possible impacts associated with each of the potential technologies. The Applicant would ultimately select a vendor that meets the design parameters evaluated within this EIR and any required mitigation described herein. If the selected vendor would require changes to the design or siting of proposed facilities, these changes would be subject to additional environmental review.”

The commenter expresses specific concern that the Draft EIR does not specify whether a “lean burn” or “rich burn” generator would be operated by the biomass facility or the associated difference in emissions. Note 2 of Table 9-5 on page 9-16 of the Draft EIR explains that emissions from the combustion of syngas were developed based on data from multiple technology providers and these estimates are published in a 2011 report prepared by TSS Consultants and PCAPCD (TSS Consultants and PCAPCD 2011). The two providers of gasification technology were Nexterra and Phoenix, as shown in the table called “Emissions of CAPs and Precursors from Power Plant Stack (Gasification and Direct Combustion)” in Appendix D to the Draft EIR. Note 2 of this table indicates that the Phoenix technology utilizes a “rich-burn” internal combustion engine. More specifically, the Phoenix technology would consume 28 Million Metric British Thermal Units per hour (MMBtu/hour); the Nexterra technology, which includes a “lean-burn” system, would consume 21 MMBtu/hour. For comparison, the direct combustion technology developed by Envio would consume 42 MMBtu/hour. For each separate pollutant, the maximum emission rate was used in the analysis of operational criteria air pollutants and precursors and the analysis of GHG emissions in order to be conservative. See Table 9-7 under Impact 9-2 and Table 10-3 under Impact 10-1.

The commenter expresses confusion about why the project description explains that natural gas may be used at startup depending on the provider of the gasification technology and the air quality impact analysis in Chapter 9 does not account for any emissions from natural gas combustion. Appendix D to the Draft EIR provides details regarding natural gas consumption in a table called “Combustion of Natural Gas for Start-Ups.” This table indicates that no natural gas would be used for start-ups under the gasification alternatives and 2.35 MMBtu would be used for each start-up under the direct combustion alternative. Additional detail is provided by Note 2 to this table, which is an e-mail communication with the County’s technology consultant,

Fred Tornatore, with TSS Consultants. The communication explains that start-ups are different for the two types of gasification technologies examined for the project. One would use electricity for start-ups and “the other uses a hand propane torch (basically a large cigarette lighter),” which is assumed to generate minimal emissions.

10-6

The commenter asserts that project description deficiencies impede discussion of water quality impacts. The commenter selects a quote from the EIR and then takes it out of context. The commenter states “Depending upon the choice of technology for producing and cleaning the syngas, the Project may or may not use wet scrubbers and/or electrostatic precipitator filters to remove ‘entrained solid particulate and condensed tars, and trace contaminants containing alkalis and halogens’”. That is not an accurate reflection of what the Draft EIR states. The text on page 3-10 reads as follows: “The syngas is cleaned through wet scrubbers and/or electrostatic precipitator filters to remove entrained solid particulate and condensed tars, and trace contaminants containing alkalis and halogens.”

What is important is the fact that the Draft EIR addresses this impact by evaluating the range of possible manufacturers based on a detailed review of gasification systems from numerous credible vendors.

Impact 13-3 in the Draft EIR discusses impacts related to water used in the gasification process as follows: “Depending on the specific gasification technology chosen for the project, there may be need for pretreatment of gasification-created wastewater prior to discharge to the regional sewer system. Some gasification systems require syngas conditioning with water scrubbing. This scrubbing removes the tars from the syngas stream, and transfers them to the water medium. Although the scrubber water is recycled to the maximum extent possible, ultimately some wastewater would require discharge. Prior to discharge, this water would be pre-treated to the standards required by T-TSA through the use of activated charcoal filters.” The exact pretreatment process required would be determined by the vendor selected in consultation with T-TSA. See also the responses to comments 9-1 through 9-3.

10-7

The commenter asserts that the Draft EIR lacks information about potential transmission line improvements that may be necessary to carry the electricity generated by the project and that the interconnection studies are being deferred to latter phases of design. The commenter states that construction of adequate transmission facilities is an integral part of the project that must be evaluated in the EIR.

The Draft EIR analysis is predicated on the fact that based on preliminary engineering conducted by Calpeco engineers and planners that no off-site electrical line improvements would be necessary, because the existing infrastructure would be adequate to distribute energy generated by the proposed 2 MW generating facility to the electrical grid. Calpeco owns and maintains the off-site lines and is best suited to speak to infrastructure adequacy. Specifically, as described on page 3-21 of the Draft EIR, “...the existing power line would have capacity to accommodate electricity generated at the project site such that off-site power line improvements (e.g., new poles and lines) would not be necessary.” The commenter offers no evidence to suggest that off-site transmission line improvements would be required. In response to this comment, Brett Storey of Placer County contacted Blaine Ladd, Calpeco Regional Engineer, and again was told that based on a preliminary engineering evaluation conducted by Calpeco that no off-site improvements are anticipated to be necessary. More specifically, Mr. Ladd reported that the initial thermal load study of the existing line completed by Calpeco

indicated that the existing line has a 2.7 MW capability. Because the proposed biomass facility would have a generating capacity of 2 MW, well within the capability of the line, no off-site improvements to the line would be necessary. As discussed with Calpeco and evaluated in the Draft EIR (described on page 3-21 and shown on Exhibit 3-2 on page 3-3), the County would be responsible to construct the electrical line connection from the generating plant to the existing line.

The interconnection study process, CPUC Electric Rule 21, is a standard requirement of any new or expanded power generating plant to interconnect or distribute energy to the electrical grid operated by the California Independent System Operator (ISO). The Rule 21 application process and interconnection study is standard protocol – it specifies standard interconnection, operating, and metering requirements for distributed energy generators. The application process involves technical information specific to individual pieces of equipment (e.g., year, manufacturer, and model of generator) that would be used. Upon selection of a vendor, the County and the technology manufacturer would complete Calpeco’s standard Rule 21 interconnection study application. There is no evidence to indicate that the outcome of that detailed evaluation would identify any off-site system improvements that would be needed. To evaluate potential outcomes that would result in new off-site infrastructure would be speculative at best and is not required under CEQA.

10-8 The commenter states that the project as described in the Draft EIR lacks definition. A revised analysis must be prepared that better describes the proposed technology so that the public and the County can fully and intelligently weigh their choices.

Refer to the responses to comments 10-3 through 10-7 that address specific comments raised about the project description. The Draft EIR project description provides adequate detail regarding the proposed technology to allow a reasoned analysis of potential impacts, and provides the public and decision makers with adequate information to make decisions regarding the proposed project. It is not feasible to provide additional detail until the specific vendor/technology has been chosen. The next step in the process would be to solicit bids and proposals from potential vendors, which cannot be accomplished until that time that the project has been approved by Placer County. CEQA compliance must be completed prior to this step. Nonetheless, the Draft EIR fully complies with the requirements of CEQA by describing the details of the project that are known, establishing environmental commitments and performance standards, and recommending mitigation where there may be potential impacts.

10-9 The commenter asserts that the Draft EIR discussion of the project’s eligibility for consideration under the Renewable Portfolio Standard contains outdated information because California PRC Section 25743(f), which provides the criteria by which the CEC categorizes facilities generating electricity from biomass energy as in-state renewable electricity generation facilities was repealed. The commenter is correct that Section 25743, which identified facilities generating electricity from biomass energy as renewable, is no longer part of the PRC. In Section 25741(a)(1) of the current California PRC, a biomass facility is identified as a “renewable electrical generation facility” eligible for meeting the goal, as stated in Section 25740, “to increase the amount of electricity generated from eligible renewable energy resources per year, so that it equals at least 33 percent of total retail sales of electricity in California per year by December 31, 2020.” See <<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=25001-26000&file=25740-25751>>. These changes to the California PRC are the result of the passing of Senate Bill 2, which was approved by the Governor

on April 12, 2011. See <http://info.sen.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sbx1_2_bill_20110412_chaptered.html>.

As a legislative action, Senate Bill 2 amended portions of the PRC related to the renewable energy portfolio and renewable energy standards and usurped efforts by the California Air Resources Board to establish the Renewable Electricity Standard. Regardless, the proposed project would qualify to meet the renewable standards put forth under amended sections of PRC 25740, 25741 et seq.

Chapter 2 of the Draft EIR, Project Description has been revised to indicate the changes in the PRC affecting the renewable energy standards. See text revisions in the response to comment 10-3 and Chapter 3 of this Final EIR. These revisions do not constitute new significant information or alter conclusions regarding environmental impacts contained in the Draft EIR. The information was used to characterize CEC requirements for a “renewable” facility and was not by itself the basis for any impact conclusions.

- 10-10 The commenter asserts that the Draft EIR fails to adequately disclose, analyze, and propose mitigation for project’s potentially significant environmental impacts on: air quality, climate change, forest habitat, and water supplies. This comment is an introductory statement for the following comments, which address air quality impacts and greenhouse gas emissions. See responses to specific comments below.
- 10-11 The commenter asserts that the Draft EIR is incomplete because it does not discuss emissions of carbon monoxide (CO) associated with operation of the proposed biomass facility. CO is generally a pollutant of localized concern and best analyzed on a concentration-based level because it disperses rapidly with distance from the source under normal meteorological conditions. Thus, the potential for high concentrations of CO to result at roadway intersections affected by project-related traffic is analyzed under Impact 9-3 on page 9-21 of the Draft EIR. This analysis follows guidance from the August 3, 2012 draft of PCAPCD’s CEQA Air Quality Handbook (available at: <<http://www.placer.ca.gov/Departments/Air/CEQAHandbook.aspx>>). PCAPCD (as well as NSAQMD) does not recommend a mass emission threshold for evaluating CO emissions in its guidance largely because the Placer County portion of the Mountain Counties Air Basin is designated as attainment/unclassified with respect to the NAAQS and CAAQS for CO, as shown in Table 9-3 on page 9-4 of the Draft EIR.
- Nonetheless, mass emission levels of CO from operation-related activities are disclosed in Appendix D to the Draft EIR, including the following:
- ▲ Emissions of CAPs and Precursors from Power Plant Stack (Gasification and Direct Combustion) (82-156 lb/day for gasification depending on which vendor is selected and 134 lb/day for direct combustion);
 - ▲ Exhaust Emissions of Loader at Plant and Fuel Storage Area (2.8 lb/day);
 - ▲ On-Site Truck Emissions at the Plant Site (0.2 lb/day);
 - ▲ Emissions from Employee Commute Trips (3.2-3.6 lb/day depending on the alternative);
 - ▲ Off-Road Equipment Use for Chipping of Forest-Source Biomass (15-18 lb/day depending on the alternative);
 - ▲ Truck Hauling Biomass (0.8-0.9 lb/day depending on the alternative); and
 - ▲ Emissions from Trucks Hauling Biochar/Ash (0.3 lb/day).

Also, CO emissions associated with project construction are provided in the output file from CalEEMod called “Placer Biomass Construction CAP Output” (up to 2 lb/day).

The sum of CO emission from all of the project’s operational activities would not be as high as 181.8 lb/day. Conservatively assuming that all of these maximum daily emission levels would occur 365 days per year, this rate is equivalent to an annual rate of 33.1 tons per year (tpy). Chapter 9 also explains that the proposed biomass facility would be subject to the New Source Review permit requirements of PCAPCD Rule 502. Section 101 of Rule 502 states, “the purpose of this rule is to provide for the review of new and modified stationary air pollution sources and to provide mechanisms, including emission offsets, by which authorities to construct for such sources may be granted without interfering with the attainment or maintenance of ambient air quality standards.” With regard to CO, a criteria air pollutant that is attainment/unclassified in both the Mountain Counties Air Basin, where the plant would be located, and the Lake Tahoe Air Basin, the purpose of Rule 502 is to *maintain* the ambient air quality standards for CO.

Section 302 of Rule 502 specifically requires stationary sources that emit more than 550 lb/day to implement Best Available Control Technology (BACT) to limit emissions. Section 303 of Rule 502 requires that emissions offsets be purchased by any facility in the Mountain Counties Air Basin that would emit more than 99 tpy. Because the proposed project would emit less than 550 lb/day and less than 99 tpy it would comply with Rule 502 and, therefore, not violate the ambient air quality standards for CO. CO emissions associated with the proposed project would be less than significant. Further, while the system would fall below CO emission levels that trigger the BACT threshold, according to PACAPD the system would be designed and operated to use BACT for both CO and non-methane organic compounds (NMOC).

10-12

The commenter asserts that the Draft EIR did not discuss PCAPCD’s recommended threshold of significance of 10 lb/day for evaluating the cumulative contribution of operational emissions of ROG and NO_x and points out that the project’s operation emissions of both ROG and NO_x would exceed 10 lb/day.

PCAPCD’s draft guidance, *CEQA Air Quality Handbook: Assessing and Mitigating Air Quality Impacts under CEQA*, recommends a cumulative impact threshold of 10 lb/day for operational emissions of ROG and NO_x (PCAPCD 2012). Additional clarification about this threshold has been provided by Mr. Yu-Shuo Chang, who supervises PCAPCD’s Planning and Monitoring Section and was one of the primary authors of the draft guide. Mr. Chang explained that PCAPCD established this threshold so that proposed land use development projects with operational emissions of ROG and NO_x that do not exceed 82 lb/day would still be recommended to implement all feasible mitigation to reduce these emissions. Mr. Chang explained that the purpose of the cumulative threshold was to recommend that all feasible mitigation be implemented for all proposed projects that would generate operational emissions of ROG or NO_x that exceed 10 lb/day. Mr. Chang explained that projects with operational emissions of ROG and NO_x greater than 10 lb/day and less than 82 lb/day would not be cumulatively considerable if they implement all feasible mitigation to reduce these emissions (Chang, pers. comm., 2012).

Mr. Chang reviewed the Cabin Creek Biomass Project Draft EIR and stated that because the proposed facility would be regulated by District Rule 502 (New Source Review), the project shall meet the BACT requirement to reduce emissions of ROG and NO_x, and as such the project’s emissions would not be cumulatively considerable even though they exceed 10 lb/day (Chang, pers. comm., 2012). Thus, the discussion of cumulative air quality impacts for operational

emissions of ozone precursors in the last paragraph on page 18-38 of the Draft EIR is amended as follows to provide additional clarity:

Air districts in California develop air quality attainment plans designed to reduce emissions of ozone precursors enough to attain the federal ozone standard by the earliest practicable date. Air quality attainment plans include a multitude of air pollution control strategies. When developing air quality attainment plans, air districts account for the emissions from all present and future development in the region by relying on city and county general plans. Because the proposed project would be consistent with the land use designation in the Placer County General Plan, emissions associated with development of the project are accounted for in PCAPCD's air quality attainment plan. Also, project-related construction and operational emissions would not exceed the applicable mass emission thresholds established by PCAPCD, NSAQMD, and EDCAPCD. Though operational emissions of ROG and NO_x would exceed PCAPCD's cumulative impact thresholds of 10 lb/day, PCAPCD has confirmed that all feasible reduction measures were incorporated into the project description, as listed among the Environmental Commitments in Section 3.4.8 of the EIR, and the proposed facility would be regulated by District Rule 502 (New Source Review), which requires that the project shall meet the Best Available Control Technology (BACT) requirement to reduce emissions of ROG and NO_x (Chang, pers. comm., 2012). Moreover, the quantitative analysis in Section 9, Air Quality does not account for levels of emissions associated with the open burning of forest thinning debris and hazardous fuels in area forests that would be avoided by the operation of the biomass plant. Thus, the contribution of short-term construction and long-term operational emissions of NO_x and ROG by the proposed project, combined with other cumulative sources of ozone precursors in the region, would ~~be~~ not be cumulatively considerable.

Also, the analysis of operational ROG and NO_x emissions under Impact 9-2 on page 9-18 of the Draft EIR is conservative because it does not account for the reduction in these pollutants that would result from less open burning in the region, though open burning of forest-sourced biomass is a substantial source of ROG and NO_x. As shown in Table 9-7 of the Draft EIR, operation of the biomass facility would generate up to 77.5 lb/day of ROG and up to 77.7 lb/day of NO_x. Assuming the plant operates at full capacity 365 days per year, it would emit approximately 14.1 tpy and 14.2 tpy of ROG NO_x, respectively. Estimated levels of avoided emissions of ROG and NO_x associated with the open burning of forest-sourced biomass are provided in Table 9-8 on page 9-21. As shown in Table 9-8, approximately 102 tons of ROG and 78 tons of NO_x would be avoided annually. Based on these values, operation of the biomass facility would result in a net decrease of 87.9 tpy of ROG and a net decrease of 63.8 tpy of NO_x and an overall beneficial effect to ambient air quality in the region.

The permitting process for stack emissions from the facility, which is the primary source of operational ROG emissions (as indicated in Table 9-7 of the Draft EIR), would also be subject to PCAPCD rules and requirements. Table 9-7 also shows that the primary source of operational NO_x emissions would be generated by biomass chipping activity. Because this equipment is operated by independent contractors who are not under contract with the County, the County does not have the ability to require or enforce that certain emissions reduction measures be implemented. This is also true of the trucks that would be used to haul biomass to the biomass facility. Emissions associated with the use of heavy-equipment for forest thinning and hazardous

fuel reduction activities would be evaluated in separate environmental documentation prepared for those activities and mitigated as necessary.

Lastly, the Draft EIR is dated July 27, 2012, which is prior PCAPCD's release of its first written draft of CEQA guidance on August 3, 2012 and PCAPCD's guidance is currently in draft form and has not been approved by PCAPCD's Board of Supervisors. PCAPCD did, however, submit a comment letter dated January 23, 2012 during the scoping period for the project, which is included in Appendix B to the Draft EIR.

10-13

The commenter asserts that the Draft EIR fails to address the potential for the biomass storage piles to create objectionable odors. The commenter provides evidence that there have been odor complaints related to the Wheelabrator biomass plant in Anderson, California.

The potential for the biomass storage piles to generate objectionable odors affecting a substantial number of people is analyzed under Impact 9-5 on page 9-23 of the Draft EIR. The proposed biomass facility is different from the Wheelabrator biomass plant in a number of ways that are important with respect to odors. The Wheelabrator biomass plant has a generating capacity of 58 MW and processes 750,000 tons of mill waste and forest residues, as stated on page 3.2-49 of the SPI Cogeneration Power Plant Draft EIR (Shasta County 2010), whereas the proposed biomass facility would have a generating capacity of 2 MW and consume up to 17,000 BDT of woody biomass fuel. The SPI Cogeneration Power Plant Draft EIR further explains the source of the odors as follows:

Fuels that are stored outdoors at the Wheelabrator facility have been cited as the source of the odor. Odor generation is attributed to the varied fuel types and condition in which it is received; for example yard waste that may be in an advanced state of decomposition upon arrival at the facility; fuel stored on-site for lengthy periods of time; and lack of aeration of the fuel stored on site. At the Wheelabrator facility a wide variety and large volume of fuel is stored outdoors (open to the air), sometimes for lengthy periods. This leads to decomposition of the fuel being stored. The decomposition of fuel in turn generates odor.

The source of odor at the Wheelabrator plant (i.e., the type of fuel) is not comparable to the forest-sourced woody biomass that would be consumed by the proposed biomass facility at Cabin Creek. Forest-sourced woody biomass is different from yard waste, which typically includes high portions of other organic material including leafy material and possible fruits, is likely higher in moisture content, and "may be in an advanced state of decomposition upon arrival" to the Wheelabrator plant. For these reasons, the analysis under Impact 9-5 specifically focused on researching odor complaint records of other biomass facilities that have a similar feedstock, all of which had no previously recorded odor complaints.

The commenter also disputes the Draft EIR explanation that Mitigation Measure 16-4 would have the effect of limiting odors from the fuel storage area, but offers no evidence of how it would not limit odors from the fuel storage area. The commenter also states that Mitigation Measure 16-4 does not specifically require frequent mixing of storage piles, which is true.

However, the Draft EIR impact conclusion (Impact 9-5) is primarily based on the lack of documented odor complaints at similar biomass facilities using similar feedstock and material handling techniques. Nonetheless, although not articulated in Mitigation Measure 16-4 it is likely that the established procedures for management of biomass storage piles could include

mixing at a rate determined by the County Local Enforcement Agency (LEA), PCAPCD (as revised in Chapter 3 of this Final EIR), and the Truckee Fire Protection District.

The commenter further asserts that Mitigation Measure 16-4 does not establish specific performance standards or concrete mitigation commitments. The County disagrees. Mitigation Measure 16-4 on page 16-15 of the Draft EIR requires that written procedures shall be subject to review and input by the County LEA, PCAPCD, and the Truckee Fire Protection District prior to initiating operations at the site. In addition, Mitigation Measure 16-4 lists the minimum measures that would be required. In other words, the Applicant cannot operate the proposed biomass facility until the County LEA, PCAPCD, and the Truckee Fire Protection District, the agencies responsible for ensuring that nuisance odors and fires are minimized and/or prevented, approves of how biomass storage piles are managed to minimize odors and other nuisance impacts, and with regard to fire prevention.

10-14

The commenter recognizes that the Draft EIR contains contradictory statements regarding the significance of project-related TAC emissions because detailed discussion about toxic air contaminant (TAC) emissions on pages 9-22 and 9-23 concludes that project-related TAC emissions would not result in a significant impact and detailed discussion on page 18-39 concludes that the project's TAC emissions would not be cumulatively considerable but, on the contrary, the summary discussion on page 18-26 indicates that the project would result in a cumulatively considerable contribution to a cumulative TAC impact. The text on page 18-26 of the Draft EIR is in error.

In response to this comment, the two paragraphs in Section 18.6 on page 18-26 are revised to read as follows and no mitigation measures are necessary. These changes do not alter the conclusions of the Draft EIR.

~~Adoption and implementation of the proposed project would only result in one potentially significant and unavoidable impact associated with cumulative toxic air contaminant (TAC) concentrations. While the project would not result in significant impacts related to TAC concentrations in and of itself, it is possible that the levels of health risk exposure from the proposed project, in combination with health risk exposure of other nearby TAC-emitting facilities, could exceed acceptable levels which would be considered a significant cumulative impact. No additional feasible mitigation would be available to reduce this impact or the project's contribution to this impact. Therefore, the project's contribution would be cumulatively considerable.~~

All other environmental impacts of the project would be less than significant or less than significant with mitigation.

10-15

The commenter asserts that the Draft EIR fails to meet CEQA requirements because it uses an unlawful and unsupported threshold of significance that minimized the project's greenhouse gas emissions and it does not demonstrate that the project's effects will be less than significant using that threshold. This comment is an introductory statement and does not identify specific inadequacies of the Draft EIR. Refer to responses to specific comments below.

10-16

The commenter asserts that the efficiency-based threshold of significance used to analyze the project's GHG emissions is inappropriate and insufficient because it is based on the GHG reduction goals of the AB 32 Scoping Plan, which "are a projection of planned reductions." The commenter also asserts that the Draft EIR does not explicitly identify the baseline used for the

analysis of GHG emissions associated with the proposed project and that “the Draft EIR ignores the project’s effects as compared to existing environmental conditions.” The approach used in the Draft EIR addresses the two criteria from Appendix G of the CEQA Guidelines for analyzing climate change-related impacts, which are bulleted on page 10-10 of the Draft EIR. The first criterion is whether the project would “generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.” GHG impacts to global climate change are inherently cumulative, as stated on page 10-2 of the Draft EIR, because no single project alone would measurably contribute to a noticeable incremental change in the global average temperature, or to global, local, or micro climates. Thus, the Draft EIR focuses on whether GHG emissions from the proposed biomass facility would “conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases,” which is the second criterion from Appendix G of the CEQA Guidelines.

Another way to explain the approach used in the Draft EIR is outlined as follows:

- ▲ the cumulative level of GHG emissions being generated and previously generated in California and in the world have resulted in the negative impacts related to climate change,
- ▲ the State of California has established a plan (i.e., the AB 32 Scoping Plan) to reduce the level GHG emissions emitted in the state that is consistent with goals recommended by an international body, the Intergovernmental Panel on Climate Change, and
- ▲ the analysis under Impact 10-1 in the Draft EIR evaluates whether the proposed project is consistent with, or conflicts with the AB 32 Scoping Plan.

The commenter also asserts that the analysis relies on the project’s consistency with ARB’s Scoping Plan to make its significance determination, which does not satisfy the requirements of CEQA Guidelines Section 15064(h)(3). The commenter’s assertion implies that the significance determination is based solely on the project’s consistency with ARB’s Scoping Plan, which is not the case. The Draft EIR explains that no agencies have developed a threshold of significance for analyzing biomass facilities, other than Amador County, which also developed a GHG efficiency metric for evaluating GHG emissions associated with the Buena Vista Biomass Plant.

The California Office of Planning and Research (OPR) recommends that lead agencies under CEQA make a good-faith effort, based on available information, to estimate the quantity of GHG emissions that would be generated by a proposed project, including the emissions associated with construction activities, stationary sources, vehicular traffic, and energy consumption, and to determine whether the impacts have the potential to result in a project or cumulative impact and to mitigate the impacts where feasible mitigation is available (Governor’s Office of Planning and Research 2008). Subsequently, OPR prepared amendments to the State CEQA Guidelines, pursuant to SB 97 (Statutes of 2007) for adoption by the California Natural Resources Agency. The amendments added several provisions reinforcing the requirements to assess a project’s GHG emissions as a contribution to the cumulative impact of climate change. The amendments went into effect on March 18, 2010. The analysis under Impact 10-1 in the Draft EIR meets these recommendations and relies on information not only in ARB’s Scoping Plan, but also the requirements of the Renewable Energy Portfolio, to formulate a numerical threshold of significance and make a significance determination.

Moreover, the commenter does not identify another threshold for evaluating the project’s GHG emissions or, more specifically, for evaluating whether the project’s GHG emissions are cumulatively considerable.

Regarding the cited cases, the relevant CEQA inadequacies generally revolved around comparing the impacts of project to impacts that *would have resulted had the same project developed at a density allowed by the existing general plan*. In *Envtl. Planning & Information Council*, for instance, the impacts of a project were claimed to be beneficial to the environment, because the project would be built at a lesser density than the general plan allowed, rather than its net contribution to existing environmental conditions. That approach, had it been employed here, would of course have been erroneous. But, the project's methodology was not this incorrect approach, but rather one endorsed by the CEQA Guidelines, as mentioned above. The State of California, in passing AB 32 and establishing the Scoping Plan, determined the metrics needed for the State to reduce its contribution to global warming to a less-than-significant level over time. The Draft EIR evaluated the contribution of the project's GHG to the environment, and determined if it would fit within the cumulative contributions of other projects that could contribute GHGs. The comment does not provide substantial evidence to dispute the State's metric. The EIR evaluated the potential for the project to "fit within" this metric, and found that it did. Thus, it concluded the project's contribution would not be considerable.

10-17

The commenter asserts that the Draft EIR determination that project-related GHG emissions are consistent with the AB 32 goal and applicable measures in the AB 32 Scoping Plan is inadequate and does not relieve the County of its responsibility to determine whether the project's cumulative contribution to climate change is significant and whether the project's GHG emissions adversely affect the actual physical environment. The commenter cites the court decision from *Protect the Historic Amador Waterways v. Amador Water Agency*. Refer to the response to comment 10-16 regarding the consistency of the Draft EIR's approach with guidance from OPR and the two significance criteria listed in Appendix G of the CEQA Guidelines concerning climate change-related impacts.

The commenter suggests that the Draft EIR should analyze the project's cumulative contribution of GHGs in light of recent climate change science which suggests that steeper reductions in GHGs than those required by AB 32 are necessary to avoid the most significant impacts of climate change. The commenter cites one study that concludes industrialized countries will have to reduce emissions by 25-40% below 1990 levels by 2020 and another study, which concludes that avoiding the worst impacts of climate change will require reducing the concentration of carbon dioxide (CO₂) in the atmosphere to 350 parts per million or below.

It is recognized that estimates of the degree and timing of GHG emissions reductions needed to avoid dangerous climate change vary widely among the scientific community. However, the GHG emissions reduction goal identified by AB 32 does represent the State's policy determination about the appropriate share of GHG emissions reductions needed from California to address global climate change and the timeframe in which these reductions should occur.

The Draft EIR analysis focuses on the project's specific anticipated emissions and the significance of those emissions in relation to the project-specific significance threshold established by the lead agency. As stated on page 10-15 of the Draft EIR, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs in the electricity sector and the proposed project would not generate levels of GHG emissions that, either directly or indirectly, may have a significant impact on the environment. Therefore, the project's incremental GHG emissions would not be cumulatively considerable.

The project-specific significance thresholds that were used, described above, were reasonable and conservative. Many environmental analyses consider biomass to be “carbon neutral” by virtue that it is already part of the carbon cycle and does not add new carbon to the atmosphere. While this other approach could have been used, in response to public comments (including a comment on the NOP submitted by the commenter), the Draft EIR employed a far more conservative approach that attempts to consider all emissions associated with the construction and operation of the proposed biomass facility.

The commenter argues that a mass emission threshold would be more appropriate to evaluate the effects of the project’s GHG emissions in light of existing conditions. The Draft EIR summarizes the inadequacies of using a mass emission threshold to evaluate GHG emissions in Section 10.3.1, which begins on page 10-10. Footnote 7 on page 9 of the commenter’s letter mentions that “current scientific work focuses on establishing a ‘carbon budget’ and defining the emissions reduction trajectories necessary to limit the worst environmental impacts.” The State established its carbon budget when it adopted AB 32 and the efficiency-based standard used by the Draft EIR’s analysis is based on a carbon budget that is specific to electricity generation in California that was determined by the AB 32 Scoping Plan.

The commenter states that the mass of GHG emissions generated by the proposed project “exceeds thresholds of significance proposed by air pollution control experts and public agencies for use in the CEQA context” and cites a range of mass emission thresholds examined by the California Air Pollution Control Officers Association (CAPCOA), the California Air Resources Board (ARB), the South Coast Air Quality Management District (SCAQMD), and the Bay Area Air Quality Management District (BAAQMD). Both CAPCOA and ARB simply evaluated a range of mass emission thresholds; they did not ultimately recommend or adopt a specific mass emission threshold or any other type of threshold for evaluating GHGs. SCAQMD and BAAQMD developed their mass emission thresholds based on the inventory of GHGs in their respective jurisdictions and the proposed project, as well as the operational activities associated with the proposed project, are not located in the jurisdiction of either SCAQMD or BAAQMD. Also, BAAQMD is no longer recommending that its thresholds be used as a generally applicable measure of a project’s significant air quality impacts (see <<http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>>).

Footnote 9 on page 9 of the commenter’s letter asserts that the Draft EIR treats GHGs and other air pollutants inconsistently because the analysis of operational emissions of criteria air pollutants (CAPs) under Impact 9-2 did not account for avoided emissions associated with open burning. As explained on page 9-15 of the Draft EIR, this is because the air districts’ respective mass emission thresholds are for maximum daily emission levels and the timing of open burning is unknown. In other words, it is likely that there would be days when all the emissions sources listed in Table 9-5 (i.e., stack emissions, chipping, truck activity, loader activity and employee commute trips) would be in operation, but open burning of forest refuse would not be taking place. Another important distinction between CAPs and GHGs is that CAPs are pollutants of local and regional concern while the effect of GHGs is global in nature. Also, ozone, in particular is diurnal while GHGs persist in the atmosphere for much longer periods of time until some but not all are sequestered through ocean uptake, uptake by northern hemisphere forest regrowth, and other terrestrial sinks, as explained on page 10-2 of the Draft EIR.

Footnote 9 on page 9 of the commenter’s letter also asserts that the significance determination for the project’s GHG emissions should be based on stack emissions alone. This would not be

consistent with guidance from OPR. As stated on page 10-11 of the Draft EIR, OPR recommends that lead agencies under CEQA make a good-faith effort, based on available information, to estimate the quantity of GHG emissions that would be generated by a proposed project, including the emissions associated with construction activities, stationary sources, vehicular traffic, and energy consumption.

The commenter asserts that California's 33 percent Renewable Electricity Standard is not sensitive to the range of GHG emissions associated with different types of renewable generation (e.g., solar, wind, biomass) and that renewable electricity generation does not always displace carbon-intensive fossil fuel-based generation. This is why the Draft EIR analyzed all the construction- and operation-related sources of GHGs associated with the proposed project, as listed in Table 10-2 on page 10-12 of the Draft EIR. The emission calculations used to support the significance determination under Impact 10-1 do not account for the potential, however likely or unlikely, that operation of the proposed project would displace fossil-fueled generation. On page 10-11, the Draft EIR recognizes that "future electricity demand will be met by whatever source is available at the time, including fossil fuel-based facilities. Thus, if the project was not built, it would not be unreasonable to assume that the energy provided by the project would otherwise be provided by a more GHG-intensive fossil fuel plant. These potential 'avoided emissions' are not assumed in this analysis, however."

The commenter states that GHG reductions from renewable facilities cannot be assumed. The analysis of project-related GHG emissions under Impact 10-1 does not suggest that the proposed project would result in a reduction of GHG emissions. Rather the analysis addresses whether implementation of the proposed project would be consistent with the AB 32 Scoping Plan. See also the response to comment 10-16.

10-18

The commenter questions the assumption relied upon in the analysis of project-related GHG emissions under Impact 10-1 that all biomass fuel consumed by the facility would otherwise be open burned. The County acknowledges that this assumption is critical in the calculation of the facilities GHG efficiency. Refer to the response to comment 10-3, which provides clarification regarding the types of biomass fuel that would be consumed by the project.

Footnote 16 of on page 11 of the commenter's letter states, "Although the Draft EIR states some of this [biomass] fuel is currently trucked to other biomass plants, Draft EIR at page 3-7, it also concedes this is economically prohibitive. Draft EIR at [page] 5-20." On page 3-7, the Draft EIR states, "according to the biomass fuel procurement study, transportation costs are such that use of most of [the material that would be consumed by the proposed biomass facility at Cabin Creek] at other biomass power plants would be economically infeasible." On page 5-20, the Draft EIR states, "the relatively small size of the proposed facility would not result in an increased demand for woody biomass to the extent that any economic benefit could be realized by increasing production of biomass material." It is not clear how these two statements are contradictory, as the commenter asserts.

The commenter questions the assumption that materials from forest management projects are burned in the open. Page 10-13 of the Draft EIR explains that "an equivalent amount of forest-sourced material (i.e., equivalent to the amount of material consumed by the biomass facility) would be piled and open burned if the proposed biomass power plant were not built and operated. Open burning is the most common approach employed to dispose of slash after forest thinning and hazardous fuels reduction projects (Fournier, pers. comm., 2012; Conway, pers.

comm., 2012). The United States Forest Service (USFS) would continue to masticate and spread some of the biomass to support other forest management goals (e.g., habitat) but only biomass that would otherwise be open burned would be hauled to the biomass plant.” The existing practice of the USFS and other forest managers is to take some of the forest thinning or hazardous fuels and masticate and spread it on the forest floor to promote forest and soil health. The leftover biomass is piled and open burned. If the forest managers have a biomass facility to which they can economically deliver biomass material they would continue to use all that is needed to spread along the forest floor and haul the rest to the biomass facility. The analysis gained its understanding of current practices from correspondence with multiple USFS staff. This is also explained in Appendix D of the Draft EIR, in a paragraph about the methodology used in the calculation table called “Avoided GHG Emissions from Forest Slash Burning.” Thus, it is reasonable to assume that an equivalent the amount of material consumed by the biomass facility would otherwise be piled and open burned if the proposed biomass power plant were not built and operated—and this assumption is based on substantial evidence.

As described on page 3-13 of the Draft EIR, Placer County has signed a Master Stewardship Agreement with the USFS. The purpose and primary objective of this Tahoe Basin Biomass Master Stewardship Agreement is to reduce the number of acres of fuels burned annually on NFS lands within the Lake Tahoe Basin by entering into a stewardship agreement with Placer County for removal of biomass from NFS lands. The biomass removed as part of this project would be generated during implementation of fuels reduction and forest health treatments currently being conducted and/or planned within the wildland urban interface on NFS lands.

10-19

The commenter questions the combustion efficiency factor of 95% used in the estimation of avoided emissions from open burning and asserts that the Draft EIR has overstated the level of avoided GHG emissions associated with open burning. This value is used in the calculation table titled, “Avoided GHG Emissions from Forest Slash Burning” in Appendix D of the Draft EIR. In this calculation the combustion efficiency refers to the percent of biomass (by mass) that is not left over after a pile is burned, which is also sometimes referred to as the consumption efficiency of a burn. In this comment and response, the term “combustion efficiency” is not to be confused with the portion of carbon that is emitted as CO₂ relative to other carbon-containing gases (such as carbon monoxide and methane). Note 1 to the calculation table in Appendix D explains the assumption that forest contractors who burn their piles of forest slash seek to burn as much of the material as possible. This assumption was made because the objective of forest thinning projects is to reduce the hazardous fuels load in the forests. Further, PCAPCD staff have indicated that open pile burns in the semi-arid Sierra Nevada mountains are commonly reported and observed by Air District inspectors to consume essentially all of the material when the pile is stacked to allow for high temperature flaming.

The commenter specifically states, “Combustion efficiencies for broadcast understory burning of coarse woody debris can be as low as 60%,” and references a study by Knapp et al. in 2005. Upon review, it is not clear where in this study a value of 60 percent is discussed. The study’s abstract states that prescribed burns conducted for the purpose of reducing fuel loading consume 67 to 88 percent of dead and down organic matter. The combustion efficiencies identified for broadcast prescribed burns are not representative of the combustion efficiency of burn piles, which are built to maximize combustion and minimize smoke and are left to dry for one or two seasons (i.e., left to “season”) before being ignited. As stated in another publication mentioned by the commenter—a 1996 study by Hardy—, “in contrast with broadcast burning of the same

material, piled slash burns more efficiently, with notably less smoke produced per unit mass of fuel consumed” citing a 1989 study by Ward, Hardy, Sandberg, and Reinhardt. Generally, one of the primary purposes of a prescribed broadcast burn is to manage a low-temperature burn that burns the forest understory without harming mature trees. The fact that the 2005 study by Knapp et al. identified combustion efficiencies as high as 88% for broadcast prescribed burns is supportive of the Draft EIR assumption that seasoned piles would burn with an even higher combustion efficiency. Also, burn piles are often tended by crews to ensure that all of the material is consumed during the burn and that no living vegetation is unintentionally ignited. The commenter again references the 1996 paper authored by Hardy and published by the USFS Pacific Northwest Research Station, which states, “the percentage of wood mass consumed when piles are burned typically ranges between 75% and 95%. Smoke management-reporting programs in several Western States recommend either 85% or 90%. Experience and expert knowledge must be used to determine the most appropriate value for percentage of consumption.” However, Hardy does not cite a reference for any of these values or provide any reasoning to support why they were selected. The Hardy paper consists of guidance for estimating smoke emissions from slash piles. The paper guides how to estimate the volume of a slash pile based on its shape and dimensions, the density of the wood, and the “packing ratio,” which is the ratio of wood volume to total pile volume. It provides no guidance regarding what combustion efficiency rate to use in the emissions calculation, other than the text quoted above. This is peculiar because combustion efficiency is known to vary according to other parameters such as moisture content, species mix, and ambient humidity. Thus, it would be imprudent to use a combustion efficiency rate suggested by Hardy’s guidance, which was written for the purpose of estimating particulate matter emissions (and from another region of the USFS), in another methodology that was specifically developed for the purpose of estimating GHG emissions. Also, the guidance authored by Hardy has not been adopted by any air districts in California, ARB, the U.S. EPA, or the Intergovernmental Panel on Climate Change. Furthermore, an on-line search of the Science Citation Index reports that no publications have cited the 1996 paper by Hardy. Therefore, based upon all of this information, the County disagrees with the commenter’s assertion that the analysis overestimates the level of emissions from pile burning that would be avoided by the proposed project.

- 10-20 The commenter reiterates the importance of the combustion efficiency used to estimate the level of avoided GHG emissions associated with open burning. The commenter’s assertion that the combustion efficiency value is ultimately important to the net calculation of the project’s GHG emissions is accurate. Refer to the response to comment 10-19 for an explanation about why the combustion efficiency rate of 95% was used to estimate the level of avoided GHG emissions associated with open burning and why this rate is considered accurate.
- 10-21 The commenter questions the statement that biomass masticated and spread of the forest floor would result in GHG emissions associated with the decomposition of that material. This particular statement is included in the methodology note in the calculations table called “Avoided GHG Emissions from Forest Slash Burning” in Appendix D of the Draft EIR. The commenter asserts that the Draft EIR does not provide evidence to support this statement and this statement lacks scientific evidence. The Draft EIR’s estimation of avoided emissions associated with open burning does not attempt to include methane emissions associated with any portion of burn piles that are not combusted and remain on the forest floor. The amount of biomass masticated and spread on the forest floor during forest thinning activities would not be changed if the proposed biomass facility is constructed and operated. This is explained in greater detail in the response to comment 10-18.

10-22 The commenter asserts that the Draft EIR does not identify substantial evidence in support of its conclusion that the project's GHG emissions would be less than significant. The County disagrees. Refer to the responses to comments 10-15 through 10-21, above.

10-23 The commenter states that the Draft EIR's conclusion that management in the Tahoe National Forest or the Lake Tahoe Basin would not change is unsupported, that the Draft EIR lacks any analysis of the project's potential long-term impacts on local forests, and that the Draft EIR lacks evidence or analysis to support the conclusion that the facility would not increase a market demand for biomass fuels.

As described on Draft EIR page 5-20, the USFS develops forest management plans based on existing resources and desired future conditions. The objectives identified in the forest management plans determine the actions that the USFS takes at a local, management-unit level. Forest management projects are designed to fulfill a specific objective or combination of multiple objectives, such as hazardous fuels reduction, enhancement of wildlife habitat, scenic integrity, or stand-level management. Other land managers within the fuel supply area for the proposed facility, including California Tahoe Conservancy and California State Parks, have similar planning processes to develop management plans for their land. The operation of a biomass facility would not change the planning process for these agencies. The land managers would continue to identify objectives for forest management based on desired future conditions of the forest. Supplying biomass fuel to the proposed facility is not a management objective or priority for the Tahoe National Forest (TNF) or Lake Tahoe Basin Management Unit (LTBMU) (Conway, pers. comm., 2012; Fournier, pers. comm., 2012) and is not likely to be adopted by any of these agencies as a management goal in the future because it does not help to fulfill their missions.

The effect on biological resources from operation of the biomass facility over the long-term (40-year planning horizon) was evaluated in the Draft EIR in the Cumulative Impacts section (see pages 18-33 and 18-34). To reiterate, the proposed facility would not change the forest management objectives and priorities of the land managers in the surrounding area. The operation of the biomass plant would facilitate disposal of forest residuals at the plant. Although the proposed biomass facility may assist in a more efficient completion of forest projects and provide a economic offset, neither TNF or LTBMU expect the proposed biomass facility to substantially change the location, size, pace, objectives, or methods of their forest projects (Conway, pers. comm., 2012; Fournier, pers. comm., 2012). The planning and approval process for forest projects is the largest constraint to USFS operations and would remain unchanged with the proposed biomass facility. These forest projects are independent and are subject to separate environmental analyses and reviews. Biomass fuel would be obtained from projects that are in compliance with existing laws and regulations.

The Draft EIR describes (page 18-34) that the proposed project may result in forest management projects being completed more quickly because processing and hauling can occur in the same season as the management activity as compared to having to wait for piles to dry and then return later to burn piles (Fournier, pers. comm., 2012). The payment received for the materials may offset some project costs. However, this economic incentive would not substantially drive forest management activities, because the cost per acre for forest management projects is significantly more than the value of the biomass chips (Fournier, pers. comm., 2012; Conway, pers. comm., 2012). Again, the planning and approval process for forest projects is the largest constraint to USFS operations and would remain unchanged with the proposed biomass facility.

Placer County has signed a Master Stewardship Agreement with the USFS. The purpose and primary objective of this Tahoe Basin Biomass Master Stewardship Agreement is to reduce the number of acres of fuels burned annually on NFS lands within the Lake Tahoe Basin by entering into a stewardship agreement with Placer County for removal of biomass from National Forest System lands. The biomass removed under this project would be generated during implementation of fuels reduction and forest health treatments currently being conducted and/or planned within the wildland urban interface area on NFS lands.

The USFS has wildland fire protection responsibilities (Federal Responsibility Area) on NFS lands along with state responsibilities (State Responsibility Area) for wildland fire protection responsibilities on private and state lands within the Lake Tahoe Basin. USFS, Lake Tahoe Basin Management Unit manages approximately 165,000 acres of NFS lands within the Lake Tahoe Basin.

The USFS, LTBMU, and Placer County are both actively involved in implementing projects and programs aimed at reducing hazardous fuels and improving wildfire protection to local communities. These fuel reduction efforts are included in the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy (Basin Fuels Strategy), a comprehensive strategy for collaboratively conducting fuel reduction projects across all ownerships, involving all land management, fire protection and regulatory agencies within the Lake Tahoe Basin. This strategy identifies biomass utilization as an important alternative to piling and burning live and dead fuels from these projects.

10-24

The commenter states that Draft EIR Project Description deficiencies impede discussion of water quality impacts. Depending upon the choice of technology, the project may use wet scrubbers and/or electrostatic precipitator filters to remove entrained solid particulate and condensed tars, and trace contaminants containing alkalis and halogens. The necessity for wastewater pretreatment also depends upon the choice of technology that has not been made.

The Draft EIR provides a detailed description of gasification technology in Section 3.4.2 Technology Overview, of the Draft EIR. The Draft EIR further states in Section 3.4.6, Utility Improvements, that “Depending on the specific gasification technology chosen for the project, there may be need for pretreatment of wastewater from the gasification system prior to discharge to the TCPUD sewer main that connects to the Tahoe-Truckee Sanitation Agency (T-TSA) sanitary sewer system. T-TSA sanitary sewer lines extend along SR 89 to a treatment facility located east of the Town of Truckee. Some gasification systems require syngas conditioning with water scrubbing. This scrubbing removes the tars from the syngas stream, and transfers them to the water medium. Although the scrubber water is recycled to the maximum extent possible, ultimately some wastewater would require discharge. Prior to discharge this water would be pre-treated to the standards required by T-TSA, the agency charged with maintaining the quality of waste discharges.

The Applicant would select a vendor and technology in consultation with T-TSA, to ensure that the wastewater treatment standards would be met. No discharge could occur to the sanitary sewer system and to the T-TSA water reclamation plant without the consent of T-TSA. Section 5.C of the T-TSA Rules and Regulations states in part “A member entity and the Agency shall have the right, on behalf of the Agency, to reject the application for service for any property owner upon whose property industrial or commercial activities create a waste of unusual strength, character or volume if it appears likely that the strength, character, or volume

could adversely affect the treatment processes or equipment.” Section 5.D of T-TSA Rules and Regulations state in part “No person shall discharge or cause to be discharged any substances, materials, waters or wastes, if it appears likely to the Agency that such waste can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or will constitute a nuisance, or will violate standards established by the Regional Water Quality Control Board.” See also the responses to comments 9-1 through 9-3, above.

Compliance with the pretreatment requirements of T-TSA would prevent significant environmental impacts to water quality associated with the regional sewer system. Impact 13-3, on page 13-12 of the Draft EIR, is revised as follows to clarify this point and to revise the impact to reflect that it is the increase in stormwater runoff, and not discharges to the regional sewer system, that would be considered potentially significant.

Impact 13-3	Potential Long-Term Degradation of Water Quality. Operation of the project would increase the intensity of use on the site, which could introduce new storm water pollutant sources. These pollutant sources could include oils and greases, petroleum hydrocarbons (gas and diesel fuels), nitrogen, phosphorus, and heavy metals. Pesticides, herbicides, and other landscape maintenance products could also be present and could adversely affect the quality of the site’s storm water discharges. Additionally, there may be need for pretreatment of gasification-created wastewater prior to discharge to the regional sewer system. <u>Compliance with the pre-treatment requirements of T-TSA would prevent significant environmental impacts to water quality from any wastewater discharged to T-TSA’s system.</u> However, the potential water quality degradation associated with polluted stormwater runoff and the resultant effect on water quality would be considered potentially significant .
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Implementation of the project would increase the intensity of use currently present on the project site, which would alter the types, quantities, and timing of contaminant discharges in storm water runoff relative to existing conditions. If this storm water runoff is uncontrolled and not treated, the water quality of the discharge could affect offsite surface water resources.

Water quality degradation from the discharge of industrial runoff occurs when storm water or landscaping irrigation runoff enters the downstream water bodies and/or groundwater carrying contaminants. Storm water may encounter oil, grease, or fuel that has collected on roadways and parking lots and convey these contaminants surface water and/or groundwater. The potential discharges of contaminated industrial runoff from the site could increase or could cause or contribute to adverse effects on aquatic organisms in receiving waters. Industrial contaminants typically accumulate during the dry season and may be washed off when adequate rainfall returns in the fall to produce a “first flush” of runoff.

The amount of contaminants discharged in stormwater from development areas varies based on a variety of factors, including the intensity of industrial uses such as vehicle traffic, types of activities occurring onsite (e.g., snow removal services), types of

chemicals used onsite (e.g., pesticides, herbicides, cleaning agents, petroleum byproducts), the pollutants on paved surfaces, and the amount of rainfall.

Depending on the specific gasification technology chosen for the project, there may be need for pretreatment of gasification-created wastewater prior to discharge to the regional sewer system. Some gasification systems require syngas conditioning with water scrubbing. This scrubbing removes the tars from the syngas stream, and transfers them to the water medium. Although the scrubber water is recycled to the maximum extent possible, ultimately some wastewater would require discharge. Prior to discharge, this water would be pre-treated to the standards required by TTSD through the use of activated charcoal filters. Compliance with the pre-treatment requirements of T-TSA would prevent significant environmental impacts to water quality from any wastewater discharged to the T-TSA system.

The potential for the project to contribute substantial additional sources of polluted runoff and to substantially degrade water quality during site operations would be considered a **potentially significant** water quality impact.

This revision does not constitute new significant information that would substantially alter the conclusions of the Draft EIR regarding the environmental impacts of the project.

10-25

The commenter states that the Draft EIR analysis of water supply is flawed. The commenter states that the Draft EIR does not provide any evidence that groundwater supplies are adequate, and instead claims there is a lack of evidence that supplies are inadequate (page 13-12 of the Draft EIR). The commenter states that because the project site is not located in a mapped groundwater basin, information on the Martis Valley groundwater basin has no relevance to potential impacts of the project on groundwater conditions.

While the County acknowledges that the project is not located in the Martis Valley Groundwater Basin, the analysis in the Draft EIR offers information regarding the Martis Valley Groundwater Basin to provide context about the nature and extent of groundwater pumping surrounding the project area. The project's impacts to the underlying groundwater basin were not based upon information pertaining to the Martis Valley Groundwater Basin (see Impact 13-2; page 13-12).

The existing well at the Eastern Regional MRF and Transfer Station site was installed in 1988 to a depth of 610 feet below ground surface (bgs) (Kleinfelder 2002; Placer County Facility Services 2004). A 15-horsepower submersible pump and motor were installed to a depth of 504 bgs. At that time the static water level was measured at 407 feet bgs, establishing a capacity that would allow the well to be drawn down up to 97 feet (the difference between the base static water level and the pump depth).

In 2002, on behalf of the Placer County Department of Facility Services, Kleinfelder conducted an aquifer test at the well site. The well was rated at a maximum production capacity of 100 gallons per minute (gpm) (144,000 gpd) (Kleinfelder 2002; Placer County Facility Services 2004). The test measured an average flow rate of 52.6 gpm.

The existing water system, the well, and three water storage tanks with a combined storage capacity of 460,000 gallons, supplies the domestic and fire suppression water requirements for the Eastern Regional MRF and Transfer Station site and includes fire hydrants located at the TART facility, the MRF, the MRF maintenance shop, and the Department of Public Works shop.

The water system is permitted under a Domestic Water Supply permit issued by Placer County Environmental Health Services (Public Water System No. 3105779) (Placer County Environmental Health Services 2004). The current maximum day demand for the site is 60,000 gallons per day (gpd), and the current pump capacity is 75,000 gpd (52 gpm) (Placer County Facility Services 2004: 3-2; 4-5).

As described in Impact 15-1 on page 15-7 of the Draft EIR, the existing well and pump would have adequate capacity to serve existing uses at the site as well as the worst case water demand for the proposed project. Pages 3-19 and 15-7 of the Draft EIR describe that the maximum (peak use) flow for the proposed biomass facility would be 10 gpm (14,440 gpd). When added to the existing maximum demand at the site (60,000 gpd), a total of approximately 74,400 gpd would be required. Together, the existing demand (42 gpm) and projected peak demand for the biomass facility would be within the limits of the pump's current capacity of 52 gpm. The Draft EIR notes that the frequency with which this peak rate of water would be needed would be rare and would require that peak demands from several onsite facilities (Eastern Regional MRF, Transfer Station, TART facilities, and the proposed biomass facility) occur simultaneously.

The aquifer test conducted by Kleinfelder also provided information on projected drawdown rates and the long-term water supply availability of the well. First, the aquifer test determined that based on a comparison of static water levels measured at the time of construction in 1988 (407 bgs) and at the time of the well test in 2002 (408.34 feet) that there was no change in aquifer water levels (the difference of about 1.5 feet can be attributed to the well casing above ground surface) after 14 years of pumping (Kleinfelder 2002).

The aquifer test results projected a drawdown rate of approximately 10 feet over a 20-year period if pumping occurred continuously at the pump's measured flow rate (52.6 gpm). Continuous pumping at the well capacity limit of 100 gpm would result in a drawdown of 20 feet over the same 20-year period. Based on the predictive components of the Kleinfelder aquifer test, even under a worst case scenario in which the pump were to operate at 52.6 gpm continuously over time, the facility could operate at this rate for a period well beyond 40 years, the operating life of the proposed project before the static water level reached the current pump depth at 504 feet bgs.

Further, prior to issuance of a Building Permit for the project, the Applicant would need to comply with the provisions of Title 22 of the California Code of Regulations (CCR) Section 64554, which require a qualified individual to demonstrate that the water system would have the capacity to meet the system's maximum day demand. The proposed redundant well would also be subject to certain requirements (CCR Section 64560), which would include source capacity testing, water quality testing, and an analysis that demonstrates that the two wells (the existing and proposed redundant well) would not intersect each other. Therefore, based upon what is known about the capacity of existing wells in relation to drawdown that can be supported by the groundwater basin and the fact that the Applicant would need to comply with Title 22 requirements addressing water system capacity, there is no evidence to suggest that significant groundwater depletion impacts would occur.

- 10-26 The commenter states that the Draft EIR cannot serve as the NEPA document for the Department of Energy (DOE) compliance with the National Environmental Policy Act (NEPA). The Draft EIR cannot serve as a Finding of No Significant Impact (FONSI) because it lacks any

discussion of NEPA's requirements for an environmental assessment (EA), and no opportunity has been provided for comments to DOE regarding the document's adequacy as an EA.

As discussed in the Draft EIR in Section 1.1.1, DOE will make independent findings regarding the appropriate documentation under NEPA. DOE may use the analyses contained in this EIR as a basis for determining the appropriate level of NEPA documentation, EA/FONSI, or environmental impact statement (EIS), and as a basis for the NEPA document. It was never the intent of the Draft EIR to serve as the NEPA documentation. Instead, the Draft EIR was prepared in a manner that addressed NEPA-specific topics (e.g., Chapter 17, Environmental Justice) that would otherwise not be addressed in a CEQA-only document, with the intent of providing sufficient information to streamline and minimize the extent of new analyses necessary for DOE to prepare the appropriate NEPA documentation.

In response to this comment, DOE has provided additional information regarding NEPA documentation for the project (Kerwin, pers. comm., 2012). Per DOE NEPA implementing procedures (Title 10 of the Code of Federal Regulations, Part 1021), DOE has determined that an EA will be required prior to authorizing the expenditure of federal funds for the proposed project. DOE will complete the EA in accordance with applicable regulations and requirements and will conduct scoping, complete required consultations, and provide opportunities for public comment on NEPA documentation prior to authorizing the expenditure of federal funds for this project. DOE will independently evaluate the information presented in the EIR and will rely upon and/or supplement the analysis as DOE deems necessary in the development of the EA.

10-27

The commenter concludes based on the issues raised in Comments 10-2 through 10-25 that the Draft EIR cannot serve as the basis for project approval under CEQA and the County must recirculate the document that complies with the law before moving forward with the project. The commenter further concludes the document cannot serve as the basis for project approval under NEPA.

For specific responses to each of the concerns raised by the commenter, demonstrating that Draft EIR does in fact meet CEQA's requirements, please refer to the responses to comments 10-2 through 10-25. See the response to comment 10-26 regarding NEPA compliance. Refer to responses to comments above regarding adequacy of the EIR under CEQA.

The commenter also asserts that the Draft EIR must be revised and recirculated so that the public decision-makers have adequate information to evaluate the project's impacts. As stated in Section 15088.5(a) of the State CEQA Guidelines, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

Under CEQA Guidelines Section 15088.5(b), recirculation is not required when new information added to an EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR.

As the responses to comments 10-2 through 10-25 explain, none of the commenter's comments constitute "significant new information" that would trigger recirculation under CEQA Guidelines Section 15088.5. The responses to comments 10-2 through 10-25 do not constitute "significant new information," but merely clarify or amplify information presented in the Draft EIR.