

RESOLUTION NO. 2009-236

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ELK
GROVE TRANSFER STATION MASTER PLAN AND ADOPTING FINDINGS OF
FACT; A STATEMENT OF OVERRIDING CONSIDERATIONS; AND A MITIGATION
MONITORING AND REPORTING PROGRAM**

WHEREAS, the City of Elk Grove adopted the 2008-13 Capital Improvement Program which identified several City facility projects that would improve City services and efficiency, including the Transfer Station Long Range Planning Project (SW0001); and

WHEREAS, on May 14, 2008 the City Council directed staff to consider two specific potential project sites for environmental review; and

WHEREAS, the City of Elk Grove determined that the Elk Grove Transfer Station project was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. and that an Environmental Impact Report (EIR) be prepared to evaluate the potential environmental effects of the Project; and

WHEREAS, in compliance with Public Resources Code section 21080.4, a Notice of Preparation (NOP) was prepared by the City of Elk Grove and was distributed to the State Clearinghouse, Office of Planning and Research, responsible agencies and other interested parties on July 23, 2008, with the comment period ending on August 22, 2008, and an amended NOP on April 1, 2009 with the comment period ending on April 30, 2009; and

WHEREAS, the City of Elk Grove distributed a Notice of Availability for the Transfer Station Draft EIR on July 1, 2009, which started the 45-day public review period, ending on August 17, 2009; and

WHEREAS, the Draft EIR was filed with the State Clearinghouse (SCH No. 2009042008) and was distributed to public agencies and other interested parties for public review and comment; and

WHEREAS, the City of Elk Grove prepared a Final EIR, which consists of: 1) Draft EIR, 2) comments received on the Draft EIR during the public review period, 3) responses to comments received, and 4) errata and revisions to the Draft EIR; and

WHEREAS, October 15, 2009 the Elk Grove Planning Commission adopted Resolution No. 2009-24 recommending that the City Council certify the Final EIR.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove as follows:

- 1) As provided by Public Resources Code section 21081, CEQA Guidelines sections 15091, 15092, and 15093, and other relevant provisions of CEQA, the City Council hereby makes and adopts those Findings of Fact and Statement of Overriding Considerations set forth in Exhibit A, attached hereto and incorporated herein by reference. The City Council, exercising its own independent judgment, determines that such Findings of Fact and Statement of Overriding Considerations are supported by substantial evidence in the record including, but not limited to, the information and materials contained in the EIR, all notices and other documents related thereto, those documents and materials described in California Public Resources Code section 21167.6(e), and those documents and materials referenced in the Findings of Fact and Statement of Overriding Considerations.
- 2) Because the adoption of all feasible mitigation measures will not substantially lessen or avoid all significant adverse environmental effects caused by the project, the City Council adopts a Statement of Overriding Considerations concerning the project's unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts on the environment as set forth in Exhibit A.
- 3) Four (4) project alternatives ("No Project," "Site 3", "Site 5", and "Household Hazardous Waste Collection Facility Only") were evaluated by the City of Elk Grove in the EIR. As set forth in Exhibit A, these alternatives result in more severe environmental effects, do not meet the basic project objectives, and/or do not provide any substantial environmental benefits as compared to the proposed project. The City Council hereby finds that the proposed project, as mitigated by adoption of mitigation measures identified in the EIR, can be feasibly implemented and serves the best interests of the City of Elk Grove.
- 4) The City Council hereby finds that the proposed mitigation measures described in the Final EIR and provided in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B and incorporated herein by reference, are feasible and therefore will become binding upon the City and its construction contractors. The City Council further finds that, except as to impacts found by the EIR to be significant and unavoidable, implementation of the mitigation measures identified and discussed in the EIR will avoid or lessen to a level of less than significant those environmental effects identified in the EIR for which a mitigation measure is identified.
- 5) Pursuant to Public Resources Code section 21081.6, the City Council hereby approves and adopts the Mitigation Monitoring Program contained in the Final EIR.
- 6) The City Council finds that issues raised during the public comment period and written comment letters submitted after the close of the public review period of the Draft EIR do not involve any new significant impacts or

“significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines section 15088.5.

- 7) The City Council of the City of Elk Grove hereby certifies that the Final EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the Final EIR.
- 8) The City Council of the City of Elk Grove hereby certifies that the Final EIR reflects the independent judgment and analysis of the City Council of the City of Elk Grove.
- 9) The City Council of the City of Elk Grove hereby certifies the Final EIR and certifies that the Final EIR has been completed in compliance with the requirements of CEQA.
- 10) The documents and other materials that constitute the record of proceedings on which the City Council’s findings are based are located at 8401 Laguna Palms Way, Elk Grove, California 95758. The custodian of the documents is the Environmental Planning Manager, City of Elk Grove, Development Services-Planning.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 18th day of November 2009.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

EXHIBIT A

THE CITY OF ELK GROVE FINDINGS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Public Resources Code, Section 21000 et seq.)

For The Elk Grove Transfer Station Master Plan Project

I. Introduction

Environmental Document. The City of Elk Grove ("City") prepared a Draft and Final Environmental Impact Report ("Final EIR") for the proposed Elk Grove Transfer Station Master Plan (Master Plan or proposed project). The Master Plan includes the construction of a solid waste transfer station facility within the southern portion of the City. The transfer station is intended to provide convenient, cost-effective and environmentally sound waste management services to the citizens of Elk Grove. The transfer station facility would accept regular trash, recyclable materials (cans, bottles, paper, plastics, etc), green wastes (lawn and landscape clippings, wood, leaves), household hazardous wastes (oil, paint, solvents, drain cleaners, light bulbs, batteries, etc) and special wastes (tires, roofing materials, etc.). All materials would be processed and loaded onto trucks for shipment to remote landfills and secondary markets.

The construction of the facility is proposed to be implemented in phases, with the timing of specific project components dictated by the City's evolving waste management requirements. The first phase of the Master Plan, a household hazardous waste ("HHW") facility, is proposed to be operational in 2012. Because the City's future waste management requirements cannot be determined at this time, there is the possibility that some of the project components may never be constructed. However, the Final EIR evaluated the impacts associated with buildout of the complete multi-phased Master Plan.

Project Location. Two potential project sites are being considered in the Master Plan, both of which are located in the southern portion of the City of Elk Grove, east of SR 99 near the intersection of Waterman Road and Grant Line Road. The selection of the site for Master Plan implementation will be made by the City at a future date. The two potential project sites are identified as the Iron Rock Way site (Site 4) and the Grant Line Road site (Site 2).

The approximately 20-acre Iron Rock Way Site (Site 4) is located near the Elk Grove Public Works Corporation Yard and includes nine separate parcels. Eight of these parcels are contiguous and are located directly east of Iron Rock Way. The final parcel is located directly west of Iron Rock Way. These nine parcels are surrounded to the north, west, and south by light industrial uses and to the east by the Union Pacific rail line and a large industrial cement batch plant. Access to this site is currently provided from SR 99 by way of Grant Line Road to East Stockton Boulevard to Elkmont Way to Iron Rock Way.

The approximately 21-acre Grant Line Road Site (Site 2) is located directly northeast of Survey Road, southeast of Grant Line Road, and west of a Union Pacific railroad line. Approximately seven acres of the site were historically used for the Transcon truck terminal. The developed portion of the site is presently utilized as a pallet processing facility (identified as Super Pallet) and a Federal Express truck storage site. The remaining portion of the site is undeveloped. A 50-foot wide by 20-foot deep storm water drainage canal borders this site along its western and southern edges. The site is bound to the north and west by commercial and light industrial uses, to the south by a concrete batch operation, and to the east by the rail line and agricultural land uses. Access to this site is currently provided from Grant Line Road. Following construction of the Grant Line Road Widening Project, access to the site would be provided from Survey Road by

way of a new access road that would extend directly west from the southern tip of the project site to Survey Road.

Findings and Statement of Overriding Considerations. The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are made and adopted by the City Council, as the City's findings under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 et seq.) relating to the project. The Findings provide the written analysis and conclusions of the City Council regarding the project's environmental impacts, mitigation measures, alternatives to the project, and the overriding considerations, which in the City Council's view, justify approval of the Elk Grove Transfer Station Master Plan project, despite its environmental effects.

II. General Findings and Overview

A. Relationship to the City of Elk Grove General Plan

The City adopted its General Plan (General Plan) in November 2003. The Elk Grove Transfer Station Master Plan project is subject to the City's General Plan. The General Plan provides a broad framework for planning the future of the City of Elk Grove. It is the official policy statement of the City Council to guide the private and public development of the City in a manner to gain the maximum social and economic benefit to the citizens. All subsequent land use approvals are required to be consistent with the goals, objectives, and policies embodied in the General Plan. The project is consistent with the General Plan and associated goal of providing a diversity of industrial uses within the City. An analysis of the project's consistency with City's General Plan is included on pages 4.1-7 through 4.1-9 of the Draft EIR.

B. Procedural Background

In accordance with Section 15082 of the CEQA Guidelines, the City, acting as lead agency, prepared and circulated a Notice of Preparation (NOP) on July 18, 2008. An amended NOP was also distributed on April 1, 2009 with the comment period ending on April 30, 2009. Both NOPs were circulated for 30 days to the public and local, state, and federal agencies, as well as to other interested parties to solicit comments on the proposed project. Concerns raised in response to the NOPs were considered during preparation of the Draft EIR.

The Draft EIR was then prepared and circulated for a 45-day public review period as required by state law beginning on July 1, 2009. The 45-day public review period for the Draft EIR ended on August 17, 2009. A public hearing was held by the Elk Grove Planning Commission to receive comments on the Draft EIR on August 6, 2009.

In addition to the comments received during the Planning Commission hearing, the City received eight comment letters during the public review period for the Draft EIR. Of those comments, no new significant environmental impacts, beyond those already covered in the Draft EIR, were identified and no significant changes to the Draft EIR text resulted. As such, the City directed that a Final EIR be prepared.

C. Project History

The majority of the municipal solid waste generated by the residents and businesses in Elk Grove is currently transported by franchised, commercial haulers and private self-haul vehicles to the privately-owned and operated (by Allied Waste) Elder Creek transfer station located in south Sacramento. Residents of Elk Grove are allowed one self-haul trip each year to this facility.

Residents are also allowed to self-haul household hazardous wastes to collection facilities owned either by the County or by the City of Sacramento.

The drive from Elk Grove's city center to these facilities is approximately 18 miles round trip. In addition, the recyclable materials collected at the curbside in the City are shipped more than 100 miles to a sorting facility in San Jose. Due to the rising costs associated with managing and transporting waste and recyclable materials, the City decided to explore waste management options that would stabilize these costs, improve services to its citizenry, reduce the amount of waste being sent to landfills, and reduce greenhouse gas emissions and air pollution associated with transportation.

To accomplish these goals, the City is proposing to phase the construction of a transfer station facility in Elk Grove where residents and businesses will drop off their wastes and recyclable materials. Operating a transfer station facility in Elk Grove will reduce the number of miles that businesses and residents will have to haul their waste and recyclables, which will reduce fuel usage and the costs associated with transportation. The consolidation of waste at a transfer station and transport in long-haul vehicles to a landfill is more efficient due to the high capacity of the transfer trucks. By reducing miles travelled, the proposed facility will also reduce air pollutants and greenhouse gas emissions and help the City comply with Assembly Bill 32 (California Global Warming Solutions Act of 2006). AB 32 is green house gas reduction legislation that requires the state's global warming emissions to be reduced to 1990 levels by 2020.

The project will also provide more cost-effective opportunities to recover recyclable materials and divert them from landfills. This will help the City meet their AB 939 (the Integrated Waste Management Act of 1989) diversion goals. AB 939 mandates a reduction in the amount of waste being disposed in California. All jurisdictions are required to meet waste diversion goals set by the State. AB 939 also established an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill management.

By phasing the development of a transfer station facility, the City will also gain more control over the rising costs of managing municipal solid waste and recyclables because the City will own the facility and will contract for the operations and management of the facility through a competitive bidding process. This management strategy is being adopted by many municipalities throughout California.

In taking the initial step in this process, the City contracted with HDR Engineering, Inc./Brown, Vence and Associates, Inc. (HDR/BVA) to prepare a siting study in 2008. The study area for the siting study was the Elk Grove City limits. The study used industrial zoning as the initial screening criterion. One hundred-eighty parcels were identified in the Light Industrial (M1) and Heavy Industrial (M2) zones. The next three screening criteria used were parcel size, traffic accessibility, and compatibility with neighboring land uses. This reduced the number of potential sites to seven parcels, all in the M-2 zone. The seven parcels are grouped into three locations in the southern part of the City along the SR 99 corridor. They are all located near the intersection of Waterman Road and Grant Line Road.

In February 2008, the City Council selected five of the seven parcels at two locations for further evaluation including the Grant Line Road parcel. However, the other four parcels subsequently became unavailable for development. At a meeting in May 2008, the City Council directed staff to consider another grouping of parcels located on Iron Rock Way at Elkmont Way, known as the Iron Rock Way site. These parcels are also zoned heavy industrial and together cover over 20 acres. Based on the direction provided by the City Council in May 2008, the Final EIR evaluated

in detail the environmental impacts associated with developing and operating a transfer station facility on either Site 4 or Site 2.

The Elk Grove City Council also identified two secondary sites in the event the development of Sites 4 and 2 was determined to be infeasible. These sites include Site 3 and Site 5. Site 3 is located directly south of Site 2 and directly north of the Emerald Lakes Golf Course. It is bordered on the southwest by SR 99 and on the east by the Union Pacific rail line and includes two separate parcels (APN 134-022-0054 and 134-022-0055). Both parcels are zoned Heavy Industrial (M-2). Site 3 has an established business (Meeks Lumber) located on a portion of the site and it only has sufficient space to accommodate either the transfer station or the household hazardous waste collection facility (HHWCF). Sufficient space is not available to accommodate both of these project components. This site was identified by the City as a secondary alternative due to this development constraint.

Site 5 is located to the southwest of Site 4 and is directly northwest of the Suburban Propane facility. It is bordered on the southwest by SR 99 and on the north, east and south by industrial development. Approximately half of this site is currently occupied by the Georgia Pacific Resin facility. The undeveloped portion of the site includes approximately 15 acres of flat land. Access to this site would be provided from E. Stockton Boulevard. This parcel includes a combination of Heavy Industrial (M-2) and Light Industrial (M-1) zoning. Because an established business (Georgia Pacific Resin facility) is located on a portion of this site, this site has less area to accommodate the proposed transfer station and HHWCF than the two identified project sites, which could limit the facility's operational flexibility. This site was identified by the City as a secondary alternative based on its space limitations. Both Site 3 and Site 5 are evaluated in the Final EIR as potential alternative locations for the development of the proposed project.

D. Record of Proceedings and Custodian of Record

For purposes of CEQA and these Findings, the Record of Proceedings for the project consists of the following documents, at a minimum:

- Notice of Preparation and all other public notices issued by the City in conjunction with the project (July 18, 2008);
- Final Environmental Impact Report for the Elk Grove Transfer Station Project, prepared by EDAW (October 2009);
- Phase I Environmental Site Assessment, 10250 Iron Rock Way, Elk Grove, California, prepared by Kleinfelder, Inc. (March 2004);
- Phase II Site Assessment Report, Kalwani Property, 10401 Grant Line Road, Elk Grove, California, prepared by Tabner (April 2007);
- Archaeological Records Search conducted at the North Central Information Center by Angel Tomes, EDAW historian (2008);
- Transportation Impact Study for the Proposed Elk Grove Transfer Station, prepared by Fehr & Peers (June 2009);
- All comments submitted by agencies or members of the public during the 45-day public comment period on the Draft EIR;

- All comments and correspondence submitted to the City with respect to the project, in addition to comments on the Draft EIR;
- The mitigation monitoring and reporting program for the project attached as Appendix A to the Final EIR;
- All findings and resolutions adopted by City decision makers in connection with the project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's actions on the project;
- City of Elk Grove General Plan, adopted November 2003 and amended May 2007;
- City of Elk Grove Zoning Code, July 2003; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The custodian of the documents comprising the record of proceedings is the Environmental Planning Manager, City of Elk Grove, Development Services, Planning, whose office is located at 8401 Laguna Palms Way, Elk Grove, California 95758. Office hours are from 8:00 a.m. through 5:00 p.m. Monday through Friday. The City of Elk Grove Planning Department may be reached at 916-478-2265.

E. Consideration of the Environmental Impact Report

In adopting these Findings, this City Council finds that the Final EIR was presented to the City Council, which reviewed and considered the information in the Final EIR prior to approving the Elk Grove Transfer Station Master Plan project. By these Findings, the City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The Final EIR represents the independent judgment of the City.

F. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Elk Grove Transfer Station Master Plan project, shall continue in full force and effect unless amended or modified by the City.

G. CEQA Findings

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (emphasis added.) The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects." (emphasis added.) Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such

project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations (see also *Citizens of Goleta Valley v. Board of Supervisors* ("Goleta II") (1990) 52 Cal.3d 553, 565.) The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

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

These findings constitute the City's best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Project.

III. Findings and Recommendations Regarding Significant and Unavoidable Impacts

A. NOISE

1. Exposure of Sensitive Receptors to Excessive Stationary- or Area-Source Noise Levels (Site 4 Only) (EIR Impact 4.4-3)

- (a) Potential Impact.** The churches located near Site 4 are not located on lands designated for noise sensitive uses because they are located on lands zoned for industrial uses. Therefore, they would typically not be subject to noise standards established for noise sensitive land uses. However, the City of Elk Grove General Plan requires that noise created by uses such as the proposed Project cannot exceed 55 dBA between 7:00 a.m. and 10:00 p.m., and cannot exceed 45 dBA between 10:00 p.m. and 7:00 a.m. when measured at the property line of a sensitive land use, such as a church. Due to its proximity to Site 4 (approximately 300 feet to the northwest), the Soaring Oaks Presbyterian Church would experience noise levels in excess of 55 dBA during daytime

operations and 45 dBA during nighttime operations. Based on available data, the operational noise levels generated by the proposed project at the Church could be as high as 70 decibels.

(b) Mitigation Measures. For Site 4 Only:

- ▶ The facility shall be designed to minimize noise generation in the northwestern portion of Site 4. This shall be accomplished by limiting the site uses in the northern portion of the site, concentrating high noise-generating activities in the southern portion of the site, and locating buildings so they block offsite noise propagation to the northwest.
- ▶ The City shall contract with an acoustical engineering firm that will identify a variety of construction solutions (e.g., sound berms) to be implemented as part of the project to reduce the offsite noise levels by a minimum of 8 dBA, if feasible.

(c) Findings. Based on the FEIR and the entire record before the City Council, the City Council adopts the following findings: specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Environmental Impact Report. Although the proposed mitigation measures would reduce noise levels associated with facility operations, no mitigation is available that ensures the noise level impacts will be rendered less than significant. The effects therefore remain significant and unavoidable.

(1) Significance of Mitigation: Although mitigation measures have been identified for this impact, the proposed project's operational noise levels are projected to exceed the City's Noise Control Ordinance standards at the Soaring Oaks Presbyterian Church due to its proximity to Site 4. Therefore, this impact would remain significant and unavoidable with development of the proposed project at Site 4. Project alternatives considered but rejected, as described in Chapter 6, Alternatives, of the Draft EIR, included site constraints or operational deficiencies that make them infeasible. The implementation of the proposed project on Site 2 would avoid this operational noise impact. However, the occurrence of a significant and unavoidable impact at Site 4 does not make Master Plan implementation at this site infeasible, particularly due to the fact that the church located within an industrial zone that experiences high ambient noise levels from existing industrial operations. In considering whether to implement the Master Plan on either Site 4 or Site 2, the City will take into consideration specific economic, legal, social, technological, or other considerations prior to making their decision.

- (2) **Overriding Considerations:** The environmental, economic, social and other benefits of the project override significant adverse impacts of the project, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

IV. Findings and Recommendations Regarding Significant Impacts Which Are Avoided or Mitigated to a Less than Significant Level

A. TRAFFIC AND CIRCULATION

1. Elk Grove-Florin Road/East Stockton Boulevard Intersection (EIR Impact 4.2-2)

- (a) **Potential Impact (Draft EIR Page 4.2-45).** The addition of project traffic to baseline traffic conditions would degrade operations below acceptable levels at the Elk Grove-Florin Road / East Stockton Boulevard Intersection. This impact would be considered significant.

- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.2-2. Install a traffic signal at the Elk Grove-Florin Road / East Stockton Boulevard intersection as planned for in the City's Capital Improvement Program. Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. If the improvement is not in place, this project will be required to construct it.

- (c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect as identified in the Final EIR.

- (1) **Effects of Mitigation.** Traffic impacts associated with the proposed project at the Elk Grove-Florin Road / East Stockton Boulevard intersection will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. Installation of the traffic signal would provide Level of Service (LOS) C operations in the a.m. and LOS D operations in the p.m. peak hours. These LOS levels are below the City's established traffic operation thresholds. Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. However, if the improvement is not in place, the project will be required to construct it. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) **Remaining Impacts.** Any remaining impacts related to the intersection's operations will not be significant because the intersection will operation consistent with the City's established traffic policies.

2. **Elkmont Way/East Stockton Boulevard Intersection (Site 4 Only) (EIR Impact 4.2-3)**

(a) **Potential Impact (Draft EIR Page 4.2-47).** The addition of project traffic to baseline traffic conditions would degrade already unacceptable operations at the Elkmont Way / East Stockton Boulevard Intersection if Site 4 is selected as the preferred facility site. No impact would occur at this intersection if Site 2 is selected. The impact at this intersection with the development of Site 4 would be considered significant.

(b) **Mitigation Measure.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.2-3. Install a traffic signal at the Elkmont Way / East Stockton Boulevard intersection.

(c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation.** Traffic impacts associated with the proposed project at the Elkmont Way / East Stockton Boulevard Intersection if Site 4 is selected as the preferred facility site will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. Installation of the traffic signal would provide LOS B operations in the a.m. and p.m. peak hours. These LOS levels are below the City's established traffic operation thresholds. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) **Remaining Impacts.** Any remaining impacts related to the intersection's operations will not be significant because the intersection will operation consistent with the City's established traffic policies.

3. Grant Line Road / Bradshaw Road Intersection (EIR Impact 4.2-4)

(a) Potential Impact (Draft EIR Page 4.2-48). The addition of project traffic to baseline traffic conditions would degrade already unacceptable operations at the Grant Line Road / Bradshaw Road Intersection.

(b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.2-4. Install a traffic signal and widen the southbound and eastbound approaches to the Grant Line Road / Bradshaw Road intersection to provide the following lane configurations:

- ▶ One left-turn lane and one right-turn lane on the southbound approach.
- ▶ One left-turn lane and one through lane on the eastbound approach.

Currently these improvements are included in the fee program and are anticipated to be constructed prior to the operations of the transfer station. If the improvements are not in place, this project will be required to construct them.

(c) Findings. Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect as identified in the Final EIR.

(1) Effects of Mitigation. Traffic impacts associated with the proposed project at the Grant Line Road / Bradshaw Road intersection will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures would provide LOS B operations in the p.m. peak hour. This LOS level is below the City's established traffic operation thresholds. Currently these improvements are included in the fee program and are anticipated to be constructed prior to the operations of the transfer station. However, if the improvements are not in place, the project will be required to construct them. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) Remaining Impacts. Any remaining impacts related to the intersection's operations will not be significant because the intersection will operation consistent with the City's established traffic policies.

4. Grant Line Road / Elk Grove Boulevard Intersection (EIR Impact 4.2-5)

(a) Potential Impact (Draft EIR Page 4.2-48). The addition of project traffic to baseline traffic conditions would degrade already unacceptable operations at the Grant Line Road / Elk Grove Boulevard Intersection.

(b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.2-5. Install a traffic signal and widen the eastbound approach to the Grant Line Road / Elk Grove Boulevard intersection to provide the following lane configurations:

- ▶ One left-turn lane and one through lane on the eastbound approach.

Currently these improvements are included in the fee program and are anticipated to be constructed prior to the operations of the transfer station. If the improvements are not in place, this project will be required to construct them.

(c) Findings. Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect as identified in the Final EIR.

(1) Effects of Mitigation. Traffic impacts associated with the proposed project at the Grant Line Road / Elk Grove Boulevard intersection will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. Installation of the traffic improvements would provide LOS B operations in the a.m. and p.m. peak hours. These LOS levels are below the City's established traffic operation thresholds. Currently these improvements are included in the fee program and are anticipated to be constructed prior to the operations of the transfer station. However, if the improvements are not in place, this project will be required to construct them. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) Remaining Impacts. Any remaining impacts related to the intersection's operations will not be significant because the intersection will operation consistent with the City's established traffic policies.

5. Grant Line Road / Wilton Road Intersection (EIR Impact 4.2-6)

(a) Potential Impact (Draft EIR Page 4.2-51). The addition of project traffic to baseline traffic conditions would degrade already

unacceptable operations at the Grant Line Road / Wilton Road Intersection.

- (b) **Mitigation Measure.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.2-6. Widen the eastbound approach to the Grant Line Road / Wilton Road intersection to provide the following lane configurations:

- ▶ One left-turn lane, one through lane, and one right-turn lane on the eastbound approach.

Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. If the improvement is not in place, this project will be required to construct it.

- (c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation.** Traffic impacts associated with the proposed project at the Grant Line Road / Wilton Road intersection will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. Installation of the traffic improvements would restore the average delay at this intersection to less than the no project condition provided in the a.m. and p.m. peak hours. Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. However, if the improvement is not in place, this project will be required to construct it. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) **Remaining Impacts.** Any remaining impacts related to the intersection's operations will not be significant because the intersection will operation consistent with the City's established traffic policies.

6. Grant Line Road / Sheldon Road Intersection (EIR Impact 4.2-7)

(a) Potential Impact (Draft EIR Page 4.2-51). The addition of project traffic to baseline traffic conditions would degrade already unacceptable operations at the Grant Line Road / Sheldon Road Intersection.

(b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.2-7. Install a traffic signal at the Grant Line Road / Sheldon Road intersection.

(c) Findings. Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect as identified in the Final EIR.

(1) Effects of Mitigation. Traffic impacts associated with the proposed project at the Grant Line Road / Sheldon Road intersection will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. Installation of the traffic signal would provide LOS B operations in the a.m. and p.m. peak hours. These LOS levels are below the City's established traffic operation thresholds. Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. However, if the improvement is not in place, the project will be required to construct it. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) Remaining Impacts. Any remaining impacts related to the intersection's operations will not be significant because the intersection will operation consistent with the City's established traffic policies.

7. Bilby Road / Bruceville Road Intersection (EIR Impact 4.2-8)

(a) Potential Impact (Draft EIR Page 4.2-52). The addition of project traffic to baseline traffic conditions would degrade already unacceptable operations at the Bilby Road / Bruceville Road Intersection.

(b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.2-8. Widen the eastbound approach to the Bilby Road / Bruceville Road intersection to provide the following lane configurations:

- ▶ A shared through-left lane and a right-turn lane on the eastbound approach.

(c) Findings. Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect as identified in the Final EIR.

(1) Effects of Mitigation. Traffic impacts associated with the proposed project at the Bilby Road / Bruceville Road intersection will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. Installation of the improvements would provide acceptable operations in the a.m. and p.m. peak hours. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) Remaining Impacts. Any remaining impacts related to the intersection's operations will not be significant because the intersection will operation consistent with the City's established traffic policies.

B. AIR QUALITY

1. Short-Term Construction-Generated Criteria Air Pollutant and Precursor Emissions (Site 2 Only) (EIR Impact 4.3-1)

(a) Potential Impact (Draft EIR Page 4.3-14). Short-term construction-generated emissions of the ozone precursor NO_x, associated with construction of the Site 2 alternative, would exceed SMAQMD's significance threshold. Therefore, the project could result in or contribute substantially to a violation of air quality standards.

(b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.3-1. In accordance with SMAQMD recommendations, the following mitigation measures shall be implemented during construction of the proposed project for Site 2 only, if selected.

- ▶ The contractor shall develop a plan, in consultation with SMAQMD, demonstrating that the heavy-duty (>50 horsepower [hp]), off-road vehicles to be used in the construction project (including owned, leased, and subcontractor vehicles) shall achieve a project-wide fleet-average 20% NO_x reduction and 45% particulate reduction compared to the most recent ARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate-matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.
- ▶ A comprehensive inventory of all off-road construction equipment equal to or greater than 50 hp that will be used for an aggregate of 40 or more hours during any portion of project construction shall be submitted to SMAQMD. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before heavy-duty off-road equipment is used, the City shall provide SMAQMD with the anticipated construction timeline, including the start date, and the name and phone number of the contractor's project manager and on-site foreman.
- ▶ In accordance with SMAQMD recommendations, the following mitigation measures shall be implemented at either site during construction of the proposed project to minimize cumulative impacts from PM₁₀. The ground-disturbing activities (i.e., grading, trenching) shall not exceed a total actively disturbed area of 5 acres per day.
- ▶ Construction activities shall comply with SMAQMD's Rule 403, Fugitive Dust. Rule 403 requires implementation of reasonable precautions so as not to cause or allow emissions of fugitive dust from being airborne beyond the property line of the project site. In accordance with SMAQMD-recommended mitigation measures for the control of fugitive dust, reasonable precautions shall include, but shall not necessarily be limited to, the following (SMAQMD 2004):
 - Apply water, chemical stabilizer/suppressant, or vegetative cover to disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive for longer than 3 months.

- Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times.
- Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114.
- Limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring.
- Limit onsite vehicle speeds on unpaved surfaces to 15 miles per hour, or less.

(c) Findings. Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect as identified in the Final EIR.

(1) Effects of Mitigation. The potential for the project to generate adverse short-term construction emissions will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. Implementation of the Sacramento Metropolitan Air Quality Management District (SMAQMD) recommended measures would be expected to achieve a 20% reduction in NO_x emissions from construction equipment consistent with SMAQMD requirements. These reductions would lower the project-generated construction-related NO_x emissions in Sacramento County from approximately 90 pounds per day to approximately 72 pounds per day, which is below the SMAQMD-established significance threshold for NO_x emissions. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) Remaining Impacts. Any remaining impacts to air quality will be less than significant because the emission levels will not exceed the Air District's established thresholds.

2. Exposure of Sensitive Receptor to Odorous Emissions (EIR Impact 4.3-5)

(a) Potential Impact (Draft EIR Page 4.3-21). The proposed project would introduce new odor sources into the area, which could expose sensitive receptors to odorous emissions on an intermittent basis. The exposure of sensitive receptors to this new odor source would be considered a significant impact.

(b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.3-5. The following measures shall be implemented to reduce the project's potential odor impacts:

- ▶ Building doors shall be closed when not receiving waste materials;
- ▶ Loaded transfer vehicles shall be covered and properly maintained to ensure that both liquid and solid waste materials are contained entirely within the vehicle for the duration of its transport;
- ▶ Routine cleaning of floors, walls, and equipment shall be conducted per the requirements of CCR Title 14, Section 17407.2; and
- ▶ Odor complaints received by the City or SMAQMD shall be responded to within 24 hours. This response shall include an inquiry into the source of the odor and identification of the measures necessary to eliminate the odor source. If excessive complaints are received, as defined by the City, additional measures shall be implemented to control odors. Additional measures may include, but are not limited to: (a) install plastic curtains on entrances and exits to contain odors when doors are opened to allow vehicles to enter and exit, (b) use of deodorants to mask or neutralize odors as needed, and (c) daily removal of waste from tipping floor to allow for daily washing/cleaning.

(c) Findings. Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect as identified in the Final EIR.

(1) Effects of Mitigation. The potential for the project to generate adverse odor impacts will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures identify specific operational procedures that will reduce odor emissions from the project site. In addition, the measures identify a response protocol that will be

implemented by the City if odor complaints are received, including the implementation of additional odor control procedures. These additional procedures may include, but are not limited to: (a) installing plastic curtains on entrances and exits to contain odors when doors are opened to allow vehicles to enter and exit, (b) using deodorants to mask or neutralize odors as needed, and (c) removing waste from the tipping floor daily to allow for washing/cleaning. With implementation of these mitigation measures, the identified impact would be considered less than significant.

- (2) **Remaining Impacts.** Any remaining impacts related to odors will not be significant because their onsite generation and offsite migration will be minimized.

C. NOISE

1. Construction-Generated Temporary Increases in Ambient Noise Levels (EIR Impact 4.4-1)

- (a) **Potential Impact (Draft EIR Page 4.4-13).** Construction activities would result in temporary increases in ambient noise levels for the existing surrounding industrial land uses. Construction activities during the more noise-sensitive nighttime hours could result in increased levels of annoyance and potential sleep disruption for occupants of nearby noise-sensitive land uses.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.4-1. The following measures shall be implemented to reduce construction-generated noise levels at nearby land uses:

- ▶ Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 7:00 a.m. and 7:00 p.m. on Saturday and Sunday, in accordance with the City's General Plan noise policies.
 - ▶ Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations.
 - ▶ Construction equipment staging areas shall be located at the farthest distance possible from nearby noise-sensitive land uses.
- (c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which

avoid the significant environmental effect as identified in the Final EIR.

- (1) **Effects of Mitigation.** The potential impact of the project related to the temporary construction noise will be mitigated to a less-than-significant level through the mitigation measures described above. The mitigation measures will limit construction activities during the more noise sensitive evening hours, will ensure that construction equipment is not generating excessive noise due to poor equipment maintenance, and will locate construction equipment staging areas away from noise-sensitive land uses. With implementation of these mitigation measures, the identified impact would be considered less than significant.
- (2) **Remaining Impacts.** Any remaining impacts related to short-term construction noise will not be significant because the noise levels will not exceed the City's established thresholds.

2. Nighttime Noise Exposure (EIR Impact 4.4-4)

- (a) **Potential Impact (Draft EIR Page 4.4-19).** The propose project would include nighttime operations that could exceed the City's established nighttime noise standards for noise sensitive land uses.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.4-4. The site operations shall comply with the requirements of the City's noise ordinance regarding nighttime operations. This shall include limiting substantial noise-generating outdoor activities at the site during nighttime hours (10:00 p.m. to 7:00 a.m.) and designing the facility to ensure high noise generating activities are screened by buildings from noise-sensitive land uses.

The City shall contract with an acoustical professional to collect nighttime noise measurements at the site for two months following the initiation of site operations. If the noise level measurements determine that the nighttime noise levels are exceeding City standards at noise-sensitive land uses (residential and park uses), the noise generating activities shall be either curtailed until after 7:00 a.m. or other noise reducing measures (e.g., relocating noise generating uses on the site, installing noise barriers adjacent to noise generating uses) shall be implemented to ensure the nighttime noise standard is not exceeded.

- (c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project which

avoid the significant environmental effect as identified in the Final EIR.

- (1) **Effects of Mitigation.** The potential impact of the project related to the operational noise levels will be mitigated to a less-than-significant level through the mitigation measures described above. The mitigation measures include limiting substantial noise-generating outdoor activities during nighttime hours and designing the facility to ensure high noise-generating activities are screening by buildings from noise-sensitive land uses. The measures also include a component for measuring nighttime noise levels to ensure compliance with City standards and procedures to be followed if the noise standards are exceeded. With implementation of these mitigation measures, the identified impact would be considered less than significant.
- (2) **Remaining Impacts.** Any remaining impacts related to nighttime operational noise levels will not be significant because the noise levels will not exceed the City's established thresholds.

D. PUBLIC HEALTH AND HAZARDS

1. Exposure to Known and Unknown Hazardous Materials (EIR Impact 4.7-1)

- (a) **Potential Impact (Draft EIR Page 4.7-11).** Excavation and construction activities on the project sites could result in the exposure of construction workers and the general public to hazardous materials, including petroleum hydrocarbons, pesticides, herbicides, and fertilizers; contaminated debris; elevated levels of chemicals that could be hazardous; or hazardous substances that could be inadvertently spilled or otherwise spread.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.7-1. Construction monitors trained in the identification of hazardous materials will be present during the excavation and site development phase of the project. Monitors will observe all excavation, trenching, and grading for the potential presence of hazardous materials and petroleum products. If during site preparation and construction activities previous undiscovered or unknown evidence of hazardous materials contamination is observed or suspected through either obvious or implied measures (e.g., stained or odorous soil, unknown storage tanks, etc.), construction activities shall immediately cease in the area of the find.

City of Elk Grove staff shall be immediately consulted and the project contractor shall contract with a qualified consultant

registered in DTSC's Registered Environmental Assessor Program to assess the situation. If necessary, risk assessments shall include a DTSC Preliminary Endangerment Assessment or no further action determination, or equivalent. Any required remediation shall include a DTSC Remedial Action Work Plan or equivalent. Based on consultation between the Registered Environmental Assessor and DTSC, remediation of the site shall be conducted consistent with all applicable regulations.

(c) Findings. Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

(1) Effects of Mitigation. The potential for the project's excavation and construction activities to expose construction workers and the general public to hazardous materials will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures include the presence of construction monitors who will observe for the potential presence of hazardous materials during construction activities. If hazardous materials are detected, the mitigation measures require that the City be immediately contacted and a risk assessment be conducted. Any necessary remediation is required to be conducted consistent with all applicable regulations. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) Remaining Impacts. Any remaining impacts associated with human exposure to hazardous materials during project construction will not be significant because implementation of the identified mitigation measures will reduce human exposure to hazardous materials.

2. Illegal Dumping and Litter (EIR Impact 4.7-8)

(a) Potential Impact (Draft EIR Page 4.7-17). Implementation of the proposed project could potentially alter the pattern of illegal dumping in the City if people delivering waste to the facility decide to dump their loads in the local area rather than pay for proper disposal. Also, vehicles delivering garbage to the transfer station that are not covered with a tarp could generate litter along the site access routes. The potential for illegal dumping and litter generation within the area of the project sites would be considered a public health/safety hazard for the local public.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.7-8.

- ▶ City Code Enforcement shall monitor illegal dumping in the project area on a monthly basis for the first year of operations. If illegal dumping increases along the site access routes, Code Enforcement shall increase sweeps of the area by the City's illegal dumping contractors. In addition, the City shall develop, in consultation with the Elk Grove Police Department, an illegal dumping enforcement program that includes implementing a surveillance program along site access routes and increased fines for perpetrators.
- ▶ Perimeter fencing shall be installed with slates.
- ▶ All transfer trucks shall be tightly covered before leaving the transfer station building.
- ▶ All loads brought to the facility are to be brought in covered vehicles. This is a requirement of State law, and signs at the facility will remind users of the requirement.
- ▶ Employees of the facility will make regular litter pick-up "sweeps" of the site access roads and surrounding areas, as needed.
- ▶ The facility will be appropriately maintained to ensure the accumulation of litter does not occur on the site.
- ▶ The paved areas on the site will be swept on a regular basis.

(c) Findings. Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

- (1) Effects of Mitigation.** The potential for the project to alter the pattern of illegal dumping in the City or to generate litter along the site access roadways will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures include monthly monitoring by City Code Enforcement for the first year of operations and increasing sweeps of the area by the City's illegal dumping contractors if illegal dumping increases. The measures also include the implementation of operational procedures that will minimize litter generation from the site. With implementation of these mitigation measures, the identified impact would be considered less than significant.
- (2) Remaining Impacts.** Any remaining impacts associated with illegal dumping and litter generation will not be significant because implementation of the identified mitigation measures will minimize litter generation and illegal dumping.

E. HYDROLOGY AND WATER QUALITY

1. Increased Runoff and Potential for Localized or Downstream Flooding (EIR Impact 4.8-1)

(a) Potential Impact (Draft EIR Page 4.8-10). Implementation of the proposed project would result in an increase in impervious surfaces on the potential project sites, which would lead to an increase in stormwater runoff compared to existing conditions. The increased surface runoff could result in a greater potential for on- and off-site flooding if identified improvements are not implemented.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.8-1. If the drainage system improvements identified in the Elk Grove Flood Control and Storm Drainage Master Plan are not implemented prior to the initiation of project construction, then storm water detention facilities shall be constructed on the project sites to capture any increase in storm water runoff associated with site development. The detention facilities shall be located either in the areas designated for future waste management and waste conversion, or in other areas of the site with sufficient capacity to accommodate the site's necessary storm water detention requirements. Following the installation of the drainage system improvements identified in the Master Plan, the detention areas on the sites can be converted to their intended waste management uses.

(c) Findings. Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

(1) Effects of Mitigation. The potential for the project to increase surface runoff that results in increased potential for on- and off-site flooding will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures require the construction of storm water detention facilities on the project site to capture any increase in storm water runoff associated with site development if the drainage system improvements identified in the Elk Grove Flood Control and Storm Drainage Master Plan are not implemented prior to the initiation of project construction. The detention facilities are required to be located in areas of the site with sufficient capacity to accommodate the site's necessary storm water detention requirements. With implementation of these mitigation measures, the identified impact would be considered less than significant.

- (2) **Remaining Impacts.** Any remaining impacts from storm water runoff will not be significant peak volumes will be captured on the project site.

2. **Potential for Short-Term Construction-Related Water Quality Degradation (EIR Impact 4.8-2)**

- (a) **Potential Impact (Draft EIR Page 4.8-11).** Implementation of the proposed project could cause short-term water quality degradation associated with construction activities. Construction activities (grading, excavation, etc.) could result in substantial stormwater discharges of suspended solids and other nonpoint source pollutants, which could drain to off-site areas, potentially degrading local surface water quality. Further, areas of exposed or stockpiled soils could be subject to sheet erosion during rain events.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.8-2.

- ▶ The project contractor shall demonstrate compliance, through its erosion control plan and SWPPP, with all requirements of the City's Drainage Manual and Land Grading and Erosion Control Ordinance, which may include (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage facilities from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project sites; (5) use of temporary water conveyance and water diversion structures to eliminate runoff; and (6) any other suitable measures. The SWPPP shall be submitted to the City for review.
- ▶ Prior to the issuance of a grading permit or any construction activity, the project contractor shall obtain from the Central Valley RWQCB the appropriate regulatory approvals for project construction including a Section 401 water quality certification, and an NPDES stormwater permit for general construction activity, including construction dewatering activities.
- ▶ As required under the NPDES stormwater permit for general construction activity, the project contractor shall prepare and submit the appropriate Notice of Intent and prepare the SWPPP and the erosion control plan for pollution prevention and control prior to initiating site construction activities. The SWPPP shall identify and specify the use of erosion sediment control BMPs, means of waste disposal, implementation of approved local plans, nonstormwater management controls, and inspection and maintenance responsibilities. The SWPPP

shall also specify the pollutants that are likely to be used during construction and that could be present in stormwater drainage and nonstormwater discharges. A sampling and monitoring program shall be included in the SWPPP that meets the requirements of SWRCB Order 99-08-DWQ to ensure the BMPs are effective.

- ▶ Construction techniques shall be identified that would reduce the potential runoff and the SWPPP shall identify the erosion and sedimentation control measures to be implemented. The SWPPP shall also specify spill prevention and contingency measures, identify the types of materials used for equipment operation, and identify measures to prevent or clean up spills of hazardous materials used for equipment operation and hazardous waste. Emergency procedures for responding to spills shall also be identified. BMPs identified in the SWPPP shall be used in subsequent site development activities. The SWPPP shall identify personnel training requirements and procedures that would be used to ensure that workers are aware of permit requirements and proper installation and performance inspection methods for BMPs specified in the SWPPP. The SWPPP shall also identify the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP. All construction contractors shall retain a copy of the approved SWPPP on the construction site.

(c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

- (1) **Effects of Mitigation.** The potential for the project to cause short-term water quality degradation associated with construction activities will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures require the project contractor to demonstrate compliance with all requirements of the City's Drainage Manual and Land Grading and Erosion Control Ordinance. The measures also require the preparation of a Surface Water Pollution Prevention Plan (SWPPP) and an erosion control plan prior to initiating site construction. The SWPPP is required to identify and specify the use of erosion sediment control BMPs, means of waste disposal, implementation of approved local plans, nonstormwater management controls, and inspection and maintenance responsibilities. With implementation of these mitigation measures, the identified impact would be considered less than significant.
- (2) **Remaining Impacts.** Any remaining impacts associated with short-term construction-related water quality

degradation will not be significant because implementation of the SWPPP will protect water quality.

3. Potential Long-Term Degradation of Water Quality (EIR Impact 4.8-3)

- (a) **Potential Impact (Draft EIR Page 4.8-12).** The development of the potential project sites would introduce new stormwater pollutant sources. These pollutant sources would include oils and greases, petroleum hydrocarbons (gas and diesel fuels), nitrogen, phosphorus, and heavy metals. Pesticides, herbicides, and other landscape maintenance products typically used in landscape maintenance also could be present. These pollutants could adversely affect stormwater discharges from the sites.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.8-3. Before issuance of a grading permit, the project contractor shall obtain from the Central Valley RWQCB a general NPDES permit and shall comply with all of the permit requirements in order to minimize storm water discharges associated with site operations. In addition, the project contractor shall prepare a SWPPP and implement Best Management Practices designed to minimize sedimentation and release of products used during site operations.

Before approval of the final project design, the project contractor shall identify storm water runoff BMPs selected from the Stormwater Quality Design Manual for the Sacramento and South Placer Regions (Sacramento Stormwater Quality Partnership et al. 2007). Typical BMPs that could be used on the project site shall include, but are not limited to, catchbasin inserts, compost storm water filters, sand filters, vegetated filter strips, biofiltration swales, oil/water separators, bioretention basins, or other equally effective measures. Other BMPs shall include, but would not be limited to, administrative controls such as signage at inlets to prevent illicit discharges into storm drains, parking lot and other pavement area sweeping, public education, and hazardous waste management and disposal programs. BMPs shall identify and implement mechanisms for the routine maintenance, inspection, and repair of pollution control mechanisms. In addition, the BMPs shall be reviewed for adequacy by the City of Elk Grove, Public Works Department prior to issuance of a grading permit for the site to ensure that they will effectively remove pollutants from the site's stormwater runoff.

- (c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

- (1) **Effects of Mitigation.** The potential for the project to introduce new stormwater pollutant sources that could adversely affect stormwater discharges from the site will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures require compliance with the requirements of a general NPDES permit in order to minimize storm water discharges associated with the site. This includes preparation of a SWPPP and implementation of Best Management Practices designed to minimize sedimentation and release of products used during site operations. With implementation of these mitigation measures, the identified impact would be considered less than significant.
- (2) **Remaining Impacts.** Any remaining impacts associated with the long-term degradation of water quality will not be significant because implementation of the SWPPP will protect water quality.

F. BIOLOGICAL RESOURCES

1. Potential Giant Garter Snake Impacts (Site 2 Only) (EIR Impact 4.9-2)

- (a) **Potential Impact (Draft EIR Page 4.9-14).** Implementation of the proposed project on Site 2 would involve substantial grading and use of heavy equipment and vehicles in an area of potential giant garter snake habitat. Construction activities could result in direct injury or take of giant garter snake and loss of habitat.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.9-2. For Site 2 Only:

- ▶ Prior to the commencement of construction activities, the City shall consult with the U.S. Fish and Wildlife Service and California Department of Fish and Game to determine the agencies' opinion on the suitability of the habitat on the project site to support giant garter snake, and the likelihood of injury for giant garter snakes that may be moving through the project site during construction. If the agencies determine that the project site does not support giant garter snake habitat, *then no additional mitigation is required.*
- ▶ If U.S. Fish and Wildlife Service and California Department of Fish and Game determine that implementation of the proposed project could affect giant garter snake, the City shall undertake the following measures prior to project grading within 200 feet of Grant Line Channel:

- Construction personnel shall participate in a USFWS-approved worker environmental awareness program. Under this program, workers shall be informed about the potential presence of giant garter snake and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of the Endangered Species Act. Prior to construction activities, a qualified biologist approved by the USFWS shall instruct all construction personnel about: (1) the life history of the giant garter snake; (2) the importance of Grant Line Channel to the giant garter snake; and (3) the required avoidance/protection measures. Proof of this instruction shall be submitted to the City and the Sacramento U.S. Fish and Wildlife Service Office.
- ▶ The City shall mitigate to standard guidelines identified in the USFWS's Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California (1997). Loss of upland basking and retreat site habitat resulting from project grading and construction would be considered a "Level 3" impact.

Standard mitigation shall consist of:

- replacement of affected giant garter snake habitat at a 3:1 ratio;
- all replacement habitat must include both upland and aquatic habitat components. Upland and aquatic habitat components must be included in the replacement habitat at a ratio of 2:1 upland acres to aquatic acres;
- if restoration of habitat is a component of the replacement habitat, one year of monitoring restored habitat with a photo documentation report due one year from implementation of the restoration with pre- and post-project area photos; and
- Five years of monitoring replacement habitat with photo documentation report due each year. Loss of habitat resulting from the project implementation must be replaced at a location deemed appropriate by the USFWS;
- Evidence of compliance with this mitigation measure shall be provided prior to grading activities that will remove giant garter snake habitat.

- (c) Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

- (1) **Effects of Mitigation.** The potential for the project to result in the direct injury or take of giant garter snake and loss of habitat during construction will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures require the City to consult with the U.S. Fish and Wildlife Service and California Department of Fish and Game to determine the agencies' opinion on the suitability of the habitat on the project site to support giant garter snake, and the likelihood of injury for giant garter snakes that may be moving through the project site during construction. If the agencies determine that implementation of the proposed project could affect giant garter snake, the City will be required to implement a worker environmental awareness program and to mitigate consistent with the USFWS's standard guidelines for small effects on Giant Garter Snake. With implementation of these mitigation measures, the identified impact would be considered less than significant.
- (2) **Remaining Impacts.** Any remaining impacts on Giant Garter Snake will not be significant because the identified mitigation measures will offset the project's adverse impacts on this species.

2. Effects on Swainson's Hawk and Other Raptors (EIR Impact 4.9-3)

- (a) **Potential Impact (Draft EIR Page 4.9-15).** Implementation of the proposed project on both potential sites would result in the permanent loss of foraging habitat for Swainson's Hawk and other special-status raptors including Northern harrier and white-tailed kite.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.9-3. The City shall implement one of the following options prior to ground-disturbing activities:

- ▶ Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the DFG and the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect, or
- ▶ Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove's Swainson's hawk mitigation fund in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect, or

- ▶ Submit proof that mitigation credits for Swainson's hawk foraging habitat have been purchased at a DFG approved mitigation bank.

For Site 4 Only:

In order to avoid impacts to nesting habitat for raptors, the City shall also implement the following measures prior to construction and site grading activities:

- ▶ Retain a qualified biologist to conduct a focused survey for active nests within the single oak tree on Site 4. The survey shall occur no more than two weeks prior to ground disturbance.
- ▶ If no active nests are found, tree removal may proceed. If active nests are found, DFG shall be notified, and the tree shall not be removed until the nest is no longer active, as determined by a DFG-approved biologist. No construction activities shall take place within a 500-foot (152-meter) radius of the active nest (or another distance determined appropriate during consultation with DFG).

(c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

(1) **Effects of Mitigation.** The potential for the project to the result in the permanent loss of foraging habitat for Swainson's Hawk and other special-status raptors including Northern harrier and white-tailed kite will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures require the preservation of similar habitat for each acre of habitat lost or the payment of applicable impact mitigation fees. For Site 4 only, the measures require pre-construction surveys for active nests within the single oak tree on the site and construction restrictions if a nest is identified. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) **Remaining Impacts.** Any remaining impacts on Swainson's Hawk and other special-status raptors will not be significant because the identified mitigation measures will offset the project's adverse impacts on this species.

3. **Effects on Burrowing Owls (EIR Impact 4.9-4)**

(a) **Potential Impact (Draft EIR Page 4.9-16).** Although no burrowing owls were present when surveyed, both sites support suitable burrow conditions. Implementation of the proposed project could result in the loss of occupied burrowing owl burrows on both

potential project sites if the owls occupy burrows and are nesting on the sites at the time of project construction.

- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.9-4.

- ▶ Before construction begins, focused surveys for burrowing owls shall be conducted by a qualified biologist in areas of suitable habitat on and within 250 feet of the proposed project site. Surveys shall be conducted in accordance with DFG protocol (DFG 1995).
- ▶ If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to DFG, and no further mitigation is required.
- ▶ If occupied burrows are found, impacts to them shall be avoided by establishing a buffer of 165 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The size of the buffer area may be adjusted if a qualified biologist and DFG determine that project activity would not be likely to have adverse effects. No project activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 6.5 acres of foraging habitat contiguous to the burrow shall be preserved until the breeding season is over.
- ▶ If impacts on occupied burrows are unavoidable, onsite passive relocation techniques approved by DFG shall be used to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that the burrow is no longer occupied. Foraging habitat for relocated pairs shall be provided in accordance with guidelines provided by the California Burrowing Owl Consortium (1993), which range from 6.5 acres to 19.5 acres per pair.

- (c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

- (1) **Effects of Mitigation.** The potential for the project to result in the loss of occupied burrowing owl burrows will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures require focused pre-

construction surveys for burrowing owls and avoidance of the burrows if they are identified on the site. If impacts on occupied burrows are unavoidable, onsite passive relocation techniques approved by DFG are required to be used to encourage owls to move to alternative burrows outside of the impact area. With implementation of these mitigation measures, the identified impact would be considered less than significant.

- (2) **Remaining Impacts.** Any remaining impacts associated with the loss of occupied burrowing owl burrows will not be significant because the identified mitigation measures will offset the project's adverse impacts on this species.

4. Loss of Jurisdictional Waters of the United States (Site 2 Only) (EIR Impact 4.9-6)

- (a) **Potential Impact (Draft EIR Page 4.9-17).** Implementation of the proposed project on Site 2 would result in the removal of approximately 1 acre of potential jurisdictional waters of the United States, including wetlands.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.9-6. For Site 2 Only. To minimize, avoid and mitigate impacts to potential waters of the United States or waters of the state, the City shall implement the following measures:

- ▶ The City shall conduct a formal wetland delineation to determine the extent of jurisdictional waters on Site 2. The wetland delineation report and map shall be submitted to the Sacramento district office of the USACE for verification.
- ▶ For those waters of the United States that cannot be avoided during construction, authorization for fill of jurisdictional waters of the United States shall be secured from USACE via the Section 404 permitting process prior to project implementation.
- ▶ The acreage of jurisdictional habitat removed shall be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations and Policy CAQ-9 of the City of Elk Grove General Plan. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.
- ▶ Section 401 water quality certification from the Central Valley RWQCB shall be obtained.

- (c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations

have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

- (1) **Effects of Mitigation.** The potential for the project to remove potential jurisdictional waters of the United States on Site 2 will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures require the preparation of a formal wetland delineation to determine the extent of jurisdictional waters on Site 2. The acreage of jurisdictional habitat removed will be required to be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations and Policy CAQ-9 of the City of Elk Grove General Plan. In addition, the measures require authorization for fill of jurisdictional waters be secured from USACE via the Section 404 permitting process prior to project implementation and that Section 401 water quality certification be obtained from the Central Valley RWQCB. With implementation of these mitigation measures, the identified impact would be considered less than significant.
- (2) **Remaining Impacts.** Any remaining impacts on jurisdictional waters will not be significant because the identified mitigation measures will offset the loss of wetlands.

5. Impacts on a Native Oak Tree (Site 4 Only) (EIR Impact 4.9-7)

- (a) **Potential Impact (Draft EIR Page 4.9-18).** Implementation of the proposed project on Site 4 would result in the removal of one native oak tree.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.9-7. For Site 4 Only

- ▶ If feasible, the city shall design project facilities to retain the oak tree. The oak tree shall be fenced 5 feet beyond the dripline to minimize disturbance to the tree and its root zone. The fence shall be maintained until all project activities are complete. No grading, trenching, or movement of heavy equipment shall occur within the fenced area.
 - ▶ If removal of the oak tree cannot be avoided, offsite mitigation or payment of an in-lieu fee shall be implemented in accordance with the City's Tree Preservation Ordinance.
- (c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

- (1) **Effects of Mitigation.** The potential for the project to result in the removal of one native oak tree on Site 4 will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures include designing the project facilities to retain the oak tree, if possible. If the tree must be removed, the mitigation requires the implementation of offsite mitigation or the payment of an in-lieu fee consistent with the City's Tree Preservation Ordinance. With implementation of these mitigation measures, the identified impact would be considered less than significant.
- (2) **Remaining Impacts.** Any remaining impacts from the removal of one native oak tree on Site 4 will not be significant because the identified mitigation measures will offset the project's adverse impacts associated with tree removal.

G. CULTURAL RESOURCES

1. Potential Impacts to Undocumented Cultural Resources (EIR Impact 4.10-2)

- (a) **Potential Impact (Draft EIR Page 4.10-9).** There is the possibility that previously undiscovered and undocumented resources could be adversely affected or otherwise altered by ground disturbing activities during construction of the project.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.10-2. If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA (i.e., whether it is an historical resource or a unique archaeological resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources could include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence

indicating degrees of resource integrity, spatial and temporal extent, and cultural associations, and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to historical and unique archaeological resources.

(c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

(1) **Effects of Mitigation.** The potential for the project to the adversely affect previously undiscovered and undocumented cultural resources during construction of the project will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures identify the procedures required to be followed if cultural materials are discovered during site construction activities and the specific measures intended to minimize resource disturbance. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) **Remaining Impacts.** Any remaining impacts associated with previously undiscovered and undocumented cultural resources will not be significant because the identified mitigation measures identify the procedures necessary to offset the project's adverse cultural resource impacts.

2. **Potential Disturbance of Human Remains (EIR Impact 4.10-3)**

(a) **Potential Impact (Draft EIR Page 4.10-10).** Subsurface disturbances associated with construction activities could potentially uncover unmarked historic-era and prehistoric Native American burials, resulting in their alteration or damage.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.10-3. In accordance with the California Health and Safety Code, if human remains are uncovered during ground disturbing activities all such activities in the vicinity of the find shall be halted immediately and the City or the City's designated representative shall be notified. The City shall immediately notify the county coroner and a qualified professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (Health and

Safety Code Section 7050[c]). The responsibilities of the Agency for acting upon notification of a discovery of Native American human remains are identified in detail in the California Public Resources Code Section 5097.9. The City or their appointed representative and the professional archaeologist shall consult with a Most Likely Descendant determined by the NAHC regarding the removal or preservation and avoidance of the remains and determine if additional burials could be present in the vicinity.

(c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

(1) **Effects of Mitigation.** The potential for the project to uncover and damage unmarked historic-era and prehistoric Native American burials will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures include notifying the County coroner and a qualified professional archaeologist if human remains are uncovered during ground disturbing activities. The mitigation measures further specify the steps to be taken by the County coroner if the remains are determined to be those of a Native American. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) **Remaining Impacts.** Any remaining impacts associated with the discover of unmarked historic-era and prehistoric Native American burials will not be significant because the identified mitigation measures identify the procedures necessary to offset the project's adverse impacts on burial remains.

3. **Potential Destruction or Damage to Undiscovered Paleontological Resources (EIR Impact 4.10-4)**

(a) **Potential Impact (Draft EIR Page 4.10-10).** Subsurface disturbances associated with construction activities could potentially damage or destroy paleontological resources (i.e., fossils and fossil formations).

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 4.10-4. If, during the course of ground-disturbing activities associated with project implementation, any paleontological resources (fossils) are discovered, work shall be halted immediately within 50 feet of the discovery, and the City Planning Department shall be immediately notified. At that time, the City will coordinate

any necessary investigation of the discovery with a qualified paleontologist.

The City shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. The City shall consult with the paleontologist and agree upon implementation of a measure or measures that are deemed feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

(c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

(1) **Effects of Mitigation.** The potential for the project to potentially damage or destroy paleontological resources will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures identify the procedures required to be followed if paleontological resources are discovered during site construction activities and the specific measures intended to minimize resource disturbance. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) **Remaining Impacts.** Any remaining impacts associated with the potential damage or destruction of paleontological resources will not be significant because the identified mitigation measures identify the procedures necessary to offset the project's adverse paleontological resource impacts.

H. Cumulative

1. Elk Grove-Florin Road / East Stockton Boulevard (EIR Impact 5-1)

(a) **Potential Impact (Draft EIR Page 5-30).** The addition of project traffic to cumulative traffic volumes would increase the average delay at the Elk Grove-Florin Road/East Stockton Boulevard intersection by more than five seconds in the a.m. and p.m. peak hours.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 5-1. Install a traffic signal at the Elk Grove-Florin Road/East Stockton Boulevard intersection as planned for in the City's Capital Improvement Program and as identified in Mitigation Measure 4.2-

2. Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. If the improvement is not in place, this project will be required to construct it.

(c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

(1) **Effects of Mitigation.** The potential for the project to increase the average delay at the Elk Grove-Florin Road/East Stockton Boulevard intersection will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures include the installation of a traffic signal, which would provide LOS E conditions in the a.m. and p.m. peak hours at this intersection, which is an improvement over the LOS F conditions identified for the Cumulative No Project conditions in the a.m. and p.m. peak hours. Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. If the improvement is not in place, this project will be required to construct it. With implementation of these mitigation measures, the identified impact would be considered less than significant.

(2) **Remaining Impacts.** Any remaining impacts related to the intersection's operations will not be significant because the intersection will operation consistent with the City's established traffic policies.

2. **Elkmont Way / East Stockton Boulevard (Site 4 Only) (EIR Impact 5-2)**

(a) **Potential Impact (Draft EIR Page 5-31).** The addition of project traffic to cumulative traffic volumes would degrade already unacceptable operations at the Elkmont Way/East Stockton Boulevard intersection in the a.m. peak hour and would degrade acceptable conditions in the p.m. peak hour to unacceptable conditions if Site 4 is selected as the preferred facility site.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 5-2. For Site 4 Only. Install a traffic signal at the Elkmont Way/East Stockton Boulevard intersection, as identified in Mitigation Measure 4.2-3.

(c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:

- (1) **Effects of Mitigation.** The potential for the project to increase the average delay at the Elkmont Way/East Stockton Boulevard intersection will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures include the installation of a traffic signal for Site 4 only, which would provide LOS B operations in the a.m. and p.m. peak hours at this intersection. With implementation of these mitigation measures, the identified impact would be considered less than significant.
- (2) **Remaining Impacts.** Any remaining impacts related to the intersection's operations will not be significant because the intersection will operation consistent with the City's established traffic policies.

3. **Grant Line Road / Survey Road (EIR Impact 5-3)**

- (a) **Potential Impact (Draft EIR Page 5-32).** The addition of project traffic to cumulative traffic volumes would increase the average delay at the Grant Line Road/Survey Road intersection by more than five seconds in the a.m. and p.m. peak hours.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

MM 5-3.

- ▶ Restripe the southbound approach to the Grant Line Road/Survey Road intersection to provide one left-turn lane, one shared through-right turn lane, and one right-turn lane on the southbound approach.
 - ▶ Change the signal operation from six to eight phases including any necessary intersection restriping.
 - ▶ Modify the timing of other coordinated signals along Grant Line Road, as necessary and appropriate.
- (c) **Findings.** Based upon the FEIR and the entire record before the City Council, the City Council finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR:
 - (1) **Effects of Mitigation.** The potential for the project to increase the average delay at the Grant Line Road/Survey Road intersection will be mitigated to a less-than-significant level through implementation of the mitigation measures described above. The mitigation measures include improvements that would provide LOS E conditions in the a.m. and p.m. peak hours at this intersection, which is an improvement over the LOS F conditions identified for the

Cumulative Plus Project conditions in the a.m. and p.m. peak hours. With implementation of these mitigation measures, the identified impact would be considered less than significant.

- (2) **Remaining Impacts.** Any remaining impacts related to the intersection's operations will not be significant because the intersection will operation consistent with the City's established traffic policies.

V. Findings and Recommendations Regarding Those Impacts Which are Less Than Significant

- A.** Specific impacts within the following categories of environmental effects were found to be less than significant without mitigation as set forth in more detail in the DEIR.
1. **Land Use:** The following specific impacts were found to be less than significant: 4.1-1 and 4.1-2 (Draft EIR pages 4.1-8 and 4.1-9).
 2. **Traffic and Circulation:** The following specific impact was found to be less than significant: 4.2-1 (Draft EIR page 4.2-30).
 3. **Air Quality:** The following specific impacts were found to be less than significant: 4.3-2, 4.3-3 and 4.3-4 (Draft EIR pages 4.3-17, 4.3-19 and 4.3-20).
 4. **Noise:** The following specific impacts were found to be less than significant: 4.4-1, 4.4-2, 4.4-3 (Site 2 Only), 4.4-5 and 4.4-6 (Draft EIR pages 4.4-13, 4.4-15, 4.4-16, 4.4-20 and 4.4-21).
 5. **Public Services and Utilities:** The following specific impacts were found to be less than significant: 4.5-1, 4.5-2, 4.5-3, 4.5-4, and 4.5-5 (Draft EIR pages 4.5-11, 4.5-12 and 4.5-13).
 6. **Aesthetics:** The following specific impacts were found to be less than significant: 4.6-1, 4.6-2 4.6-3, and 4.6-4 (Draft EIR pages 4.6-7, 4.6-8 and 4.6-9).
 7. **Public Health and Hazards:** The following specific impacts were found to be less than significant: 4.7-2, 4.7-3, 4.7-4, 4.7-5, 4.7-6 and 4.7-7 (Draft EIR pages 4.7-12, 4.7-13, 4.7-15, 4.7-16, and 4.7-17).
 8. **Biological Resources:** The following specific impacts were found to be less than significant: 4.9-1, 4.9-2 (Site 4 Only), 4.9-5, 4.9-6 (Site 4 Only) and 4.9-7 (Site 2 Only) (Draft EIR pages 4.9-13, 4.9-14, 4.9-17 and 4.9-18).
 9. **Cultural Resources:** The following specific impact was found to be less than significant: 4.10-1 (Draft EIR page 4-10-9).
 10. **Cumulative:** The following specific impact was found to be less than significant: 5-4 (Draft EIR page 5-39).

B. The above impacts are less than significant for one of the following reasons:

- 1) The EIR determined that the impact is less than significant for the project.
- 2) The EIR determined that the impact is beneficial (would be reduced) for the project.

VI. Project Alternatives

A. Background – Legal Requirements

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]” (Pub. Resources Code, § 21002, italics added.) The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects.” (*Ibid.*, italics added.) Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.” (*Ibid.*)

CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (Pub. Resources Code, § 21061.1.) The CEQA Guidelines add another factor: “legal” considerations. (CEQA Guidelines, § 15364; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*)). Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6, subd. (f)(1).) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417).

Where a significant impact can be substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the Project. (Pub. Resources Code, § 21002; *Laurel Hills Homeowners Association, supra*, 83 Cal.App.3d at p. 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 691, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency (CEQA Guidelines, § 15091, subds. (a), (b)).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found the project’s “benefits” rendered “acceptable” compared to its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see

also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated that, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interest, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II, supra*, 52 Cal.3d at p. 576.)

The preceding discussion regarding Project impacts revealed that most significant effects identified in the EIR have been at least substantially lessened, if not fully avoided, by the adoption of feasible mitigation measures. There is one impact, however, that was identified as significant and unavoidable and which cannot be substantially lessened.

Thus, as a legal matter, the City, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to those significant and unavoidable impacts. If any alternatives are in fact superior with respect to those impacts, the City is then required to determine whether the alternatives are feasible. If the City determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the DEIR, the City may approve the project as mitigated, after adopting a statement of overriding considerations.

CEQA does not require that all possible alternatives be evaluated, only that "a range of feasible alternatives" be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, § 15126.6, subd. (a).) "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. 'Crystal ball' inquiry is not required." (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines, § 15126.6, subd. (f)(3).) Indeed, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028, although there may be "literally thousands of 'reasonable alternatives' to the proposed project . . . 'the statutory requirements for consideration of alternatives must be judged against a rule of reason.'" (*Ibid.*, quoting *Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 910.) "'Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.'" (*Id.*, at p. 1029.) The requirement has been fulfilled here; the DEIR examined the Project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the project. As the following discussion demonstrates, however, only the project as proposed is feasible in light of project objectives and other considerations.

B. Identification of Project Objectives

The CEQA Guidelines state that the "range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects" of the project (CEQA Guidelines § 15126(d)). Thus, an evaluation of the project objectives is key to determining which alternatives should be assessed in the EIR.

The objectives of the Elk Grove Transfer Station Master Plan project include the following:

- ▶ To provide convenient, cost-effective and environmentally sound waste management services to the citizens of Elk Grove,

- ▶ To control the rising costs of managing solid wastes and recyclables for the City,
- ▶ To reduce regional vehicular traffic and associated air pollution,
- ▶ To comply with AB 32 (California Global Warming Solutions Act of 2006) by reducing greenhouse gas emissions,
- ▶ To comply with AB 939 (California's Integrated Waste Management Act of 1989) by improving recycling and diversion of waste from landfills, and
- ▶ To provide new employment opportunities to the residents of the City of Elk Grove and the surrounding areas.

C. Alternatives Analysis in EIR

The CEQA Guidelines state that the "range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects" of the project. The City evaluated the alternatives listed below.

1. No Project Alternative

The No Project Alternative assumes that development of the sites consistent with their existing land use and zoning designations would reasonably be expected to occur in the long-term. Site 4 is currently undeveloped and Site 2 is partially developed. In the short-term, no substantial changes in the development condition of the two potential project sites would be anticipated. However, in the long-term, industrial development would be anticipated on both sites due to their location within an established industrial area with easy access to the regional freeway system and the availability of adequate infrastructure at the sites to support industrial development.

- (a) Findings.** The No Project Alternative is rejected as an alternative because it would not achieve the City's objectives.

With the implementation of the No Project Alternative, the adverse environmental impacts anticipated with the proposed project would not be anticipated in the short-term. However, over the long-term, industrial development would be anticipated on the sites. The extent of the potential environmental impacts would be directly dependent upon the type of industrial activities that occur on the sites. Future development is assumed to include industrial uses that would be either more or less intensive than anticipated with the proposed project. With a more intensive use, greater environmental impacts would be anticipated such as higher noise levels, increased truck traffic and increased air emissions. However, a less intensive use would be anticipated to diminish these impacts when compared to the proposed project. Because the intensity of a future industrial use on the site can not be determined at this time, it is difficult to predict with any certainty the severity of the environmental impacts that would occur with future industrial uses. However, it is reasonable to assume that future industrial developments on the potential project sites would generate adverse environmental impacts that may not be substantially different from those anticipated with the proposed

project. Therefore, the implementation of this alternative over the long-term would represent a relatively negligible change in the proposed project's anticipated impacts and would not be expected to reduce any significant environmental impacts of the proposed project to less-than-significant levels.

For the reasons mentioned above, the No Project Alternative was not found to be environmentally superior to the proposed project and was rejected as infeasible.

- (b) **Explanation.** This alternative would not realize the solid waste management benefits of the project or achieve the majority of the project objectives.

2. Offsite Development Alternative - Site 3

This alternative included developing either the proposed transfer station operations or the HHW facility at Site 3, also identified as the Meeks Lumber site. An established business (Meeks Lumber) is located on a portion of this site and it only has sufficient space to accommodate either the transfer station or the HHW facility. Sufficient space is not available to accommodate both of these project components. This site is located directly south of Site 2 and directly north of the Emerald Lakes Golf Course. It is bordered on the southwest by SR 99 and on the east by the Union Pacific rail line and includes two separate parcels (APN 134-022-0054 and 134-022-0055). Both parcels are zoned Heavy Industrial (M-2).

- (a) **Findings.** The Offsite Development Alternative - Site 3 would generally have impacts similar to those anticipated with the proposed project if a transfer station is constructed. The biological resource impacts associated with this alternative would be less than anticipated with development of Site 2 but would be greater than with development of Site 4. Also, the significant and unavoidable noise impact associated with the development of Site 4 on the adjacent church would not be anticipated with this alternative. The traffic impacts would be similar to those identified for Site 2 if a transfer station is constructed and would not contribute to the significant traffic impacts north of Grant Line Road anticipated with the development of Site 4.

Because this site is located directly adjacent to SR 99, it would be visible to more people than either of the two potential project sites. However, it currently includes some industrial development so converting it to a transfer station or HHW facility would not represent a substantial change in the visual character of the site. Overall, the development of a transfer station on this alternative site would have environmental impacts generally similar to the proposed project. The impacts would be reduced if a HHW facility is constructed. Because the development of this site would be limited to either a transfer station or an HHW facility, the City concluded that this Alternative is not a feasible alternative to the proposed project.

- (b) **Explanation.** This alternative would not realize all of the solid waste management benefits of the project and would not fully achieve the

project objectives because it would not include the development of both a transfer station and an HHW facility.

3. Offsite Development Alternative - Site 5

This alternative included developing the proposed transfer station operations on Site 5, also identified as the Georgia Pacific site. This site is located to the southwest of Site 4 and is directly northwest of the Suburban Propane facility. It is bordered on the southwest by SR 99 and on the north, east and south by industrial development. Approximately half of this site is currently occupied by the Georgia Pacific Resin facility. The undeveloped portion of the site includes approximately 15 acres of flat land. Access to this site is provided from E. Stockton Boulevard. This parcel includes a combination of Heavy Industrial (M-2) and Light Industrial (M-1) zoning.

- (a) **Findings.** The Offsite Development Alternative - Site 5 would generally have impacts similar to those anticipated with the proposed project. The biological resource impacts associated with this alternative would be less than anticipated with development of Site 2 but would be the same as with development of Site 4. Also, the significant and unavoidable noise impacts associated with the development of Site 4 on the adjacent church would occur with this alternative, although at a different church. The noise impacts associated with this alternative would be greater than anticipated with the development of Site 2. Overall, this alternative would have environmental impacts generally similar to the proposed project. However, because an established business (Georgia Pacific Resin facility) is located on a portion of this site, this site has less area to accommodate the proposed transfer station and HHW facilities than the two potential project sites, which could limit the facility's operational flexibility. Based on the presence of an established business on this site and the operational constraints associated with its space limitations, the City concluded that this Alternative is not a feasible alternative to the proposed project.
- (b) **Explanation.** The implementation of all of the project components would be difficult with this alternative due to the presence of the existing business and the limited space on the site. If all of the project components were included, the facility's operational flexibility could be compromised (e.g., potential offsite vehicle backups could occur on local roads if sufficient stacking space is not provided onsite to accommodate peak truck traffic, which could discourage local residents from using the facility). Therefore, this alternative would not fully realize the solid waste management benefits of the project and would not fully achieve the project objectives.

4. Household hazardous Waste Collection Facility Only Alternative

The Household Hazardous Waste Collection Facility Only Alternative assumed development of a Household Hazardous Waste (HHW) Collection Facility on either Site 4 or Site 2. This alternative did not include any other components of the proposed project. Because no other uses would be included with this alternative, the undeveloped portions of the sites are assumed to remain undeveloped. The operation of a HHW at one of the two sites was also assumed to include dropoff

for a variety of other non-landfill allowed wastes such as electronic waste, tires, and limited recyclable materials.

- (a) **Findings.** The impacts of this alternative would be less than anticipated with the proposed project for most of the resource issues evaluated due to the smaller development footprint and smaller overall operations. However, with this alternative, municipal solid waste and recyclable materials would continue to be delivered to more distant transfer station and materials recovery facilities. As a result, the substantial reduction in total vehicle miles traveled by waste collection and self haul vehicles associated with the proposed project would not occur. On balance, this alternative would be considered the environmentally superior alternative due to its limited development footprint and substantially reduced operational impacts. However, because this alternative does not include all of the components of the proposed project, it would not fully achieve the overall project objectives. Therefore, this alternative was determined to be infeasible by the City.
- (b) **Explanation.** This alternative would not implement all of the proposed project's solid waste management components and would not fully achieve the project objectives.

3. Alternatives Considered but Removed from Further Consideration

To evaluate alternatives to constructing a transfer station that requires the transfer of waste material to a landfill for disposal, alternative solid waste management technologies were explored in the Final EIR. These technologies included incineration, pyrolysis and gasification. These technologies allow waste volumes that need to be transported off-site to be substantially reduced, limiting the number of truck trips generated from a site and the project's effects on landfill capacity.

The incineration of waste relies on the combustion of the organic fraction of the solid waste stream to reduce the volume and weight of waste and convert municipal solid waste into energy. Pyrolysis is the thermal processing of the organic fraction of the waste stream in the absence of oxygen. The waste is subjected to high temperatures (approximately 1,400°F) and the process relies on an external heat source. Combustion does not occur and the organic waste is thermally reduced to products including solid carbon and a gas consisting of hydrogen, methane, carbon monoxide, carbon dioxide and other gases. The byproducts of pyrolysis are used to generate energy. The gasification process includes partial combustion of a carbon-rich fuel to produce a combustible fuel gas rich in carbon monoxide, hydrogen and methane. The resultant gas can be combusted in an internal combustion engine or boiler.

Due to their controversial nature and potential concerns regarding the toxicity of the combustion emissions, the use of these facilities in the United States is very limited. These alternative waste management technologies are difficult to site in urbanized areas. Therefore, these facilities would need to be located in an undeveloped rural area distant from where the waste is generated (i.e., the waste centroid). Such a location would not be available within the City. Locating a facility distant from the waste centroid would result in substantially greater

annual vehicle miles traveled by the collection vehicles, which would result in substantially greater air quality and storm water quality impacts. Also, the capital cost for an incineration facility may range from \$75,000 to \$125,000 per ton per day of capacity. Therefore, a facility capable of meeting the City's needs would be economically infeasible. The use of pyrolysis and gasification plants for processing municipal solid waste remains an unproven technology in the United States. Because of the potential toxicity of combustion emissions from these facilities and the increase in air quality and storm water quality impacts, the implementation of these alternative technologies would not be considered a feasible alternative to the proposed project. Therefore, the use of alternative waste technologies was eliminated by the City from further consideration as a feasible alternative to the proposed project.

4. Environmentally Superior Alternative

Under CEQA Guidelines Section 15126.6 (e)(2), if the environmentally superior alternative is the No Project Alternative, another environmentally superior alternative must be identified. For this analysis, the Household Hazardous Waste Collection Facility Only Alternative is considered the environmentally superior alternative. The impacts of this alternative are less than anticipated with the proposed project for most of the resource issues evaluated due to the smaller development footprint and smaller overall operations. However, with this alternative, municipal solid waste and recyclable materials would continue to be delivered to a more distant transfer station and materials recovery facility. As a result, the reduction in total vehicle miles traveled by waste collection and self haul vehicles associated with the proposed project would not occur. In addition, because this alternative does not include all of the components of the proposed project, it would not fully achieve the overall project objectives.

VII. Statements of Overriding Considerations Related to the Elk Grove Transfer Station Project Findings

As set forth in the preceding sections, the City Council's approval of the Elk Grove Transfer Station Master Plan project will result in one significant adverse environmental effect related to the Transfer Station's operational noise levels at the Soaring Oaks Presbyterian Church northwest of Site 4 that cannot be avoided even with the adoption of all feasible mitigation measures, and there are no feasible project alternatives that would mitigate or substantially lessen the impact. Despite the occurrence of this effect, however, the City Council chooses to approve the project because, in its view, the environmental, social, and other benefits of the project will render the significant effects acceptable.

In making this Statement of Overriding Considerations in support of the findings of fact and the project, the City Council has considered the information contained in the EIR for the project as well as the public testimony and record in proceedings in which the project was considered. The City Council has balanced the project's benefits against the unavoidable adverse impacts identified in the EIR.

The following statement identifies the reasons why, in the City Council's judgment, the benefits of the project, as approved, outweigh the one unavoidable significant effect. Any one of these reasons is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the

various benefits can be found in the preceding findings, which are incorporated by reference into this section.

The proposed project provides a unique opportunity for the City to achieve a variety of important goals that will benefit both the city and the region. Some of the project benefits include the following:

- A. Reduced Vehicle Miles Traveled and Reduced Greenhouse Gas Emissions.** Operating a transfer station facility in Elk Grove will reduce the number of miles that businesses and residents will have to haul their waste and recyclables, which will reduce fuel usage and the costs associated with transportation. The consolidation of waste at a transfer station and transport in long-haul vehicles to a landfill is more efficient due to the high capacity of the transfer trucks. By reducing miles traveled, the proposed facility will also reduce air pollutants and greenhouse gas emissions and help the City comply with Assembly Bill 32 (California Global Warming Solutions Act of 2006). AB 32 is green house gas reduction legislation that requires the state's global warming emissions to be reduced to 1990 levels by 2020.
- B. Increased Recycling and Waste Diversion from Landfills.** The project will provide more cost-effective opportunities to recover recyclable materials and divert them from landfills. This will help the City meet their AB 939 (the Integrated Waste Management Act of 1989) diversion goals. AB 939 mandates a reduction in the amount of waste being disposed in California. All jurisdictions are required to meet waste diversion goals set by the State.
- C. Increased City Control Over Rising Waste Management Costs.** The City will gain more control over the rising costs of managing municipal solid waste and recyclables by owning their own facility. In addition, the City will use a competitive bidding process to select a contractor for the facility's operations and management, which will promote cost-effective facility operations.
- D. Convenient Waste Management Services for Elk Grove Citizenry.** The implementation of a transfer station facility within the City will provide Elk Grove businesses and residents with a convenient location for the disposal of municipal solid waste and household hazardous waste. Elk Grove businesses and residents are currently required to drive to south Sacramento to dispose of these materials. The proposed facility will reduce the time required for citizens to dispose of waste materials, which will likely increase their use these facilities and the volume of waste materials generated in the City that are disposed of in an environmentally sound and legal way.
- E. Increase Employment Opportunities for Elk Grove Residents.** The construction and operation of a transfer station facility within the City will provide employment opportunities for local residents both during construction and during site operations. Local development and employment increases revenues for the City, which support public services for City residents.

Conclusion. Based upon the objectives identified for the project, review of the project, review of the EIR, and consideration of public and agency comments, the City has determined that the project should be approved and that any remaining unmitigated environmental impacts attributable to the project are outweighed by the specific environmental, social, and other overriding considerations.

The City has determined that any environmental detriment caused by the Elk Grove Transfer Station Master Plan project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant environmental benefits that would result from implementation of the project.

ELK GROVE TRANSFER STATION

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.), the City of Elk Grove (City) prepared a Final Environmental Impact Report (Final EIR) that identifies significant environmental impacts related to construction and operation of the Elk Grove Transfer Station Project. The Final EIR also identifies mitigation measures that would reduce these impacts to a less-than-significant level, or eliminate the adverse impacts altogether.

CEQA Guidelines require public agencies "to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." A Mitigation Monitoring and Reporting Program (MMRP) is required for the proposed project because the Final EIR identifies significant adverse impacts related to the construction and operation of the proposed project, and mitigation measures have been identified to reduce those impacts. Adoption of the MMRP would occur along with approval of the proposed project.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner. The MMRP may be modified by the City during project implementation, as necessary, in response to changing conditions or other refinements. Table 1 (included at the end of this document) has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies individual mitigation measures, monitoring/mitigation timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the Final EIR.

ROLES AND RESPONSIBILITIES

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

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

- ▶ Ensure that routine inspections of the construction site are conducted by appropriate City staff; check plans, reports, and other documents required by the MMRP; and conduct report activities.
- ▶ Serve as a liaison between the City Public Works Department, Planning Department, and the construction contractor regarding mitigation monitoring issues.
- ▶ Complete forms and maintain reports and other records and documents generated by the MMRP.
- ▶ Coordinate and ensure that corrective actions or enforcement measures are taken, if necessary.

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

REPORTING

The City’s project manager shall prepare a monitoring report, upon completion of the project, on the compliance of the activity with the required mitigation measures. Information regarding inspections and other requirements shall be compiled and explained in the report. The report shall be designed to simply and clearly identify whether mitigation measures have been adequately implemented. At a minimum, each report shall identify the mitigation measures or conditions to be monitored for implementation, whether compliance with the mitigation measures or conditions has occurred, the procedures used to assess compliance, and whether further action is required. The monitoring report shall be presented to the City Council.

MITIGATION MONITORING AND REPORTING PLAN TABLE

The categories identified in Table 1 are described below.

- ▶ **Mitigation Number** – This column lists the mitigation measures by number as identified in the Final EIR.
- ▶ **Mitigation Measure** – This column provides the text of the mitigation measures identified in the Final EIR.
- ▶ **Timing/Schedule** – This column identifies the time frame in which the mitigation will take place.
- ▶ **Implementation Responsibility** – This column identifies the entity responsible for complying with the requirements of the mitigation measure.
- ▶ **Verification** –The “Action” column describes the type of action taken to verify implementation. The “Date Completed” column is to be dated and initialed by the project manager, or his/her designee, based on the documentation provided by the construction contractor, its agents (qualified individuals), or through personal verification by the City.

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
4.2. Traffic and Circulation					
4.2-2:	Install a traffic signal at the Elk Grove-Florin Road / East Stockton Boulevard intersection as planned for in the City’s Capital Improvement Program. Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. If the improvement is not in place, this project will be required to construct it.	Prior to the initiation of Transfer Station operations.	Elk Grove Public Works Department		
4.2-3	Install a traffic signal at the Elkmont Way / East Stockton Boulevard intersection.	Prior to the initiation of Transfer Station operations.	Elk Grove Public Works Department		
4.2-4	Install a traffic signal and widen the southbound and eastbound approaches to the Grant Line Road / Bradshaw Road intersection to provide the following lane configurations: <ul style="list-style-type: none"> ▶ One left-turn lane and one right-turn lane on the southbound approach. ▶ One left-turn lane and one through lane on the eastbound approach. Currently these improvements are included in the fee program and are anticipated to be constructed prior to the operations of the transfer station. If the improvements are not in place, this project will be required to construct them.	Prior to the initiation of Transfer Station operations.	Elk Grove Public Works Department		
4.2-5	Install a traffic signal and widen the eastbound approach to the Grant Line Road / Elk Grove Boulevard intersection to provide the following lane configurations: <ul style="list-style-type: none"> ▶ One left-turn lane and one through lane on the eastbound approach. Currently these improvements are included in the fee program and are anticipated to be constructed prior to the operations of the transfer station. If the improvements are not in place, this project will be required to construct them.	Prior to the initiation of Transfer Station operations.	Elk Grove Public Works Department		

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
4.2-6	<p>Widen the eastbound approach to the Grant Line Road / Wilton Road intersection to provide the following lane configurations:</p> <ul style="list-style-type: none"> ▶ One left-turn lane, one through lane, and one right-turn lane on the eastbound approach. <p>Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. If the improvement is not in place, this project will be required to construct it.</p>	Prior to the initiation of Transfer Station operations.	Elk Grove Public Works Department		
4.2-7	<p>Install a traffic signal at the Grant Line Road / Sheldon Road intersection.</p> <p>Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. If the improvement is not in place, this project will be required to construct it.</p>	Prior to the initiation of Transfer Station operations.	Elk Grove Public Works Department		
4.2-8	<p>Widen the eastbound approach to the Bilby Road / Bruceville Road intersection to provide the following lane configurations:</p> <ul style="list-style-type: none"> ▶ A shared through-left lane and a right-turn lane on the eastbound approach. 	Prior to the initiation of Transfer Station operations.	Elk Grove Public Works Department		
4.3 Air Quality					
4.3-1	<p>In accordance with SMAQMD recommendations, the following mitigation measures shall be implemented during construction of the proposed project for Site 2 only, if selected.</p> <ul style="list-style-type: none"> ▶ The contractor shall develop a plan, in consultation with SMAQMD, demonstrating that the heavy-duty (>50 horsepower [hp]), off-road vehicles to be used in the construction project (including owned, leased, and subcontractor vehicles) shall achieve a project-wide fleet-average 20% NO_x reduction and 45% particulate reduction compared to the most recent ARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate-matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available. ▶ A comprehensive inventory of all off-road construction equipment equal to or greater than 50 hp that will be used for an aggregate of 	Prior to and during site construction activities.	Construction Contractor, Elk Grove Integrated Waste Division and Sacramento Metropolitan Air Quality Management District (SCAQMD)		

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<p>40 or more hours during any portion of project construction shall be submitted to SMAQMD. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before heavy-duty off-road equipment is used, the City shall provide SMAQMD with the anticipated construction timeline, including the start date, and the name and phone number of the contractor's project manager and on-site foreman.</p> <ul style="list-style-type: none"> ▶ In accordance with SMAQMD recommendations, the following mitigation measures shall be implemented at either site during construction of the proposed project to minimize cumulative impacts from PM₁₀. The ground-disturbing activities (i.e., grading, trenching) shall not exceed a total actively disturbed area of 5 acres per day. ▶ Construction activities shall comply with SMAQMD's Rule 403, Fugitive Dust. Rule 403 requires implementation of reasonable precautions so as not to cause or allow emissions of fugitive dust from being airborne beyond the property line of the project site. In accordance with SMAQMD-recommended mitigation measures for the control of fugitive dust, reasonable precautions shall include, but shall not necessarily be limited to, the following (SMAQMD 2004): <ul style="list-style-type: none"> • Apply water, chemical stabilizer/suppressant, or vegetative cover to disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive for longer than 3 months. • Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times. • Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114. 				

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
4.3-5	<ul style="list-style-type: none"> • Limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring. • Limit onsite vehicle speeds on unpaved surfaces to 15 miles per hour, or less. <p>The following measures shall be implemented to reduce the project’s potential odor impacts:</p> <ul style="list-style-type: none"> ▶ Building doors shall be closed when not receiving waste materials; ▶ Loaded transfer vehicles shall be covered and properly maintained to ensure that both liquid and solid waste materials are contained entirely within the vehicle for the duration of its transport; ▶ Routine cleaning of floors, walls, and equipment shall be conducted per the requirements of CCR Title 27; and ▶ Odor complaints received by the City or SMAQMD shall be responded to within 24 hours. This response shall include an inquiry into the source of the odor and identification of the measures necessary to eliminate the odor source. If excessive complaints are received, as defined by the City, additional measures shall be implemented to control odors. Additional measures may include, but are not limited to: (a) install plastic curtains on entrances and exits to contain odors when doors are opened to allow vehicles to enter and exit, (b) use of deodorants to mask or neutralize odors as needed, and (c) daily removal of waste from tipping floor to allow for daily washing/cleaning. 	During facility operations.	Facility Operator, Elk Grove Integrated Waste Division, SCAQMD and Local Enforcement Agency		

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
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4.4 Noise					
4.4-1	<p>The following measures shall be implemented to reduce construction-generated noise levels at nearby land uses:</p> <ul style="list-style-type: none"> ▶ Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 7:00 a.m. and 7:00 p.m. on Saturday and Sunday, in accordance with the City’s General Plan noise policies. ▶ Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers’ recommendations. ▶ Construction equipment staging areas shall be located at the farthest distance possible from nearby noise-sensitive land uses. 	During site construction activities.	Construction Contractor and Elk Grove Integrated Waste Division		
4.4-3	<p>For Site 4 Only: The facility shall be designed to minimize noise generation in the northwestern portion of Site 4. This shall be accomplished by limiting the site uses in the northern portion of the site, concentrating high noise-generating activities in the southern portion of the site, and locating buildings so they block offsite noise propagation to the northwest. The City shall contract with an acoustical engineering firm that will identify a variety of construction solutions (e.g., sound berms) to be implemented as part of the project to reduce the offsite noise levels by a minimum of 8 dBA, if feasible. Site 2: No mitigation measures are required.</p>	Prior to and during facility operations.	Elk Grove Planning Department and Integrated Waste Division		
4.4-4	<p>The site operations shall comply with the requirements of the City’s noise ordinance regarding nighttime operations. This shall include limiting substantial noise-generating outdoor activities at the site during nighttime hours (10:00 p.m. to 7:00 a.m.) and designing the facility to ensure high noise generating activities are screened by buildings from noise-sensitive land uses. The City shall contract with an acoustical professional to collect nighttime noise measurements at the site for two months following the initiation of site operations. If the noise level measurements determine</p>	Prior to and during facility operations.	Elk Grove Planning Department and Integrated Waste Division		

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
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	that the nighttime noise levels are exceeding City standards at noise-sensitive land uses (residential and park uses), the noise generating activities shall be either curtailed until after 7:00 a.m. or other noise reducing measures (e.g., relocating noise generating uses on the site, installing noise barriers adjacent to noise generating uses) shall be implemented to ensure the nighttime noise standard is not exceeded.				
4.7 Public Health and Hazards					
4.7-1	<p>Construction monitors trained in the identification of hazardous materials will be present during the excavation and site development phase of the project. Monitors will observe all excavation, trenching, and grading for the potential presence of hazardous materials and petroleum products. If during site preparation and construction activities previous undiscovered or unknown evidence of hazardous materials contamination is observed or suspected through either obvious or implied measures (e.g., stained or odorous soil, unknown storage tanks, etc.), construction activities shall immediately cease in the area of the find.</p> <p>City of Elk Grove staff shall be immediately consulted and the project contractor shall contract with a qualified consultant registered in DTSC's Registered Environmental Assessor Program to assess the situation. If necessary, risk assessments shall include a DTSC Preliminary Endangerment Assessment or no further action determination, or equivalent. Any required remediation shall include a DTSC Remedial Action Work Plan or equivalent. Based on consultation between the Registered Environmental Assessor and DTSC, remediation of the site shall be conducted consistent with all applicable regulations.</p>	During site construction activities.	Construction Contractor, Elk Grove Integrated Waste Division and California Department of Toxic Substances Control		
4.7-8	<ul style="list-style-type: none"> ▶ City Code Enforcement shall monitor illegal dumping in the project area on a monthly basis for the first year of operations. If illegal dumping increases along the site access routes, Code Enforcement shall increase sweeps of the area by the City's illegal dumping contractors. In addition, the City shall develop, in consultation with the Elk Grove Police Department, an illegal dumping enforcement program that includes implementing a surveillance program along site access routes and increased fines for perpetrators. ▶ Perimeter fencing shall be installed with slates. 	During site construction activities and during facility operations.	Elk Grove Code Enforcement and Police Departments		

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Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
	<ul style="list-style-type: none"> ▶ All transfer trucks shall be tightly covered before leaving the transfer station building. ▶ All loads brought to the facility are to be brought in covered vehicles. This is a requirement of State law, and signs at the facility will remind users of the requirement. ▶ Employees of the facility will make regular litter pick-up “sweeps” of the site access roads and surrounding areas, as needed. ▶ The facility will be appropriately maintained to ensure the accumulation of litter does not occur on the site. ▶ The paved areas on the site will be swept on a regular basis. 				
4.8 Hydrology and Water Quality					
4.8-1	If the drainage system improvements identified in the Elk Grove Flood Control and Storm Drainage Master Plan are not implemented prior to the initiation of project construction, then storm water detention facilities shall be constructed on the project sites to capture any increase in storm water runoff associated with site development. The detention facilities shall be located either in the areas designated for future waste management and waste conversion (Exhibits 3-3 and 3-4), or in other areas of the site with sufficient capacity to accommodate the site’s necessary storm water detention requirements. Following the installation of the drainage system improvements identified in the Master Plan, the detention areas on the sites can be converted to their intended waste management uses.	During site construction activities.	Elk Grove Integrated Waste Division		
4.8-2	<p>a. The project contractor shall demonstrate compliance, through its erosion control plan and SWPPP, with all requirements of the City’s Drainage Manual and Land Grading and Erosion Control Ordinance, which may include (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage facilities from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project sites; (5) use of temporary water conveyance and water diversion structures to eliminate runoff; and (6) any other suitable measures. The SWPPP shall be submitted to the City for review.</p> <p>b. Prior to the issuance of a grading permit or any construction activity,</p>	Prior to and during site construction activities.	Construction Contractor and Elk Grove Integrated Waste Division		

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
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	<p>the project contractor shall obtain from the Central Valley RWQCB the appropriate regulatory approvals for project construction including a Section 401 water quality certification, and an NPDES stormwater permit for general construction activity, including construction dewatering activities.</p> <p>c. As required under the NPDES stormwater permit for general construction activity, the project contractor shall prepare and submit the appropriate Notice of Intent and prepare the SWPPP and the erosion control plan for pollution prevention and control prior to initiating site construction activities. The SWPPP shall identify and specify the use of erosion sediment control BMPs, means of waste disposal, implementation of approved local plans, nonstormwater management controls, and inspection and maintenance responsibilities. The SWPPP shall also specify the pollutants that are likely to be used during construction and that could be present in stormwater drainage and nonstormwater discharges. A sampling and monitoring program shall be included in the SWPPP that meets the requirements of SWRCB Order 99-08-DWQ to ensure the BMPs are effective.</p> <p>d. Construction techniques shall be identified that would reduce the potential runoff and the SWPPP shall identify the erosion and sedimentation control measures to be implemented. The SWPPP shall also specify spill prevention and contingency measures, identify the types of materials used for equipment operation, and identify measures to prevent or clean up spills of hazardous materials used for equipment operation and hazardous waste. Emergency procedures for responding to spills shall also be identified. BMPs identified in the SWPPP shall be used in subsequent site development activities. The SWPPP shall identify personnel training requirements and procedures that would be used to ensure that workers are aware of permit requirements and proper installation and performance inspection methods for BMPs specified in the SWPPP. The SWPPP shall also identify the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP. All construction contractors shall retain a copy of the approved SWPPP on the construction site.</p>				

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
				Action	Date Completed
4.8-3	<p>Before issuance of a grading permit, the project contractor shall obtain from the Central Valley RWQCB a general NPDES permit and shall comply with all of the permit requirements in order to minimize storm water discharges associated with site operations. In addition, the project contractor shall prepare a SWPPP and implement Best Management Practices designed to minimize sedimentation and release of products used during site operations.</p> <p>Before approval of the final project design, the project contractor shall identify storm water runoff BMPs selected from the Stormwater Quality Design Manual for the Sacramento and South Placer Regions (Sacramento Stormwater Quality Partnership et al. 2007). Typical BMPs that could be used on the project site shall include, but are not limited to, catchbasin inserts, compost storm water filters, sand filters, vegetated filter strips, biofiltration swales, oil/water separators, bioretention basins, or other equally effective measures. Other BMPs shall include, but would not be limited to, administrative controls such as signage at inlets to prevent illicit discharges into storm drains, parking lot and other pavement area sweeping, public education, and hazardous waste management and disposal programs. BMPs shall identify and implement mechanisms for the routine maintenance, inspection, and repair of pollution control mechanisms. In addition, the BMPs shall be reviewed for adequacy by the City of Elk Grove, Public Works Department prior to issuance of a grading permit for the site to ensure that they will effectively remove pollutants from the site's stormwater runoff.</p>	Prior to the issuance of a grading permit and approval of the final project design.	Construction Contractor and Elk Grove Integrated Waste Division		
4.9 Biological Resources					
4.9.2	<p>For Site 2 Only:</p> <ol style="list-style-type: none"> 1) Prior to the commencement of construction activities, the City shall consult with the U.S. Fish and Wildlife Service and California Department of Fish and Game to determine the agencies' opinion on the suitability of the habitat on the project site to support giant garter snake, and the likelihood of injury for giant garter snakes that may be moving through the project site during construction. If the agencies determine that the project site does not support giant garter snake habitat, then no additional mitigation is required. 2) If U.S. Fish and Wildlife Service and California Department of Fish and Game determine that implementation of the proposed project 	Prior to the commencement of construction activities.	Construction Contractor, Elk Grove Integrated Waste Division, U.S. Fish and Wildlife Service and California Department of Fish and Game		

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
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	<p>could affect giant garter snake, the City shall undertake the following measures prior to project grading within 200 feet of Grant Line Channel:</p> <ul style="list-style-type: none"> ▶ Construction personnel shall participate in a USFWS-approved worker environmental awareness program. Under this program, workers shall be informed about the potential presence of giant garter snake and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of the Endangered Species Act. Prior to construction activities, a qualified biologist approved by the USFWS shall instruct all construction personnel about: (1) the life history of the giant garter snake; (2) the importance of Grant Line Channel to the giant garter snake; and (3) the required avoidance/protection measures. Proof of this instruction shall be submitted to the City and the Sacramento U.S. Fish and Wildlife Service Office. <p>3. The City shall mitigate to standard guidelines identified in the USFWS's Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California (1997). Loss of upland basking and retreat site habitat resulting from project grading and construction would be considered a "Level 3" impact.</p> <p>Standard mitigation shall consist of:</p> <ul style="list-style-type: none"> a) replacement of affected giant garter snake habitat at a 3:1 ratio; b) all replacement habitat must include both upland and aquatic habitat components. Upland and aquatic habitat components must be included in the replacement habitat at a ratio of 2:1 upland acres to aquatic acres; c) if restoration of habitat is a component of the replacement habitat, one year of monitoring restored habitat with a photo documentation report due one year from implementation of the restoration with pre- and post-project area photos; and d) Five years of monitoring replacement habitat with photo documentation report due each year. Loss of habitat resulting from the project implementation must be replaced at a location 				

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
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4.9.3	<p>deemed appropriate by the USFWS;</p> <p>e) Evidence of compliance with this mitigation measure shall provided prior to grading activities that will remove giant garter snake habitat.</p> <p>The City shall implement one of the following options prior to ground-disturbing activities:</p> <ol style="list-style-type: none"> 1) Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the DFG and the City of Elk Grove as set forth In Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect, or 2) Submit payment of Swainson’s hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove’s Swainson’s hawk mitigation fund in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect, or 3) Submit proof that mitigation credits for Swainson’s hawk foraging habitat have been purchased at a DFG approved mitigation bank. <p>For Site 4 Only:</p> <p>In order to avoid impacts to nesting habitat for raptors, the City shall also implement the following measures prior to construction and site grading activities:</p> <ol style="list-style-type: none"> 1) Retain a qualified biologist to conduct a focused survey for active nests within the single oak tree on Site 4. The survey shall occur no more than two weeks prior to ground disturbance. 2) If no active nests are found, tree removal may proceed. If active nests are found, DFG shall be notified, and the tree shall not be removed until the nest is no longer active, as determined by a DFG-approved biologist. No construction activities shall take place within a 500-foot (152-meter) radius of the active nest (or another distance determined appropriate during consultation with DFG). 	Prior to ground disturbing activities.	Elk Grove Integrated Waste Division and California Department of Fish and Game		

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
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4.9.4	<ol style="list-style-type: none"> 1) Before construction begins, focused surveys for burrowing owls shall be conducted by a qualified biologist in areas of suitable habitat on and within 250 feet of the proposed project site. Surveys shall be conducted in accordance with DFG protocol (DFG 1995). 2) If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to DFG, and no further mitigation is required. 3) If occupied burrows are found, impacts to them shall be avoided by establishing a buffer of 165 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The size of the buffer area may be adjusted if a qualified biologist and DFG determine that project activity would not be likely to have adverse effects. No project activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 6.5 acres of foraging habitat contiguous to the burrow shall be preserved until the breeding season is over. 4) If impacts on occupied burrows are unavoidable, onsite passive relocation techniques approved by DFG shall be used to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that the burrow is no longer occupied. Foraging habitat for relocated pairs shall be provided in accordance with guidelines provided by the California Burrowing Owl Consortium (1993), which range from 6.5 acres to 19.5 acres per pair. 	Prior to and during site construction activities.	Elk Grove Integrated Waste Division and California Department of Fish and Game		
4.9.6	<p>For Site 2 Only: To minimize, avoid and mitigate impacts to potential waters of the United States or waters of the state, the City shall implement the following measures:</p> <ol style="list-style-type: none"> 1) The City shall conduct a formal wetland delineation to determine the extent of jurisdictional waters on Site 2. The wetland delineation report and map shall be submitted to the Sacramento district office of the USACE for verification. 2) For those waters of the United States that cannot be avoided during 	Prior to ground disturbing activities.	Elk Grove Integrated Waste Division, U.S. Army Corps of Engineers and Central Valley Regional Water Quality Control Board		

Mitigation Monitoring and Reporting Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Verification	
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	<p>construction, authorization for fill of jurisdictional waters of the United States shall be secured from USACE via the Section 404 permitting process prior to project implementation.</p> <p>3) The acreage of jurisdictional habitat removed shall be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations and Policy CAQ-9 of the City of Elk Grove General Plan. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.</p> <p>4) Section 401 water quality certification from the Central Valley RWQCB shall be obtained.</p>				
4.9.7	<p>For Site 4 Only:</p> <p>1) If feasible, the city shall design project facilities to retain the oak tree. The oak tree shall be fenced 5 feet beyond the dripline to minimize disturbance to the tree and its root zone. The fence shall be maintained until all project activities are complete. No grading, trenching, or movement of heavy equipment shall occur within the fenced area.</p> <p>2) If removal of the oak tree cannot be avoided, offsite mitigation or payment of an in-lieu fee shall be implemented in accordance with the City's Tree Preservation Ordinance.</p>	Prior to and during site construction activities.	Elk Grove Integrated Waste Division		
4.10 Cultural Resources					
4.10-2	<p>If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA (i.e., whether it is an historical resource or a unique archaeological resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources could</p>	During site construction activities.	Elk Grove Integrated Waste Division		

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4.10-3	<p>include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and cultural associations, and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to historical and unique archaeological resources.</p> <p>In accordance with the California Health and Safety Code, if human remains are uncovered during ground disturbing activities all such activities in the vicinity of the find shall be halted immediately and the City or the City's designated representative shall be notified. The City shall immediately notify the county coroner and a qualified professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The responsibilities of the Agency for acting upon notification of a discovery of Native American human remains are identified in detail in the California Public Resources Code Section 5097.9. The City or their appointed representative and the professional archaeologist shall consult with a Most Likely Descendant determined by the NAHC regarding the removal or preservation and avoidance of the remains and determine if additional burials could be present in the vicinity.</p>	During ground disturbing activities.	Elk Grove Integrated Waste Division		
4.10-4	<p>If, during the course of ground-disturbing activities associated with project implementation, any paleontological resources (fossils) are discovered, work shall be halted immediately within 50 feet of the discovery, and the City Planning Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.</p> <p>The City shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. The City shall consult with the paleontologist and agree upon</p>	During ground disturbing activities.	Elk Grove Planning Department		

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	implementation of a measure or measures that are deemed feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.				
5 Cumulative Impacts					
5-1	Install a traffic signal at the Elk Grove-Florin Road/East Stockton Boulevard intersection as planned for in the City's Capital Improvement Program and as identified in Mitigation Measure 4.2-2. Currently this improvement is included in the fee program and is anticipated to be constructed prior to the operations of the transfer station. If the improvement is not in place, this project will be required to construct it.	Prior to the initiation of Transfer Station operations.	Elk Grove Public Works Department		
5-2	Site 4 Only Install a traffic signal at the Elkmont Way/East Stockton Boulevard intersection, as identified in Mitigation Measure 4.2-3.	Prior to the initiation of Transfer Station operations.	Elk Grove Public Works Department		
5-3	<ul style="list-style-type: none"> ▶ Restripe the southbound approach to the Grant Line Road/Survey Road intersection to provide one left-turn lane, one shared through-right turn lane, and one right-turn lane on the southbound approach. ▶ Change the signal operation from six to eight phases including any necessary intersection restriping. ▶ Modify the timing of other coordinated signals along Grant Line Road, as necessary and appropriate. 	When warranted based on cumulative traffic volumes.	Elk Grove Public Works Department		

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-236

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a special meeting of said Council held on November 18, 2009 by the following vote:

AYES : **COUNCILMEMBERS:** *Hume, Scherman, Cooper, Davis, Detrick*

NOES: **COUNCILMEMBERS:** None

ABSTAIN : **COUNCILMEMBERS:** None

ABSENT: **COUNCILMEMBERS:** None



Susan J. Blackston, City Clerk
City of Elk Grove, California