Chapter 7
Response To Comments
Draft
Environmental Impact Report

SCH#2002111102

Volume V

H. M. HOLLOWAY LANDFILL
(H. M. Holloway, Inc)

General Plan Amendment No. 5, Map 28
Conditional Use Permit No.9, Map 28
Modification Conditional Use Permit No. 1, Map 28
Modification Conditional Use Permit No. 5, Map 29
Recession of Conditional Use Permit No. 7, Map 28
Amendment of the Kern County and Incorporated Cities Integrated
Waste Management Plan Siting Element

Kern County
Planning Department
Bakersfield, California

February 2008
February 7, 2008

FILE: GPA 5, CUP 9, Map 28

TO COMMENTING AGENCIES AND INTERESTED PERSONS:

RE: ENVIRONMENTAL IMPACT REPORT: Draft Environmental Impact Report, H.M. Holloway Landfill by H.M. Holloway, Inc. (General Plan Amendment 5, Conditional Use Permit 9, Map 28, Modification of CUP 1 Map 28, and CUP 5, Map 29, Recession of CUP 7, Map 28, SCH 2002111102)

Enclosed is a document entitled Volume V Response to Comments. Section 15088 of the CEQA Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft EIR and prepare a written response addressing each comment.

A public hearing has been scheduled with the Kern County Planning Commission to consider this request on February 28, 2008 at 7:00 p.m. or soon thereafter, chambers of the Board of Supervisors. First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California.

Thank you for your participation in the environmental process for this project.

Very truly yours,
TED JAMES, AICP, Director
Planning Department

By: Chery Casdorph
Supervising Planner

Enclosure

COMMENTING AGENCIES AND INTERESTED PERSONS: Native American Heritage Commission, Department of Conservation, Division of Oil, Gas and Geothermal Resources, Westside Waste Management Co., Inc., Kern Kaweah Chapter of the Sierra Club, Kern County Environmental Health Services Department, San Joaquin Valley Air Pollution Control District, Governor’s Office of Planning and Research – State Clearinghouse, California Integrated Waste Management Board, Kern County Superintendent of Schools, Kern County Waste Management Department (2), Kern County Administrative Office
Native American Heritage Commission
915 Capitol Mall, Rm 364
Sacramento, CA 95814

State Dept. of Conservation
Division of Oil & Gas
4800 Stockdale Highway, Ste 417
Bakersfield, CA 93309

Sierra Club/Kern Keaweah Chapter
Arthur Unger

Westside Waste Management Co., Inc.
P.O. Box 194
Taft, CA 93268

California Integrated Waste Management
P.O. Box 4025
Sacramento, CA 95812-4025

Kern County Superintendent of Schools
1300 17th Street
Bakersfield, CA 93301-4533

Kern County Environmental Health Services
Department/Bill O’Rullian

San Joaquin Valley Air Pollution Control
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244

Kern County Waste Management Department

Kern County Administrative Office

State Clearing House
P.O. Box 3044
Sacramento, California 95812-3044
Chapter 7
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Volume V
H. M. HOLLOWAY LANDFILL
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Prepared by:
Kern County Planning Department
Bakersfield California
Public Services Building
2700 M Street, Suite 100
Bakersfield, CA 93301-2370
Contact: Cheryl Casdorph
661/862-8624

Technical Assistance by:
Quad Knopf
5080 California Avenue, Suite 400
Bakersfield, California 93309
661/616-2600

February, 2008
Chapter 7
Response to Comments

7.1 Response To Comments

7.2 Purpose

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the Kern County Planning Department is serving as “Lead Agency,” responsible for preparing the Environmental Impact Report (EIR) for the H. M. Holloway Landfill Project. The EIR presents the environmental information and analyses that have been prepared for the proposed Project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections or minor revisions have been made to the Draft EIR. This document, along with the responses to comments, in combination with the Draft EIR and the Mitigation Monitoring Program, will be used by the Planning Commission and Board of Supervisors in the decision making process for the proposed Project.

7.3 Environmental Review Process

A Notice of Preparation/Initial Study (SCH No. 200211102) was circulated for a 30-day public review period beginning on April 28, 2004 and ending on May 28, 2004. A Scoping Meeting was noticed and held on May 28, 2004. Five comment letters were received and used in the preparation of the Draft EIR.

A Draft EIR for the H. M. Holloway Landfill Project was circulated for a 45-day public review period beginning on November 30, 2007 and ending on January 14, 2008. Twelve written comment letters were received on the Draft EIR.

Section 15088 of the CEQA Guidelines requires that the Lead Agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft EIR and prepare a written response addressing each of the comments received. The response to comments is contained in this Volume V, Chapter 7 of the Draft EIR. Volumes I, II, III, IV, and V together comprise the Final Environmental Impact Report (Final EIR).
A list of those agencies, organizations, and interested parties, which have commented on the Draft EIR, is provided below. A copy of each numbered comment letter and lettered response to each comment follows this list.

1. Native American Heritage Commission
2. Department of Conservation, Division of Oil, Gas and Geothermal Resources
3. Westside Waste Management Co., Inc.
4. Kern Kaweah Chapter of the Sierra Club
5. Kern County Environmental Health Services Department
6. San Joaquin Valley Air Pollution Control District
7. Governor’s Office of Planning and Research – State Clearinghouse
8. California Integrated Waste Management Board
9. Kern County Superintendent of Schools
10. Kern County Waste Management Department (January 25, 2008)
11. Kern County Waste Management Department (Feb. 1, 2008)
12. Kern County Administrative Office

On the pages that follow, a written response is presented for each numbered comment. Any changes to the document have been made in the text of the document and have been denoted as follows:

- Deleted text: **strikethrough**
- Additional text: **double underlined**
Letter 1 – Native American Heritage Commission

STATE OF CALIFORNIA

NATIVE AMERICAN HERITAGE COMMISSION

H A CAPITOL MALL, ROOM 384
SACRAMENTO, CA 95814
(916) 632-6321
Fax (916) 632-6380
Web site www.nbdc.ca.gov
E-mail: nhc@nbdc.ca.gov

December 4, 2007

Ms. Cheryl Casdorph
KERN COUNTY PLANNING DEPARTMENT
2700 "M" Street, Suite 160
Bakersfield, CA 93301-2323

Re: SCH#2002111102 CUPA Notice of Completion: draft Environmental Impact Report (DER) for GPA 5, Map 28, CUP 6, Map 28, Modification of Cup 2 and 3, Map 28, Reversion of CUP 7, Map 28, HVMP: Ellis Elementary Amended Imperial County, California

Dear Ms. Casdorph:

The Native American Heritage Commission is the state agency designated to protect California’s Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a “significant effect” requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(6). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the “area of potential effect (APE),” and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

1. Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Center nearest you is available from the State Office of Historic Preservation (916) 632-2779 http://www.ehp.ca.gov/p們/1095/files/CHRIS2005.pdf The record search will determine:

   a. If a part or the entire APE has been previously surveyed for cultural resources.
   b. If any known cultural resources have already been recorded in or adjacent to the APE.
   c. If the probability is low, moderate, or high that cultural resources are located in the APE.
   d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

   The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.

3. The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center:

   a. Contact the Native American Heritage Commission (NACHC) for:
      i. A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range, and section.
      ii. The NACHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NACHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

4. Lack of surface evidence of archaeological resources does not preclude their subsurface existence.

   a. Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f).
   b. Lead agencies should include in their mitigation plans for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

   a. CEQA Guidelines, Section 15084.5(c) requires the lead agency to work with the Native Americans identified by this Commission if the initial survey identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the
Chapter 7: Response to Comments

NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave sites.

Health and Safety Code §7050.5, Public Resources Code §5097.08 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

1. Lead agencies should consider avoidance, as defined in §15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singley
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse
Native American Contacts
Kern County
December 4, 2007

Santa Rosa Rancheria
Clarence Atwell, Chairperson
P.O. Box 8
Lemoore, CA 93245
(559) 924-1278
(559) 924-3583 Fax

Tejon Indian Tribe
Kathy Morgan, Chairperson
2234 4th Street
Wasco, CA 93280
Yowjulemne
Kitanemuk

Tule River Indian Tribe
Nell Peyron, Chairperson
P.O. Box 599
Porterville, CA 93258
chairman@tulerivertribe.nsn.
(559) 781-4271
(559) 781-4610 FAX

Kenneth Woodrow
1179 Rock Haven Ct.
Salinas, CA 93906
831-443-9702
Foothill Yoks
Mono

Ron Wermuth
P.O. Box 168
Kernville, CA 93238
warmoose@earthlink.net
(760) 376-4240 - Home
(916) 717-1176 - Cell

Robert L. Gomez, Jr.
2519 Driller Ave.
Bakersfield, CA 93306
(661) 871-4760
Paiute
Yoks
Tubatulabal

Kitanemuk & Yowjulemne Tejon Indians
Della Dominguez
981 N. Virginia
Covina, CA 91722
(928) 339-6785

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.84 of the Public Resources Code and Section 5097.86 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2003111102; CEQA Notice of Completion draft Environmental Impact Report (DEIR) for GPA 5, Map 28, CUP 9, Map 28; Modification of CUP 5 and 8, Map 28; Recession of CUP 7, Map 28, NIMP, Siting Element Amendment; Lost Hills Community; Kern County, California.
Responses to Letter 1

1-A

The comment acknowledges that CEQA requires any project that causes a substantial adverse change in the significance of an historical resource, including archeological resources, is a significant effect requiring preparation of an EIR. In the completion of the EIR the lead agency is required to assess whether the project will have an adverse impact on these resources within the ‘area of potential effect (APE),’ and if so to mitigate that effect.

The Project includes the following mitigation measures to reduce the level of impact to cultural and archaeological resources:

Mitigation Measure 4.3-1

a) If human remains are found during construction, CEQA requires that further work or disturbance of the site be halted. The discovery will be inspected and the remains be handled in a manner consistent with Public Resources Code 5097.98-99, Health and Safety Code 7050.5, and CEQA Section 15064.5.

b) In the event any as yet undetected (i.e. buried) cultural or paleontological resources are encountered on the Project site at a future time, a qualified archaeologist or paleontologist shall be contacted to evaluate the find in conformance with 15064.5 of CEQA.

Refer to page 4-186 of the Draft EIR.

1-B

The comment requests a records search of the nearest California Historic Resources Information Center (CHRIS) to determine (a) if a part of, or the entire APE has been previously surveyed for cultural resources, (b) if any known cultural resources have already been recorded in, or adjacent to, the APE, (c) if the probability is low, moderate or high that cultural resources are located in the APE, and (d) if a survey is required to determine whether previously unrecorded cultural resources are present.

A Cultural Resources Inventory and Impact Assessment was prepared by the California Archaeological Inventory Information Center for the original Gypsum Mining and Reclamation Plan Environmental Impact Report. The Project site was included in this assessment. No further action was recommended because the site was in an area of low sensitivity. Refer to pages 4-185 to 186 of the Draft EIR.
1-C

The comment discussed a need for a preparation of a professional report detailing the findings and recommendations should an archaeological inventory survey be required.

See response to Comment 1-B above. Based on the records search, the area is considered to be of low archaeological sensitivity and no further action was recommended. No inadvertent discoveries have been observed during the development of the current Project which resulted in extensive surface and subsurface disturbance over the entire Project area. Refer to page 4-186 of the Draft EIR.

1-D

The comment requests a Sacred Lands File search through the Native American Heritage Commission (NAHC) to identify additional cultural resource information and that contact be made with the Native American Contacts on the list provided.

Given the low sensitivity of the Project site as based on the pre-mining Project records search, the extensive surface, and subsurface disturbance that has resulted from mining and historical disposal activity, and the absence of inadvertent discoveries in the interim, it is not likely that cultural resources occur on the Project site. Given that the Project site is extensively pre-disturbed, a Sacred Lands File Search is not warranted. Mitigation measures are provided to address any instances of inadvertent discovery. Refer to pages 4-185 to 186 of the Draft EIR.

1-E

The comment discusses the need for provisions for the identification and evaluation of accidentally discovered archaeological resources, as well as the disposition of recovered artifacts.

The Project applicant recognizes that the lack of surface evidence of archaeological resources does not preclude their subsurface existence. As noted on page 4-186 of the Draft EIR, the Project includes mitigation measures in the event of an inadvertent discovery of cultural resources during excavation and grading.

1-F

The comment discusses the inclusion of provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans. This comment also recommends working with the Native Americans identified by the commission if the initial study identifies the presence, or likely presence, of Native American human remains within the APE.
See response to Comment 1-A above. As noted on page 4-186 of the Draft EIR the project includes mitigation measure 4.3-1 (a) and (b) for the discovery of Native American human remains and burial sites.

1-G

This comment discusses the Health and Safety Code, Public Resources Code, and CEQA guidelines mandating procedures to be followed in the event of an accidental discovery of any human remains found in a location other than a dedicated cemetery. The comment is noted for the record. See response to Comment 1-A above.

1-H

This comment discusses the avoidance requirements of CEQA as defined in section 15370. This section provides guidance regarding the discovery of cultural resources during the course of project planning and implementation.

As noted on page 4-186 of the Draft EIR, the Project includes mitigation measure 4.3-1 (a) and (b) for the discovery and protection of cultural resources (see response to Comment 1-A above).
December 10, 2007

Ms. Cheryl Casdorf
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Subject: Draft EIR for H.M. Holloway Landfill
GPA 5, Map 28, CUP 9, Map 28, Modification of CUP No. 1,
Map 28, Modification of CUP No. 5, Map 28 Recession of CUP 7, Map 28
Portions of Sections 24 and 25, T.26S. R.20 E.

Dear Ms. Casdorf:

The Department of Conservation’s Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the proposed project. The Division supervises the drilling, maintenance, and abandonment of oil, gas, and geothermal wells in California. The Division offers the following comments for your consideration:

The proposed project is located within the administrative boundaries of the Lost Hills oilfield. Please refer to the enclosed portion of Division Map 442. Presently, there is one abandoned well (API # 02969757) within the project boundaries, and 4 abandoned wells are located within the buffer zone (see Table 1 attached).

The coordinates are NAD 27 US Continental. Please design a mitigation measure that requires the developer to locate, leakage test and possibly reabandon these wells prior to construction of structures on the project. The Division recommends that the wells be accurately plotted on all future maps related to this project. Also, a legible copy of the final project map should be submitted to the Division.

Depending upon the proposed future land use, remedial activities on the abandoned wells may be required. The Division recommends that no structure be built over or in proximity to an abandoned well location. Section 3208.1 of the Public Resources Code authorizes the State Oil and Gas Supervisor to order the reabandonment of a previously abandoned well when construction of any structure over or in the proximity of a well could result in a hazard. The cost of reabandonment operations is the responsibility of the owner or developer of the project upon which the structure will be located.

The Department of Conservation’s mission is to protect Californians and their environment by:
Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling;
Conserving California’s farmland; and Saving energy and resources through recycling.
Regardless, if any other abandoned or unrecorded wells are uncovered or damaged during excavation or grading, remedial plugging operations may be required. This office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

Thank you for the opportunity to comment on this project. If you have any questions, please call Joyce Jaszarowski at the Bakersfield district office: 4800 Stockdale Highway, Suite 417, Bakersfield, CA 93309; phone (661) 334-3653.

Sincerely,

David Mitchell
Senior Oil and Gas Engineer
### Table 1
NAD 27 Cont US

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Responses to Letter 2

2-A

The comment notes that the Project is located within the administrative boundaries of the Lost Hills oil field and that there is one abandoned oil well within the Project boundaries and 4 abandoned wells within the buffer zone.

The uncompleted abandoned oil well is depicted on Figure 4.5-1 of the Draft EIR. The uncompleted abandoned oil well is also included on Figure 4.6-1 of the Draft EIR, which shows the Project site and buffer zone being partially located within the Lost Hills oil field boundary. There are 2 abandoned oil wells located within the buffer zone including:

- API # 09261186, Chevron U.S.A. Inc, and
- API # 02935128, Seneca Resources.

The other two abandoned oil wells listed in the attached Table 1, are located directly outside the buffer zone including:

- API # 02917628, Aera Energy LLC, and
- API # 02921318.

Figure 4.5-1 of the Draft EIR has been revised to show all the oil wells and will include labels for the two abandoned oil wells that occur within the 1,320-foot buffer zone. As can be seen on the revised figure, the two other abandoned oil wells listed directly above, occur slightly outside of the buffer zone perimeter.

2-B

The comment notes that the coordinates for the wells listed under Comment 2-A above are NAD 27 US Continental. The comment further directs that a mitigation measure be designed to require the developer to locate, leakage test and possibly reabandon the wells prior to construction of structures on the project.

With respect to the plugged and abandoned oil well Blackwell #1, API # 02969767, this well was properly abandoned in 1983. As discussed in the Draft EIR, no surface structures are being proposed at this locality, and periodic inspections will be conducted to confirm that the abandoned well’s integrity has not been compromised during non-Project related oil field surface operations, or from Project operations. Given this requirement, the applicant will schedule an inspection with DOGGR staff prior to April 15, 2008.

As regards to the two plugged and abandoned oil wells located within the buffer zone, no surface structures are being proposed by the Project in this locality. However, the Draft EIR will be revised to clarify and enhance the following mitigation measure in the event
of construction of surface structures in the buffer zone. The following page will reflect this change.

Page 4-126, paragraphs 3 and 4 are revised as follows:

Mitigation Measure 4.5-6:

a) To prevent and avoid any future impacts to the integrity of the well casing and soil column, the established 50-foot diameter existing soil column buffer around the plugged and abandoned oil well will be marked and maintained for future operations. Wastes will be disposed of up against this soil buffer, such that no voids would occur. The buffer will be periodically inspected to confirm that its integrity has not been compromised during operations. An initial inspection will be scheduled with DOGGR staff prior to April 15, 2008.

b) In the event that any structures will be built by the Project within the buffer zone with the potential to impact the two plugged and abandoned oil wells (API # 09261186 and API # 02935128) the Bakersfield Office of the Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) shall be contacted to inspect the wells and to recommend and approve any remediation required.

2-C

The comment recommends that the wells be accurately plotted on all future maps related to this project.

See answer to Comment 2-A above. Figure 4.5-1 has been revised to include all the oil wells located within the oil field boundary and labels identify the two plugged and abandoned oil wells that occur within the buffer zone. These locations will also be required to be plotted on all future Project maps as a condition of approval.

2-D

The comment notes that a legible copy of the final project map should be submitted to the Division.

The comment is noted for the record. A copy of the final project map(s) will be submitted to the Division pursuant to a condition of approval following Lead Agency consideration of the Final EIR. See the response to Comment 2-A above.

2-E

The comment notes that depending on the proposed future land use, remedial activities on the abandoned oil wells may be required and recommends that no structure be built over
or in proximity to an abandoned well location. This comment also discusses Section 3208.1 of the Public Resources Code which authorizes the State Oil and Gas Supervisor to order the reabandonment of a previously abandoned well when construction of any structure over or in the proximity of a well could result in a hazard. The comment further notes that the cost of reabandonment is the responsibility of the owner or developer of the project upon which the structure will be located.

The comment and recommendation are noted for the record. See the response to Comment 2-B above.

2-F

The comment directs that in the event that any other abandoned or unrecorded wells are uncovered or damaged during excavation or grading, the DOGGR shall be contacted as remedial plugging operations may be required.

The Project includes the following mitigation measure in the event of encountering presently unknown oil and gas or injection wells:

**Mitigation Measure 4.5-7:** If during grading, excavation or any other activity, any plugged and abandoned or unrecorded wells are uncovered or damaged, the Bakersfield Office of the Department of Conservation/Division of Oil, Gas, and Geothermal Resources shall be contacted to inspect the well and to approve any remediation required. Should remedial actions be required, the applicant will be responsible for implementing the Department-required corrective action.

Refer to page 4-217 of the Draft EIR.
H.M. Holloway Solid Waste Disposal Facility

Figure 4.5-1
Blackwell # 1
Location Map
GPA 5, MAP 9, MAP 28

Project Area (~300 acres)

Pit Boundary/Area

Uncompleted Abandoned
(Well was not successful and was abandoned prior to any production.)

Well Location Map

Wells

API # 02969767
Blackwell # 1

API # 02917628
Chevron U.S.A. Inc.

API # 02961166
Aera Energy LLC.

API # 02935128
Seneca Resources

API # 02921318
Aera Energy LLC.
Letter 3 – Westside Waste Management Co., Inc.

January 14, 2008

Ms. Cheryl Cadorph, Supervising Planner
Kern County Planning Department
2700 "M" Street
Suite 100
Bakersfield, CA 93301

RE: SUPPORT FOR H.M. HOLLOWAY LANDFILL DEIR & SWFP

Dear Ms. Cadorph:

I have reviewed the submitted information on the H.M. Holloway Landfill DEIR, and fully support Holloway’s proposed project and acquisition of a Solid Waste Facility Permit (SWFP). H.M. Holloway’s surface gypsum mine has been operating for the good of the regional farming community for over 70 years. Holloway has been operating its disposal site on the south end of its mine area for over 12 years without any major issues. I am very familiar with this project because it is in our County Franchised Solid Waste collection area.

The only operational difference between the existing operations and the proposed project is the addition of three new non-hazardous industrial waste streams and an expansion in the disposal area and capacity. Therefore, this project will have no real significant change from its present operations.

According to the DEIR, one of the three new waste streams is biosolids. This should not present any significant impact, since Holloway’s proposed operation is one of simple disposal and immediate cover, which reduces unwanted air emissions. For these reasons, such an operation should be considered a future asset or alternative to local biosolids generators.

From my business perspective, Holloway’s disposal operation does not and will not represent any new and unreasonable competition or concerns, but will only be an asset to public and private interests.

Sincerely,

[Signature]

Bob J. Hampton
Owner/President

File: HOLLOWAY

P.O. BOX 104 • TAFT, CA 93268 • 661/763-5135 • FAX 661/763-5717
Responses to Letter 3

3-A

The comment expresses support for the proposed project and its acquisition of a Solid Waste Facilities Permit. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

3-B

The comment expresses the opinion that as the only operational difference between the existing operations and the proposed project is the addition of three new non-hazardous industrial waste streams including an expansion in the disposal area and capacity, the project will not result in a real significant change from its present operations. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

3-C

The comment notes that the addition of biosolids as a new waste stream should not present any significant impact as the waste stream will be disposed and immediately covered, thereby reducing air emissions. The comment expresses the opinion that based on these reasons, the project should be considered a future asset or alternative to local biosolids generators. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

3-D

The comment expresses support for the proposed project; stating that the proposed project does not and will not represent any new or unreasonable competition or concerns, but will only be an asset to public and private interests.
The attachment and the below text are identical.

Arthur Unger
Chair, Kern Kaweah Chapter of the Sierra Club
2815 La Cresta Drive
Bakersfield, CA 93305-1719
(661) 323 5589
alunger@uno.com preferred

Mr. Ted James
Kern County Planning Department
Via e-mail

January 14, 2008

Dear Mr. James:

Here are our comments on EIRCAC3-04 Holloway Waste Sitting.

We are pleased that Kern County has pointed out the significant and unavoidable impact of this project on our health, due to air pollution and on global warming. Almost all our AIR comments are doubly important because the measures they advocate help reduce the project’s effect on GLOBAL WARMING.

BIOLOGY

Kit Fox are known to forage in disturbed areas. If it is established by CDFG or USFWS, that they forage this area, alternate habitat should be bought as mitigation for the taking of habitat by this project. If mitigation habitat surrounds this facility it might buffer surrounding development from a little of the facility’s significant and unavoidable air pollution. 4A

Biological control of vectors should be done with fauna that can not invade the surrounding area. Non-native creatures should not be brought in. 4B

We note that the blunt-nosed leopard lizard is completely protected by state law and, as such, no take permit can be issued. 4C

AIR

To minimize the air pollution resulting from transporting sludge, the facility should handle only sewage generated in Kern County. 4D

This project’s significant and unavoidable air pollution should be completely mitigated, perhaps by funding air pollution reduction projects sufficient to completely offset the air pollution associated with this project and/or by agreeing to participate in an Emissions Reduction Program through the SJVAPCD. The Indirect Source Review mandated by the San Joaquin Valley Air Pollution Control District mitigates about half a project’s pollution. 4E 4F

A number of developers (including the West Ming project and the Old River Ranch project in Bakersfield) have recently agreed to participate in an Emissions Reduction Program through the SJVAPCD. Through this program, those developers promise to completely offset the emissions 4G
associated with their project. If the details reflect this promise, if the developers carry through, and if citizens are given adequate opportunity for input, those project would not make our already dirty air even worse. Participation in such a program is clearly feasible and, if properly administered, would reduce air quality impacts, both project-specific and, hence, cumulative, to zero.

How many employees will this project have? Do they work the same shifts, or come and go at various times? How far will they travel? Could buses be provided? Should the buses start from only a few locations?

Can some employees travel on site without using cars? We like bicycles but the air on site prohibits that. The EIR should consider electric vehicles within the facility.

All weight bearing roofs in this sunny area should have photovoltaic cells. All buildings should meet LEED standards especially passive solar design.

When will the new engines for mobile off road equipment be installed?

The Air District should comment on this EIR. I hope they know something about CO hot spots.

LIGHT POLLUTION

Lighting for the project should be fully shielded so that no lighting escapes upward and little escapes horizontally to cause glare. The International Dark Sky Association (www.darksky.org) has guidelines that would be useful as conditions of development. Some of them include the following:

All lights should be full cutoff fixtures; i.e., there should be no light emitted above the horizontal and not much light (generally < 4%) at angles greater than 75° above the vertical.

Streetlights, lights between buildings or among other features should be flat-lens, full cutoff fixtures installed in a level position. Energy efficient Light Emitting Diodes should be used. They should be mounted at a height of 30 feet or at the lowest height allowed by applicable codes.

The potential effects of light pollution on biological resources should be should be examined in the EIR.

COSTS TO KERN COUNTY and CALIFORNIA

Where will emergency services be based? Will the employer pay for evacuation of injured workers by helicopter and other services?

Will this project significantly increase car and truck traffic on Highway 48? Will road repair frequency and cost increase? Will the California Highway Patrol need to visit these roads more often?

If waste to energy technology advances so that this facility is no longer needed to process sewage, biosolids or sludge, will this facility still be profitable? If industrial wastes are eventually recycled rather than being disposed of, will this facility still be profitable? If this facility becomes unprofitable, can it be closed with reasonable environmental and economic costs?

OTHER CONCERNS
Construction waste should be recycled.

Valley Fever – in cooperation with the Kern County Health Department, potential employees should be informed of the risk. Employees should be advised to have pre employment and follow up evaluations of their immune status to Valley Fever.

Thank you for your consideration and for the opportunity to comment,

Arthur Unger
Chair, Kern Kaweah Chapter of Sierra Club
Responses to Letter 4

4-A

The comment recommends that alternate habitat should be bought as mitigation if it is established by CDFG or USFWS that kit fox forage in the area.

As discussed in the Draft EIR, (see Impact 4.2-4, pages 4-178, 179) there was no evidence of use of the Project Site and adjacent buffer areas by San Joaquin kit fox. Foraging could occur in the “vicinity” of the project area. Further as described on page 4-180 of the Draft EIR, a project review was conducted by the USFWS, and the USFWS concurred that the proposed Project is not likely to result in take of federally listed species. See Volume II, Appendix G. Mitigation Measures 4.2-1, 4.2-2, and 4.2-3 provide for species avoidance and protection measures.

Upon review of the Draft EIR, it was discovered that the Figure reference numbers in Chapter 4.2 (Biological Resources) were wrong.

To correct this error, the Draft EIR will be revised as follows:

Table 1-1 (Summary of Potential Impacts and Mitigation Measures), Mitigation Measure 4.2-1(d) is revised as follows:

\[ d) \text{ A barbed wire fence will be placed around all the receiving pits with and along the Solid Waste Facility Permit Area at the direction of the owner/operator and Local Enforcement Agency (LEA) (see Figure 4.2-1 for preliminary location and alignment). The final location of the perimeter fencing shall be as approved by and on file with the LEA in plans submitted by the applicant. Fencing surrounding the active areas of the permit area will include small-mesh (1/4 inch diameter or smaller) exclusion fencing installed from 6 inches below ground level to at least 24 inches above grade to discourage wildlife from accessing the work areas.} \]

Page 4-176, top of page is revised as follows:

(LEA) (see Figure 4.2-1 for preliminary location and alignment). The final location of the perimeter fencing shall be as approved by and on file with the LEA in plans submitted by the applicant. Fencing surrounding the active areas of the permit area will include small-mesh (1/4 inch diameter or smaller) exclusion fencing installed from 6 inches below ground level to at least 24 inches above grade to discourage wildlife from accessing the work areas.

Page 4-179, paragraphs 2 and 3 are revised as follows:

The San Joaquin kit fox is listed as a federally endangered and a state threatened species. During the survey six potential kit fox dens were observed in the “Additional Marshalling
and Stockpiling Area” (see Figure 4.2-2). In addition, one of the burrowing owl burrows observed within Pit “G” was also a potential kit fox den. Although portions of the permit area represent suitable habitat for San Joaquin kit fox, there was no evidence of use by this species observed during reconnaissance survey. San Joaquin kit fox are likely to forage in the vicinity of the permit area and may use den sites in the future. With implementation of appropriate avoidance measures discussed above, the potential for direct impacts to this species would be less than significant.

Burrowing owl (Athene cunicularia) is a California species of special concern and federal species of concern. Two active burrowing owl burrows were observed in the area identified as Pit “G.” One burrowing owl was observed leaving a burrow and another was observed in the vicinity of another burrow. Additionally, five burrowing owl burrows were observed within the “Additional Marshalling and Stockpiling Area” and one other burrow with burrowing owl sign was observed near the “Active” burrowing owl burrows in Pit “G” (see Figure 4.2-2). Impacts to individual burrowing owls that may occupy or forage through the Project area could include injury and mortality as a result of Project vehicle traffic and hazards to wildlife that occur as a result of construction activities. However, with implementation of appropriate avoidance measures as discussed above, the potential for direct impacts to this species would be less than significant.

4-B

The comment recommends that biological control of vectors be accomplished with fauna that are native and which can not invade the surrounding area.

The issue of biological control of vectors is discussed in detail under Impact 4.5-8, and Mitigation Measure 4.5-9 on pages 4-218 to 4-221 of the Draft EIR. Biological controls for vector control (primarily flies) would be secondary measures that may be utilized if proper housekeeping practices are not adequate. Biological controls could include the use of parasitic beetles and mites to control egg and larva populations; and parasitic wasps to control fly pupae populations. These species are commonly used in the area by dairies and horse stables, and are available from local commercial sources in the San Joaquin Valley, should their use become necessary. The use of non-native species is not anticipated.

4-C

The comment advises that the blunt-nosed leopard lizard if a fully protected state species and that no incidental take can be provided.

The status of this species is discussed in the Draft EIR on pages 4-159, 4-170, 4-178, and 4-180. The proposed Project is not anticipated to result in take of this species. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.
4-D

The comment recommends that the proposed Project should restrict its acceptance of sewage sludge to only that which is generated in Kern County to minimize air pollution resulting from transporting sludge.

Currently, all locally generated biosolids are either land applied, or composted. No biosolids are currently disposed of in Kern County landfill facilities. The proposed Project would have to compete against these alternate treatment technologies in order to attract locally generated biosolids. The volume of locally generated biosolids is also too low to justify the cost of landfill infrastructure required to be able to accept biosolids for disposal. These include facilities and equipment such as a leachate collection and removal system, wash rack system for equipment and vehicles, landfill gas monitoring and flaring systems, worker change facility, etc. It is estimated that only about 3,500 tons per year of biosolids are generated by the two largest jurisdictions, the City of Bakersfield and the Kern Sanitation Authority. Other jurisdictions produce lesser amounts of biosolids. It is recognized that reducing transport distances would reduce potential air quality impacts. While the proposed Project would accept locally generated biosolids, to the extent they would be available, additional sources would likely be necessary to economically justify taking this waste stream. The Air Quality section of the Draft EIR, Chapter 4.1, therefore evaluated a worst case scenario of transporting biosolids from other out of county sources, and provides mitigation measures to reduce the effects of such transport.

4-E

The comment recommends offsetting the significant and unavoidable air pollution effects of the proposed Project by entering into an Emissions Reduction Program through the SJVAPCD.

Mitigation Measure 4.1-7 of the Draft EIR establishes that the Project applicant shall execute a Developer Mitigation Contract with the SJVAPCD prior to commencement of operations. Further, the SJVAPCD has also provided comments in this regard. See Letter 6, and its responses.

4-F

The comment explains that the Indirect Source Review program administered by the SJVAPCD mitigates about half a project’s pollution. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

It should also be noted that, as explained in the Draft EIR, the Project is not subject to the Indirect Source Review program as it will be subject to other permitting requirements for stationary source equipment. See page 4-46 of the Draft EIR.
Chapter 7: Response to Comments

4-G

The comment advises that other land development projects have entered into an Emissions Reduction Program agreement with the SJVAPCD to reduce their air quality impacts. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. Also see the response to Comment 4E above.

4-H

The comment inquires as to the number of employees the project will have, and if they will work during the same shifts or not. The comment also asks if buses could be provided, and where they should start from.

The information on the number of employees and the associated air quality impacts from employee commute and business travel is provided in Impact 4.1.3 on pages 4-68 to 4-69 of the Draft EIR. Fifteen employees are forecast for the facility at full capacity. One shift is anticipated. Emissions were modeled using a trip length of 55 miles. The associated Project air emissions from this activity were less than significant, and did not require mitigation. However, these emissions, when added to the other Project emissions, do result in a significant air quality impact. The employee commute and business travel emissions are not significant, and comprise a very small portion of the overall Project’s total emissions. Carpooling or vanpools would not significantly lower total Project emissions. Therefore, the Draft EIR utilized standard URBEMIS defaults for 100% individual travel to the site by all employees. This represents a conservative or worst-case analysis. Nevertheless, the Project, as a convenience to employees, has provided a company van that is utilized by several employees to vanpool to work which is not reflected in the Draft EIR, and no credit for this practice is being sought by the applicant.

Mitigation Measure 4.1-7 of the Draft EIR also establishes that the Project applicant shall execute a Developer Mitigation Contract with SJVAPCD prior to commencement of operations.

4-I

The comment inquires if some employees can travel on site without using cars, or would the use of bicycles or electric vehicles be viable at the site.

Typically, travel on the site is by either off-road heavy equipment, or pickups. Cars are not typically utilized. Bicycles would not be a practicable means of site access. Electric vehicles are not utilized at the site due to the facility’s distance from urban areas, and the lack of infrastructure at the site for recharging.
4-J

The comment recommends the use of photovoltaic cells on roofs, and that all buildings should meet LEED standards.

No new permanent buildings are being proposed as part of the Project. The existing mine headquarters complex is co-utilized by the landfill operations. The proposed worker change facility will be a mobile skid mounted facility.

4-K

The comment inquires as to when the new engines would be installed for the off-road equipment.

The engine retrofits have already been completed in advance of the EIR’s completion. The details of the engine retrofits are discussed in Impact 4.1-1 of the Draft EIR. See pages 4-61 to 4-64.

4-L

The comment anticipates the SJVAPCD’s submittal of review comments on the Draft EIR, and hopes they are familiar with CO Hot Spots.

The SJVAPCD did submit review comments on the Draft EIR. See Comment Letter 6. The air quality analysis did not have to analyze CO Hot Spots at congested intersections due to the existing Levels of Service on Holloway Road and State Route 46. See the discussion in Impact 4.1-14, pages 4-87 to 88 of the Draft EIR.

4-M

The comment recommends the use of shielded lights at the facility. No new buildings or sources of lighting are proposed as part of the Project. Operations will only occur during daylight hours. There is existing security lighting at the mine headquarters complex; however, no additional sources of lighting are planned.

4-N

The comment recommends that the effects of light pollution on biological resources be examined in the EIR.

There will be no new light pollution impacts from the Project. See the response to Comment 4-M above.
4-O

The comment inquires as to where emergency services will be based and if the employer will pay for evacuation costs of injured workers.

Existing emergency services from the Kern County Fire Department, Sheriff’s Department, and Hall Ambulance Services would be available to respond to any emergencies. The matter of potential reimbursement of evacuation costs by the employer in the event of an injured worker would be in accordance with existing County policies, applicant insurance policies, and would be a matter best resolved between the parties providing the emergency service and the employer.

4-P

The comment inquires if the Project would significantly increase car and truck traffic on Highway 46, would road repair frequency and cost increase, and would the Highway Patrol need to provide a higher level of service on these roads.

Traffic as a result of the Project would increase by 72 additional trucks per day, which would not substantially increase traffic on Highway 46. See Impact 4.8-1 on page 4-268 of the Draft EIR.

Mitigation Measure 4.8-1 provides for the Project to contribute a proportionate project share of the costs to improve Holloway Road based on the increase in truck traffic generated by the Project. See Impact 4.8-1 on pages 4-268 to 269 of the Draft EIR. Impact 4.8-3 and Mitigation Measure 4.8-2 also provide for the Project to consult with Caltrans to develop plans for the Project to install a temporary traffic deceleration lane for west-bound traffic on Highway 46 to access Holloway Road. This feature would provide for improved traffic safety in the interim period until the full improvements to Highway 46 are completed by Caltrans in subsequent years. See pages 4-270 to 271 of the Draft EIR.

Additional services from the Highway Patrol are not anticipated as a result of the small amount of increased truck traffic.

4-Q

The comment inquires if the Project would still be profitable if waste to energy technology advances so that the facility is no longer needed to process sewage.

The County is recommending that the H. M. Holloway Landfill should only accept four other waste streams besides biosolids. Should the project not be able to economically compete for sources of biosolids in the future, due to advances in waste to energy technology or transportation costs, the facility does not need to rely on biosolids to remain economically viable. Provisions in landfill sequencing plans allow for future
changes in operations as a result of market forces, and the remaining waste streams can still be disposed of at the facility. The biosolids disposal portion of the facility will therefore be initially limited in size and incrementally expanded in response to market forces. Please refer to the discussion in Chapter 3 of the Draft EIR.

4-R

The comment raises the possibility that the industrial wastes proposed for disposal at the facility may someday be recycled instead of disposed of, and inquires if the project would still be profitable in that event. If this were to occur, would the project be able to be closed with reasonable costs?

The waste streams such as fly ash, spent sandblast media, treated auto shredder waste, and lime filter cake are less likely to be recycled in the near term. Biosolids currently can be used for beneficial purposes such as land application in Kern County and other locations. Should sources of the proposed waste streams not be available in the future, the Project would either have to amend its permits for new waste streams to be disposed of or enter closure on either an interim or permanent basis. The Project is responsible for obtaining and maintaining financial assurances surety to cover potential closure and post closure monitoring costs as a condition of approval, such as described in the Preliminary Closure/Post Closure Maintenance Plan. See Volume II, Appendices, Appendix A, Joint Technical Document, Technical Appendices, Volume I, Appendix 4 of the Draft EIR. Closure and post closure costs therein are estimated to be approximately $1,442,614.00.

4-S

The comment recommends that construction waste should be recycled.

The County is recommending that this waste not be accepted at this facility.

4-T

The comment recommends measures to advise and track employees for potential exposure to Valley Fever.

The commenter’s concern about this regional health and safety issue is appreciated. Potential impacts from Valley Fever and mitigation measures to reduce potential exposure are discussed under Impact 4.1-18 on pages 4-93 to 94 of the Draft EIR.

During review of Chapter 4.1 (Air Quality) of the Draft EIR an inadvertent error was discovered. The Air Quality Impacts listed in the Impacts Analysis Section are correctly numbered from Impact 4.1-1 through Impact 4.1-10, however, the numbering then continues with Impact 4.1-12, leaving out Impact 4.1-11. A numbered Impact 4.1-11 discussion is thus missing from the Draft EIR. The total number of Air Quality impacts are therefore 33 instead of 34, however, the evaluated impacts remain the same.
A second error was discovered in Table 1-1 (Summary of Potential Impacts and Mitigation Measures). On page 1-33, Impact 4.1-31, the “Level Of Significance After Mitigation” column was inadvertently left blank. The level of significance after mitigation for Impact 4.1-31 is also less than significant as corrected below.

| Impact 4.1-31: The proposed Project has the potential to create cumulatively significant impacts related to Valley Fever (Coccidiomycosis) exposure | Mitigation Measures: Mitigation Measure 4.1-6. | Less than Significant | Less than Significant |
Letter 5 - Kern County Environmental Health Services
Department

ENVIRONMENTAL HEALTH SERVICES DEPARTMENT
KERN COUNTY RESOURCE MANAGEMENT AGENCY

INTEROFFICE MEMORANDUM

To: Bill O’Rullian
From: Charles M. Bauer
Subject: Re: LEA Comments for H.M. Holloway Landfill - EIR Draft Dated November 2007

Date: January 17, 2008

As per your request, I have performed the LEA review for the November 2007 Draft EIR for H.M. Holloway Landfill on the following five EIR chapters and related documents:

- Chapter 1.0 - Executive Summary
- Chapter 3.0 - Project Description
- Chapter 4.4 - Geology and Soils,
- Chapter 4.5 - Hazards and Hazardous Materials
- Chapter 4.6 - Hydrology and Water Quality.
- Joint Technical Document
- Final Report - Slope Stability Analysis, Holloway Gypsum Pits Evaluated by BSK

The LEA has found three areas that need attention. The first topic is located in Chapter 3.0 under Project Description. (Page Number 3-29 and Paragraph 1). The following statement requires correction and made a condition of the CUP:

3-29/1 "Waste streams will be encapsulated within 24 hours with a minimum of 6 inches of stockpiled mine overburden, or melded with fly ash in the case of biosolids."

**LEA Comment 1:** Waste streams, especially biosolids, need to be covered and compacted with a minimum of 6 inches of soil material at the end of each operating day.

The second topic is the stability of the project mine pit walls during an earthquake (dynamic event). The section related to this topic is located in the Final Report - Slope Stability Analysis.

**LEA Comment 2:** The LEA concurs with Mitigation Measure 4.6-1 Hydrology and Water Quality states in part under section a), The proposed Project must demonstrate that it meets Class III Industrial Waste landfill siting, geologic criteria, and construction standards. The LEA will discuss slope stability recommendations with Central Valley RWQCB staff during the Joint Technical Document Review as per Title 27 Section 21750 f (5).

The third topic is related to the requirement of landfill gas monitoring and control system. The section of concern is located in the Preliminary Closure/Postclosure Maintenance Plan – Section 7.0 Landfill Gas Monitoring and Control System (Page Number 26 and Paragraph 1). The following statement is in need of correction.
26/1  “Because of the inorganic, non-potassium nature of the limited waste streams that are currently approved for disposal at Holloway’s disposal pits, and the desiccated nature of the soils’ environment, no gas monitoring system or program has been required for the present disposal operations. Especially, since we have not reached a complete closure stage for any of the approved pit areas.”

**LEA Comment 3:** In order to be in compliance with the new landfill gas regulations, a gas monitoring and gas control system will be required at the Holloway landfill facility. The LEA concurs with Mitigation Measure 4.1-4: Monitoring of landfill gas emissions shall be in accordance with applicable regulatory requirements so as to determine when significant amounts of landfill gas are generated such that a landfill gas system is mandated. The landfill operator/owner shall design and install a landfill gas collection system approved by Local Enforcement Agency, California Integrated Waste Management Board and the San Joaquin Valley Air Pollution Control District.

Please advise Kern County Planning Department of these findings.

Sincerely,
Charlie Bauer, REHS II, GIT
Responses to Letter 5

5-A

The comment states that the following sentence on page 3-29, paragraph 1 of the Draft EIR requires correction and made a condition of the CUP:

“Waste streams will be encapsulated within 24 hours with a minimum of 6 inches of stockpiled mine overburden, or melded with fly ash in the case of biosolids.”

The comment further states that waste streams, especially biosolids, need to be covered and compacted with a minimum of 6 inches of soil material at the end of each operating day.

The complete sentence as stated in the Draft EIR (page 3-29) is as follows:

“Waste streams will be encapsulated within 24 hours with a minimum of six inches of stockpiled mine overburden, or melded with fly ash in the case of biosolids (with either alternative, a 1:1 ratio of waste stream to encapsulation will be achieved).”

The wording above was not meant to imply wastes would not be covered by the end of each operating day. It only provided a summary level discussion. As noted on page 3-17 of the Draft EIR, the correct control method is specified under bullet 4. However, to avoid any potential misinterpretation, the following errata for the original text of the Draft EIR is provided.

Page 3-29, paragraph 1 is revised as follows:

Waste streams, especially biosolids, will be covered and compacted with a minimum of six inches of soil material at the end of each operating day. In the event of inclement weather conditions, biosolids will also be covered by the end of the day with either a tarp or thin soil cover in accordance with SJVAPCD Rule 4565 until the material can be discharged to the biosolids disposal area.

In addition, Mitigation Measure 4.1-3 has been clarified to include this revised description in the EIR.

Mitigation Measure 4.1-3: Biosolids shall be placed in disposal pits (depleted mining pits) along with an existing waste stream, such as fly ash, for codisposal, or blended/covered with soil overburden, and compacted. The biosolids will be disposed of, and covered and compacted with a minimum 6 inches of soil material at the end of each working day in accordance with SJVAPCD Rule 4565. In the event of inclement weather conditions, biosolids will also be covered by the end of the day with either a tarp or this soil cover in accordance with SJVAPCD Rule 4565 until the material can be discharged to the biosolids disposal area.
5-B

The comment is related to the Slope Stability Analysis regarding the stability of the Project mine pit walls during an earthquake (dynamic event). The comment concurs with Mitigation Measure 4.6-1 on page 4-421 of the Draft EIR which in part states that “The proposed Project must demonstrate that it meets Class III Industrial waste landfill siting, geologic criteria and construction standards.” Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

The comment further notes that the Local Enforcement Agency (LEA) will discuss slope stability recommendations with Central Valley RWQCB staff during the Joint Technical Document Review as per Title 27 Section 21750 f(5). Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

5-C

The comment is related to the Preliminary Closure/Post Closure Maintenance Plan (Volume II, Appendix A, Section 7.0 Landfill Gas Monitoring and Control System (Page 26, paragraph 1) regarding the requirement of landfill gas monitoring and control system. The comment states that the following paragraph is in need of correction:

“But of the inorganic, non-putrescible nature of the limited waste streams that are currently approved for disposal at Holloway’s disposal pits, and the desiccated nature of the soils’ environment, no gas monitoring system or program has been required for the present disposal operations. Especially, since we have not reached a complete closure stage for any of the approved pit areas.”

The comment further notes that in order to be in compliance with the new landfill gas regulations, a gas monitoring and gas control system will be required at the Holloway landfill facility. The comment concurs with Mitigation Measure 4.1-4 on page 4-74 and page 4-75 of the Draft EIR:

“Monitoring of landfill gas emissions shall be in accordance with applicable regulatory requirements so as to determine when significant amounts of landfill gas are generated such that a landfill gas collection system is mandated. When biogas production becomes significant, as determined by the San Joaquin Valley Air Pollution Control District, (surface concentration greater than 500 ppmv) then a vapor collection and control system will be used to reduce biogas emissions. Biogas control systems typically consist of gas extraction wells and gas collection piping for transporting extracted gas to a facility for use as fuel or to a flare for incineration. The Project will design and install a landfill gas collection system approved by the appropriate regulatory agencies (Local Enforcement Agency, California Integrated Waste Management Board, and San Joaquin Valley Air Pollution Control District).”
The paragraph of the Preliminary Closure/Post Closure Maintenance Plan, accurately describes the project and its environment reflecting past conditions, and prior regulatory requirements that were in effect at that time. It should be noted that the Preliminary Closure/Post Closure Maintenance Plan was completed and submitted prior to the adoption of the new landfill gas monitoring regulation. However, the Draft EIR accurately portrays this new requirement. It is anticipated this new requirement will be reflected in future revisions of the Preliminary Closure/Post Closure Maintenance Plan.
January 22, 2008

Cheryl Casdorph
County of Kern
Planning Department
2700 “M” Street, Suite 100
Bakersfield, CA 93301-2323

Project: Draft Environmental Impact Report: H. M. Holloway Landfill
GPA Amendment No. 5; Map 28, CUP No. 8; Modification of CUP No. 1 and 5; Recession of CUP No. 7 (SCH # 200211102)

Subject: CEQA Comments Regarding the Class III Industrial Waste Landfill
District Reference No: 200701624

Dear Ms. Casdorph:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Review (Draft EIR) for the H. M. Holloway Landfill project located on Holloway Road, 2 miles north of State Route 46, and approximately 4.6 miles from the community of Lost Hills in Kern County. The Draft EIR describes the project as a Conditional Use Permit to allow the following industrial waste streams: (1) spent sandblast media; (2) dewatered Class A and Class B municipal biosolids; (3) chipped construction lumber; (4) treated auto shredder waste; (5) cogeneration ash (fly ash); (6) shredded auto tires; (7) designated asphalt products; (8) concrete/cement rubble; and (9) lime filter cake. Under the baseline, the project only accepted an average daily total tonnage of 425 tons/day (tdp) comprised of combined incoming waste streams. The proposed project will be subject to an average daily total tonnage limit of 2,000 tons/day (tdp). As proposed, different waste streams can comprise portions of the combined incoming 2,000 tdp total or the 2,000 tdp total can be comprised entirely of a single waste stream. The District offers the following comments:

District Comments

1. The District concurs with the Draft EIR that operational emissions from the project would have a significant adverse effect on air quality.
2. Mitigation Measure 4.1-1 states exhaust emissions from off road mobile source equipment jointly used for mining and disposal activities will be reduced by replacing existing jointly used Tier-0 engines with new engines meeting Tier-II emission standards. The District recommends the new engines meet current applicable standards.

3. Impact 4.1-4 states the proposed project's impact on air quality due to fugitive emissions of ozone precursors (NOx, VOC) from biosolids disposal is significant. The District concurs with this conclusion.

4. Impact 4.1-6 states the impact on air quality due to the proposed project's total emissions of ozone precursors (NOx, VOC) from the operation of the project are significant. The District concurs with this conclusion.

5. Impact 4.1-10 states the impact on air quality due to total particulate matter emissions from the operation of the project are significant. The District concurs with this conclusion.

6. Impact 4.1-20 states the project level operational impacts will remain significant for emissions of NOx, VOC and PM10 after mitigation. Mitigation Measure 4.1-7 would reduce this impact, but not to a less than significant level. Mitigation 4.1-7 states prior to commencement of operations permitted by planning approvals, the applicant shall execute a Development Mitigation Contract (DMC) with the SJVAPCD. The DMC shall provide for the reduction of 41.93 tons of NOx, 12.74 tons of ROG and 64.41 tons of PM10 to the extent economically and reasonably feasible so that there is no net increase to basin emissions from the project.

The District supports the use of emission reduction agreements to mitigate a project's potential impact on air quality. Projects funded by the District have achieved total emission reductions of 824 tons of NOx, 33.7 tons of PM10 and 95 tons of VOC. If Kern County approves the project, the District recommends that entering into a mitigation agreement with the District be made a condition of approval.

7. Rule 2010 (Permits Required) applies to any person who plans to or does operate, construct, alter, or replace any source operation, which may emit air contaminants or may reduce the emission of air contaminants. This project will be subject to District permitting requirements. The applicant should contact the District's Small Business Assistance Office at (661) 326-6969 for assistance.
District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Georgia Stewart at (559) 230-5837 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permit Services

Arnaud Marjollet
Permit Services Manager
Responses to Letter 6

6-A

The Air District states that it is concurrence with the Draft EIR’s conclusions that operational emissions from the Project would have a significant adverse effect on air quality. The comment is noted for the record and will be considered by the Lead Agency during its deliberations on the Final EIR.

6-B

The SJVAPCD recommends that exhaust emissions from offroad mobile source equipment jointly used for mining and disposal activities be reduced by replacing existing engines with new engines that meet current applicable standards.

As discussed in the Draft EIR, jointly used engines have already been replaced with new Tier-II engines, which were the highest tier engines available at the time of the replacement. As recommended by the Air District, future replacement of engines in jointly used mobile source equipment will be made using the highest tier engine available that is capable of providing the required service.

6-C

The Air District states that it is in concurrence with the Draft EIR’s conclusion regarding significant Project impacts on air quality of fugitive emissions of ozone precursors (NOx, VOC) from biosolids disposal under Impact 4.1-4. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

6-D

The Air District states that it is in concurrence with the Draft EIR’s conclusion regarding significant Project impacts on air quality of total emissions of ozone precursors (NOx, VOC) under Impact 4.1-6. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

6-E

The Air District states that it is in concurrence with the Draft EIR’s conclusion regarding significant project impacts on air quality of total particulate matter emissions under Impact 4.1-10. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.
6-F

The Air District states that it supports the use of emission reduction agreements to mitigate a project’s potential impact on air quality, and recognizes the provisions of Mitigation Measure 4.1-7 to execute a Development Mitigation Contract prior to commencement of operations. Mitigation for Project emission increases in oxides of nitrogen, (NOx), volatile organic compounds (VOC), and particulate matter less than 10 microns in diameter (PM10) will be provided, to the extent that it is economically and reasonably feasible to provide such mitigation. The Air District further recommends that entering into a mitigation agreement with the Air District be made a condition of approval. This has been made a mitigation measure (4.1-7) of the EIR. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

6-G

The Air District states that the project will be subject to District permitting requirements, and to contact the District for assistance. Permits for stationary source equipment, not otherwise exempt from permit requirements pursuant to District Rule 2020 (Exemptions), will be obtained prior to commencing construction activities related to installation of any such equipment.
Letter 7 – Governor's Office of Planning and Research – State Clearinghouse

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

January 15, 2008

Cheryl Casdorph
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301-2323

Subject: GPA 5, Map 28, CUP 9, Map 28, Modification of CUPs 1 and 5, Map 28, Recession of CUP 7, Map 28, IWMP, Siting Element Amendment
SCH#: 2002111102

Dear Cheryl Casdorph:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On time enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 11, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street  P.O. Box 3044  Sacramento, California  95812-3044
(916) 445-0613  FAX (916) 333-3018  www.serr.ca.gov
### Document Details Report
**State Clearinghouse Data Base**

<table>
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<tr>
<th>SCH#</th>
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<tr>
<td>Project Title</td>
<td>GPA 5, Map 28, CUP 9, Map 28, Modification of CUPs 1 and 5, Map 28, Recession of CUP 7, Map 28, IWMP, Siting Element Amendment</td>
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<tr>
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<td>Kern County Planning Department</td>
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<tr>
<td>Type</td>
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<tr>
<td>Description</td>
<td>Conditional Use Permit for a Nonhazardous Class III Industrial Waste Landfill, Modification of existing CUPs to exclude this site from a surface mine and reclamation permit; Recession of CUP for landfiling/reclamation; Solid Waste Facility Permit from CIRCMB for up to 2,000 tons per day to allow the following industrial waste streams: 1) Spent sandblast media; 2) Dewatered Class A and Class B municipal biosolids; 3) Chipped construction lumber; 4) Treated auto shredder waste; 5) Cogeneration ash (fly ash); 6) Shredded auto tires; 7) Designated asphalt products; 8) Concrete/aggregate rubble (9) Lime filter cake; Add facility to Integrated Waste Management Plan-Siting Element; obtain Waste Discharge Requirements; obtain Authority to Construct Permits from SJVAPCD for gas flares. The site was a former surface mine that has left existing pits which will be used for waste disposal.</td>
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### Lead Agency Contact

<table>
<thead>
<tr>
<th>Name</th>
<th>Cheryl Casdorph</th>
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<tbody>
<tr>
<td>Agency</td>
<td>Kern County Planning Department</td>
</tr>
<tr>
<td>Phone</td>
<td>661-862-8624</td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>2700 M Street, Suite 100</td>
</tr>
<tr>
<td>City</td>
<td>Bakersfield</td>
</tr>
<tr>
<td>State</td>
<td>CA</td>
</tr>
<tr>
<td>Zip</td>
<td>93301-2323</td>
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### Project Location

<table>
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<tr>
<th>County</th>
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<td>City</td>
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<tr>
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<tr>
<td>Base</td>
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### Proximity to:

- **Highways**: 46
- **Airports**:  
- **Railways**:  
- **Waterways**:  
- **Schools**:  
- **Land Use**: Non-hazardous Industrial Waste Disposal Facility/A-Exclusive Agriculture/8.3 (Extensive Agriculture), 8.4 (Mineral and Petroleum)

### Project Issues

- Air Quality; Flood Plain/Flooding; Geologic/Seismic; Noise; Solid Waste; Traffic/Circulation; Water Supply; Wildlife; Growth Inducing; Landuse; Cumulative Effects

### Reviewing Agencies

- Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; Air Resources Board, Major Industrial Projects; Integrated Waste Management Board; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control; California Highway Patrol; Caltrans, District 6; Native American Heritage Commission

### Date

| Date Received | 11/28/2007 |
| End of Review  | 01/11/2008 |

Note: Blanks in data fields result from insufficient information provided by lead agency.
Responses to Letter 7

7-A

The comment states that the State Clearinghouse has submitted the Draft EIR to select state agencies for review and two comment letters were received by their office (Native American Heritage Commission [Letter 1] and California Integrated Waste Management Board [Letter 8]. The comment further notes that the Kern County Planning Department has complied with the Clearinghouse review required for draft environmental documents according to CEQA.

For clarification, it is noted that additional state agency comment letters on the Draft EIR were received by the KCPD. Agencies that provided comment letters directly to the KCPD are:

- Native American Heritage Commission (Letter 1)
- Department of Conservation, Division of Oil, Gas and Geothermal Resources (Letter 2)

Because the Native American Heritage Commission’s letter forwarded by the State Clearinghouse is a duplicate of Letter 1 received directly by KCPD, it has not been assigned a separate letter number. It is provided for the record, and the reader is referred to Letter 1 and its responses.
Chapter 7: Response to Comments

Note – This is a duplicate to Letter 1. See Letter 1 Including Responses Above

STATE OF CALIFORNIA

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 564
SACRAMENTO, CA 95814
(916) 653-2801
Fax (916) 653-8550
Web site www.ahc.ca.gov
e-mail: dcahc@ca.rr.com

December 4, 2007

Ms. Cheryl Casdorph
KERN COUNTY PLANNING DEPARTMENT
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323

Re: SCH#2002111100 CEQA Notice of Completion; draft Environmental Impact Report (EIR) for GPA 5, Map 28, CUP 9, Map 28; Modification of CUP's 1 and 5, Map 26, Recession of CUP 7, Map 26, IVMP, Site 1 Element Amendment Imperial County, California

Dear Ms. Casdorph:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(1). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the "area of potential effect (APE)" and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916)653-2778/ http://www.dhp.ca.gov/ocpg/1039.html/CRIS%20Repeater.htm. The record search will determine:
  - If a part of the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the record search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

- Contact the Native American Heritage Commission (NAHC) for:
  - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7 5-minute quadrangle citation with name, township, range and section.
  - The NAHC advises the use of Native American monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

- Lack of surface evidence of archeological resources does not preclude its subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources per California Environmental Quality Act (CEQA) § 15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

- CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the
NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave items.

1. Health and Safety Code §7050.5, Public Resources Code §§5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

2. Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

[Signature]

Les W. Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse
January 11, 2008

Ms Cheryl Casdorph
Kern County Planning Department
2700 M Street
Bakersfield, CA 93301-2323

Subject: SCH No. 200211102: Draft Environmental Impact Report for H. M. Holloway Landfill (Solid Waste Facilities Permit No. 15-AA-0308)
Kern County

Dear Ms Casdorph:

Thank you for allowing the California Integrated Waste Management Board’s (Board) staff to provide comments for this proposed project and for your agency’s consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

Board staff has reviewed the environmental document cited above and offers the following project description, analysis and our recommendations for the proposed project based on our understanding of the project. If the Board’s project description varies substantially from the project as understood by the Lead Agency, Board staff requests incorporation of any significant differences in the Final Environmental Impact Report.

PROPOSED PROJECT DESCRIPTION

The Kern County Planning Department, acting as Lead Agency, has prepared and circulated a Draft Environmental Impact Report proposing to: a) amend the Kern County General Plan, b) obtain a Conditional Use Permit for a Sanitary Landfill, c) modify existing Conditional Use Permits, d) rescind a previously issued CUP, e) obtain a Solid Waste Facility Permit, f) amend the Kern County and Incorporated Cities Integrated Waste Management Plan Citing Element, g) obtain an updated Waste Discharge Requirements and h) obtain an Authority to Construct Permit for any new equipment such as a flare to combust landfill gas. The proposed project is a Class III Industrial Waste Landfill that will accept up to 2000 tons per day of 9 specific types of waste.
Acceptable Waste Types

1. Spent sandblast media
2. Dewatered Class A and Class B municipal biosolids
3. Chipped construction lumber
4. Treated auto shredder waste
5. Cogeneration ash (fly ash)
6. Shredded auto tires
7. Designated asphalt products
8. Concrete/cement rubble
9. Lime filter cake

H. M. Holloway Landfill Entitlements

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<th>Entitlement</th>
<th>Value</th>
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<td>Permitted Area</td>
<td>300 acres</td>
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<tr>
<td>Disposal Footprint</td>
<td>172 acres</td>
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<td>Cells or Pits Used</td>
<td>E, F, G and F/G Connection Area</td>
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<tr>
<td>Depth Below Surface</td>
<td>45-50 feet</td>
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<tr>
<td>Peak Daily Tonnage</td>
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<td>Peak Vehicle Count</td>
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<td>Hours of Operation</td>
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<td>Approximate Capacity</td>
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<tr>
<td>Site Life</td>
<td>10-12 years</td>
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The were 3 areas identified as Unavoidable Significant Adverse Impacts to health, safety and the environment

Air Quality Impacts - Project level

Air Quality Impacts - Cumulative (long term)

Air Quality Impacts - Cumulative (near term)

Hazard and Hazardous Materials - Cumulative

Growth Inducing

BOARD STAFF'S COMMENTS

As a Responsible Agency for Solid Waste Facilities Permit concurrence, Board staff will conduct an environmental analysis for this project, using the Draft Environmental Impact Report developed by the Lead Agency, in accordance with
Title 14, California Code of Regulations (14 CCR), Section 15096. To assist in our review of the Draft Environmental Impact Report for Solid Waste Facilities Permit concurrence purposes, Board staff request that the following comments and questions be considered and addressed in the Final Environmental Impact Report.

For clarity and convenience, questions and comments that Board staff is seeking a specific response to will be italicized so the reader can more easily locate and respond to them. Board staff will also make statements that in their opinion are fact, if those statements are incorrect or unclear please notify Board staff. By the environmental document not specifically prohibiting an action or activity that does not give tacit approval to perform that action or activity.

Statement of Overriding Considerations

Significant impacts after mitigation to the environment have been identified in the area of Air Quality, Hazards and Hazardous Materials and Growth Inducing. Please forward the Statement of Overriding Considerations to the Board prior to its adoption by the approving agency.

Final Elevation

In reviewing the environmental document it appears that each pit at closure will be flush with the surrounding area sloped at a minimum 3 percent on top and a maximum of three to one on side slopes. Please clarify in the Final Environmental Impact Report the maximum elevation at closure of the landfill and/or the individual pits.

Material Types

The material types accepted at the landfill will be limited to those 9 types of material listed in the environmental document, excluding municipal solid waste. Any additional types of waste to be accepted at this site may require additional environmental analysis.

Hours of Operation

The environmental document analyzed for landfill operation between the hours of 6:00 am and 4:00 pm. Describe any operations that would take place other than during the hours of 6:00 am and 4:00 pm and analyze for any new impacts.

Peak Tonnage

The environmental document analyzes for a peak tonnage of 2000 tons per day and not for average tonnages. Is there any additional material, in excess of the 2000 tons per day, which will be brought to the site, such as material for
beneficial use/reuse, recycling and etcetera? If there is, please describe in detail what the materials are, how they will be used and in what amount.

**Peak Traffic Count**

There will be a peak of 91 vehicles entering the landfill on a daily basis. Will there be vehicles in addition, bringing other materials, such as for beneficial use/reuse, recycling, employees and etcetera? If so, describe the types and numbers of vehicles.

**Alternative Daily Cover**

No alternative daily cover is analyzed for in the environmental document. Only soil will be used as daily cover, the use of an alternative daily cover may require additional environmental analysis.

**Mitigation Measures**

The Mitigation Reporting or Monitoring Program should also indicate that agencies designated to enforce mitigation measures in the Environmental Impact Report have reviewed the Mitigation Reporting or Monitoring Program and agreed that they have the authority and means to accomplish the designated enforcement responsibilities.

**BOARD CEQA REVIEW**

As a Responsible Agency under CEQA, Board staff’s comments on environmental documents are intended to assist the Lead Agency in developing an environmental document that will be as complete and adequate as possible for use by the Lead Agency and all Responsible Agencies.

Board staff’s comments are intended to help decision-makers 1) identify potential impacts from proposed projects; 2) determine whether any such impacts are significant; and 3) ascertain whether significant impacts can be mitigated to a level of insignificance in compliance with the CEQA statutes and guidelines.

When performing the initial review of a CEQA document such as a Draft Environmental Impact Report or Negative Declaration during the circulation process, the first analysis the Board staff must make, is to evaluate whether or not the proposed CEQA document clearly describes all phases of the project and assesses all potential primary and secondary impacts to the environment and/or public health and safety that could occur if the proposed project is implemented.

When evaluating the adequacy of an environmental document for purposes of SWFP concurrence, Board staff must compare the design and operation of the facility as described in the proposed SWFP with the project as described and
DEIR H. M. Holloway Landfill

January 11, 2008

Chapter 7: Response to Comments

evaluated in the environmental document cited for CEQA compliance in the proposed SWFP.

In order for Board staff to evaluate and recommend whether or not the environmental document is adequate for use in the Board's permitting process, the proposed project must be described in sufficient detail for Board staff to understand and evaluate the proposed project, potential environmental impacts, proposed mitigation measures, and findings as presented by the Lead Agency.

When the proposed SWFP is received by the Board along with the citation of evidence of CEQA compliance by the Local Enforcement Agency (LEA), the second analysis performed by Board staff is to evaluate whether or not the CEQA evaluation in the cited environmental document supports the requested specifications, revisions, and/or conditions of the proposed SWFP. For instance, does the environmental document clearly describe and assess the potential air quality, water quality, geological impacts, traffic, noise, dust, vector and other health and safety impacts that can be associated with the proposed solid waste facility or changes in design and/or operation? When this type of information is included and addressed in the environmental document, the SWFP concurrence process is greatly facilitated.

After comparison of the cited CEQA document with the proposed SWFP, Board staff makes a recommendation to the Board regarding the adequacy of the CEQA document for the Board's SWFP concurrence purposes. The Board members make the final determination of the adequacy of the CEQA document for SWFP concurrence as well as whether or not to concur in issuance of the SWFP.

SUMMARY

The Board staff thanks the Lead Agency for the opportunity to review and comment on the Draft Environmental Impact Report and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

The Board staff requests copies of any subsequent environmental documents including, the Final Environmental Impact Report, the Report of Facility Information/Joint Technical Document, any Statements of Overriding Consideration, copies of public notices, and any Notices of Determination for this project.

Please refer to 14 CCR, § 15094(d) that states: "If the project requires discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse]."
The Board staff requests that the Lead Agency provide a copy of its responses to the Board's comments at least ten days before certifying the Final Environmental Impact Report. Refer to PRC § 21092.5(a).

If the document is certified during a public hearing, Board staff request ten days advance notice of this hearing. If the document is certified without a public hearing, Board staff requests ten days advance notification of the date of the certification and project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6728 or e-mail me at seamans@ciwmb.ca.gov.

Sincerely,

Raymond M. Seamans
Waste Compliance and Mitigation Program
Permitting and LEA Support Division
South Branch Permitting
Environmental Review
California Integrated Waste Management Board

cc: Erica Weber
Waste Compliance and Mitigation Program
Permitting and LEA Support Division
South Branch Permitting, Region 4
California Integrated Waste Management Board

Lillian Conroe, Supervisor
Waste Compliance and Mitigation Program
Permitting and LEA Support Division
South Branch Permitting, Region 4
California Integrated Waste Management Board

William O'Rullian, Program Manager
Environmental Health Services Dept.
2700 M St Ste 300
Bakersfield, CA 93301
Responses to Letter 8

8-A

The comment notes that if the Board’s project description varies substantially from the project as understood by the Lead Agency, the Board staff requests incorporation of any significant differences in the Final Environmental Impact Report. The comment letter accurately summarizes and describes the basic components of the project description.

Upon review of the Draft EIR it was noted that the project description contains a Land Use Map reference error, an omission of amending Appendix E of the Kern County general Plan, and a land use designation omission. The following pages will be revised as follows:

Page 1-2, Project Description is revised as follows:

Project Description

The Project applicant, H. M. Holloway, proposes to (a) amend the Kern County General Plan from Map Code(s) 8.3 (Extensive Agriculture) and 8.4 (Mineral and Petroleum) to Map Code(s) 3.4 (Solid Waste Facilities), 3.4.1 (Solid Waste Disposal Facility Buffer), 8.3-2.10 (Extensive Agriculture - Nearby Waste Facility), 8.4-2.10 (Mineral and Petroleum – Nearby Waste Facility), or a more restrictive map code designation (GPA 5, Map 28), amend Appendix E of the Kern County General Plan; (b) obtain a Conditional Use Permit (CUP) for a Sanitary Landfill (CUP 9, Map 28); (c) Modify CUP 1, Map 28 and CUP 5, Map 29, to delete this area from the Surface Mine and Reclamation (SMARA) permit; (d) Rescind previous CUP for mining (CUP 7, Map 28); (e) obtain a Solid Waste Facility Permit (SWFP); (f) amend the Kern County and Incorporated Cities Integrated Waste Management Plan Siting Element; (g) obtain updated Waste Discharge Requirements from the California Regional Water Quality Control Board; and (h) obtain an Authority to Construct Permit from the San Joaquin Valley Air Pollution Control District for any required new equipment such as a flare to combust landfill gas. The project is a Class III Industrial Waste Landfill that will accept up to 2,000 tons per day of waste. The site was a former surface mine that has left existing pits which will be used for waste disposal.

Page 1-3, Discretionary Actions, #2 is revised as follows:

2. Conditional Use Permit to allow the following industrial waste streams: (1) Spent sandblast media; (2) Dewatered Class A and Class B municipal biosolids; (3) Chipped construction lumber; (4) Treated auto shredder waste; (5) Cogeneration ash (fly ash); (6) Shredded auto tires; (7) Designated asphalt products; (8) Concrete/cement rubble (9) Lime filter cake. Modification of Existing CUPs 1, Map 28 and CUP 5, Map 29 to exclude the Solid Waste Disposal Facility Permit area from the Surface Mine and Reclamation permit;
3. General Plan Amendment to amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.3 (Extensive Agriculture) and 8.4 (Mineral and Petroleum) to Map Code(s) 3.4 (Solid Waste Facilities) or a more restrictive map code designation; and a redesignation of Land Use in areas adjacent to the permit area as Map Codes 3.4.1 (Solid Waste Disposal Facility Buffer) and 8.3-2.10 (Extensive Agriculture – Nearby Waste Facility), 8.4-2.10 (Mineral and Petroleum-Nearby Waste Facility), or a more restrictive map code;

Page 2-1, paragraph 1 is revised as follows:

The Kern County Planning Department, as lead agency, has determined that a project level Environmental Impact Report (EIR) must be prepared for the proposed H. M. Holloway Landfill by H. M. Holloway, Inc. (General Plan Amendment No. 5, Map 28, Conditional Use Permit No. 9, Map 28, Modification of Conditional Use Permit No. 1, Map 28, Modification of Conditional Use Permit No. 5, Map 29, Rescission of Conditional Use Permit No. 7, Map 28 and Amendment of the Kern County and Incorporated Cities Integrated Waste Management Plan Siting Element.)

Page 2-1, paragraph 2 is revised as follows:

The Project is located at Lost Hills, California; 1.5 miles north of State Route 46 on the west side of Holloway Road. The proposed Project is an existing facility that is backfilling open pits with a variety of waste products. These products currently include: cogeneration ash (fly ash), treated auto shredder waste, shredded auto tires, designated asphalt products, sulfur, shredded plastic pipe products, concrete/cement rubble, bentonite water well drilling fluids, and lime filter cake. The applicant has requested a Conditional Use Permit (CUP 9, Map 28) to modify the types of currently accepted wastes to include biosolids, spent sand blast media and chipped construction lumber and to eliminate sulfur, shredded plastic pipe, and bentonite water well drilling fluids. The Conditional Use Permit requires approval of a 3.4 (Solid Waste Facilities) land use designation and related permits. A 1,320-foot buffer to the landfill is included in the Project; this area will be required to be amended to Map Code 3.4.1 (Solid Waste Facility Buffer). In addition, implementation of the Project requires the amendment of existing CUPs 1, Map 28 and CUP 5, Map 29 to exclude the Solid Waste Facility Permit area from the Surface Mine and Reclamation permit with a new legal description, and an amendment of the Kern County and Incorporated Cities Integrated Waste Management Plan to include this site on the list of disposal facilities in the County.

Page 3-1, paragraph 1 is revised as follows:

This Draft EIR has been prepared to identify and evaluate the potential environmental impacts associated with implementation of the H. M. Holloway Landfill by H. M. Holloway, Inc. (General Plan Amendment No. 5, Map 28, Conditional Use Permit No. 9, Map 28, Modification of Conditional Use Permit No. 1, Map 28, Modification of
Conditional Use Permit No. 5, Map 29, Rescission of Conditional Use Permit No. 7, Map 28, Amendment of Appendix E of the Kern County General Plan, and Amendment of the Kern County and Incorporated Cities Integrated Waste Management Plan Siting Element).

Page 3-1, paragraph 2 is revised as follows:

The H. M. Holloway Landfill Project is for a non-municipal solid waste landfill known as a Class III Industrial Waste Facility. This Project requires a General Plan Amendment (GPA 5, Map 28) to include this facility in Appendix E of the Kern County General Plan and change the land use map code to 3.4 (Solid Waste Facility). A 1,320 foot buffer to the landfill is included in the Project. The buffer area will be amended to Map Code 3.4.1 (Solid Waste Facility Buffer) and Map Code 8.3 – 2.10 (Extensive Agriculture – Nearby Waste Facility), Map Code 8.4-2.10 (Mineral and Petroleum – Nearby Waste Facility).  

Page 3-1, paragraph 3 is revised as follows:

The Project requires the approval of a conditional use permit (CUP 9, Map 28) for a private landfill in an A (Agricultural) Zone District (19.12.030 (H)). In addition, implementation of the Project requires the modification of the existing CUP’s (CUP 1, Map 28 and CUP 5, Map 29) to amend the legal description to exclude the project area from the CUP for the Surface Mine and Reclamation Permit for the gypsum mine operation. An amendment to the Kern County and Incorporated Cities Integrated Waste Management Plan is also needed to include this site on the on the list of disposal facilities in the County. A Solid Waste Facilities Permit, issued by the Kern County Environmental Health Services Department acting as the Local Enforcement Agency for the Integrated Waste Management Board, and Waste Discharge Requirements issued by the Regional Water Quality Control Board will be required in compliance with California Title 27 regulations. An Authority To Construct permit issued by the San Joaquin Valley Air Pollution Control District for any required equipment, such as a flare to combust landfill gas may be needed should monitoring dictate one is necessary.

8-B

The comment directs that if statements made by the Board staff are incorrect or unclear to notify Board staff. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

8-C

The comment notes that by the environmental document not specifically prohibiting an action or activity does not give tacit approval to perform that action or activity. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.
8-D

The comment correctly notes that significant impacts after mitigation to the environment have been identified in the area of Air Quality, Hazards and Hazardous Materials and Growth Inducing. The comment further directs that the Statement of Overriding Considerations be forwarded to the Board prior to its adoption by the approving agency.

The Board will be sent a copy of the staff report for this project which will include the 15093 Statement of Overriding Considerations, as well as the 15091 Findings. Additionally, the Board will be notified of the date, time and location of any public hearings regarding the Project proposal at least ten days in advance.

8-E

The comment states that it appears that each pit at closure will be flush with the surrounding area sloped at a minimum 3 percent on top and a maximum of three to one on side slopes. The comment further directs that the Final Environmental Impact Report clarify the maximum elevation at closure of the landfill and/or the individual pits.

Page 3-24 of the Draft EIR states that “The landfill is required to maintain a closure and post-closure plan pursuant to California Code of Regulations Title 27, Chapter 3, Subchapter 5, with specific information to be included as set forth in Chapter 4, Subchapter 4. A preliminary closure and post-closure maintenance plan has been prepared and submitted to the LEA for review as part of the Joint Technical Document (see Volume II, Appendix A).”

A copy of the Preliminary Closure/Post Closure Maintenance Plan is included in Volume II, Appendix A of the Draft EIR. This document states that the “Cap will be placed over the entire surface of the fill area, and will have a final positive relief of three (3) to five (5) feet above the surrounding ground level.” Note that the average natural ground elevation around the rim of the pits is approximately 425 feet above mean sea level.

8-F

The comment notes that the material types accepted at the landfill will be limited to the 9 types of material listed in the environmental document, excluding municipal solid waste. The comment further notes that any additional types of waste to be accepted at this site may require additional environmental analysis. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

8-G

The comment notes that the document analyzed landfill operation between the hours of 6:00 am and 4:00 pm. The comment further directs that any operations that would take
place other than during the hours of 6:00 am and 4:00 pm be described and analyzed. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

8-H

The comment notes that the peak tonnage used for analysis in the environmental document is 2,000 tons per day (tpd). The comment further notes that if there are any additional materials being brought to the site in excess of the 2000 tpd, such as material for beneficial use/reuse or recycling, that these materials be described in detail, including type of use and quantity.

The Project will not accept any materials in excess of the 2,000 tpd. The County is recommending that only 5 of the waste streams be accepted for disposal. No recycling of wastes is considered within this proposal.

8-I

The comment notes that there will be a peak of 91 vehicles entering the landfill on a daily basis. The comment further asks if there will be additional vehicles bringing other materials, such as for beneficial use/reuse or recycling, that the types and number of vehicles be described.

See response to Comment 8H above. There will be no additional vehicles entering the facility to bring other additional materials such as for beneficial use/reuse or recycling.

8-J

The comment notes that no alternative daily cover is analyzed in the environmental document. The comment further notes that only soil will be used as daily cover, and that the use of an alternative daily cover may require additional environmental analysis. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

8-K

The comment notes that the Mitigation Reporting or Monitoring Program should also indicate that agencies designated to enforce mitigation measures in the Environmental Impact Report have reviewed the Mitigation Reporting or Monitoring Program and agreed that they have the authority and means to accomplish the designated enforcement responsibilities.

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21086.6). The mitigation and monitoring program
is designed to ensure compliance with adopted mitigation measures during project implementation. For each measure recommended in the Environmental Impact Report, specifications are made therein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring Program. The Mitigation Monitoring Program will be part of the staff report that will be sent to the Board prior to the hearing. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

8-L

The comment notes that when evaluating the adequacy of an environmental document for purposes of Solid Waste Facility Permit (SWFP) concurrence, Board staff must compare the design and operation of the facility as described in the proposed SWFP with the project as described and evaluated in the environmental document cited for CEQA compliance in the proposed SWFP. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

8-M

The comment notes that the project must be described in sufficient detail in order for Board staff to evaluate and recommend whether or not the environmental document is adequate for use in the Board’s permitting process. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

8-N

The comment notes the importance of having an environmental document that clearly describes the affected resources areas and associated impacts when the Board evaluates the CEQA document for SWFP concurrence. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

8-O

The comment notes that the Board staff will make a recommendation to the Board regarding the adequacy of the CEQA document for the Board’s SWFP concurrence purposes. The comment also notes that the Board members make the final determination of the adequacy of the CEQA document for SWFP concurrence as well as whether or not to concur in issuance of the SWFP. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.
8-P

The comment requests copies of any subsequent environmental documents including the Final Environmental Impact Report, the Report of Facility Information/Joint Technical Document, any Statements of Overriding Consideration, copies of public notices, and any Notices of Determination for this project. Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. The Joint Technical Document was part of the Draft EIR and was sent to your agency for review. Any amendments to the JTD, will be reviewed and approved by the Local Enforcement Agency and presented to the CIWMB as part of the SWFP. All other documents included with the staff report will be sent to your Board prior to the hearing.

8-Q

The comment asks that the project refer to 14 CCR, § 15094(d) which states: “If the project requires discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse].” Thank you for your comment. It is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

8-R

The comment requests that the Lead Agency provide a copy of its responses to the Board’s comments at least ten days before certifying the Final Environmental Impact Report (PRC § 21092.5(a)). A full copy of the response to comments will be sent to your Board at least 10 days prior to the hearing.

See responses to Comments 8-D and 8-P above.

8-S

The comment notes that if the document is certified during a public hearing, Board staff requests ten day advance notice of this hearing. If the document is certified without a public hearing, Board staff requests ten days advance notification of the date of the certification and project approval by the decision-making body. Your Board has received a copy of the hearing notice for the Planning Commission hearing and will also receive a hearing notice for the Board of Supervisors hearing.

See responses to Comments 8-D and 8-P above.
Chapter 7: Response to Comments

Letter 9 – Kern County Superintendent of Schools

KERN COUNTY SUPERINTENDENT OF SCHOOLS

LARRY E. REIDER, Superintendent

January 16, 2008

Cheryl Casdorph, Supervising Planner
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Our File No.: CO07-0310
CO02-0175

RE: DEVELOPER FEES FOR: DEIR for H.M. Holloway Landfill (General Plan Amendment No. 5, Map 28, Conditional Use Permit No. 9, Map 28, Modification of Conditional Use Permit No. 1, 5 and 7 of Map 28 (West of Holloway Road, North of State Route 46, Lost Hills)

Dear Ms. Casdorph:

This office represents the Lost Hills Union and Wasco Union High School Districts with regard to the imposition of developer fees. We appreciate the opportunity to respond on behalf of these districts regarding the proposed project. This letter is limited to addressing the possible effects which the project might have on school facilities created by students attributable to the project. It is not intended to address other possible environmental concerns which might be identified by the district(s) after reviewing it.

Our office has determined the above-mentioned project to (a) amend the Kern County General Plan from Map Code(s) 8.3 (Extensive Agriculture) and 8.4 (Mineral and Petroleum) to Map Code(s) 3.4 (Solid Waste Facilities), 3.4.1 (Solid Waste Disposal Facility Buffer), 8.3-2.10 (Nearby Waste Facility) or a more restrictive map code designation (GPA 5, Map 28); (b) obtain a Conditional Use Permit (CUP) for a Sanitary Landfill (CUP 9, Map 28); (c) Modify CUP 1 and 5, Map 28, to delete this area from the Surface Mine and Reclamation (SMARA) permit; (d) Rescind previous CUP for mining (CUP 7, Map 28); (e) obtain a Solid Waste Facility Permit (SWFP); (f) amend the Kern County and Incorporated Cities Integrated Waste Management Plan Siting Element; (g) obtain updated Waste Discharge Requirements from the California Regional Water Quality Control Board; and (h) obtain an Authority to Construct Permit from the San Joaquin Valley Air Pollution Control District for any required new equipment such as a flare to combust landfill gas. The project is a Class III Industrial Waste Landfill that will accept up to 2,000 tons per day of waste. The site was a former surface mine that has left existing pits which will be used for waste disposal.

Based on this information, it is our determination that this project will not have significant effects on either of these district’s facilities so long as statutory school facilities fees, if any, are collected as required by law and that no further mitigation measures regarding school facilities are necessary.

Thank you for the opportunity to comment on the project. Should you have any questions, or if we can be of any further assistance in this matter, please do not hesitate to contact me at 636-4599, or through e-mail at mbaker@kern.org.

Sincerely,

Larry E. Reider
County Superintendent of Schools

Mary L. Baker, Manager
School District Facility Services

MLB
dcc: District(s)

. . . advocates for children

1300 17th Street - CITY CENTRE, Bakersfield, CA 93301-4533
(661) 636-4000 • FAX (661) 636-4130 • TDD (661) 636-4800 • www.kern.org

Partner • Kern County Network for Children

GPA 5, CUP 9, Map 28, Kern County 7-58
H. M. Holloway Landfill

February 2008
Responses to Letter 9

9-A

The comment describes the commenter’s understanding of the scope of the Project and the authorizations that would be required. The commenter’s understanding is correct.

9-B

The comment states that the Project would have no significant effects on either the Lost Hills Union or Wasco Union High School Districts facilities so long as statutory school facility fees, if any, are collected, and no further mitigation measures for school facilities are necessary. It should be noted that due to the nature of the proposed Project, it is not subject to the collection of statutory school facilities fees.
January 25, 2008

Ms. Cheryl Casdorph  
Supervising Planner  
Kern County Planning Department  
2700 “M” Street, Suite  
Bakersfield CA 93301  

Dear Cheryl:

SUBJECT: General Plan Amendment Case No. 5, Map No. 28; and Conditional Use Permit No. 9, Map No. 28 (H. M. Holloway)

The Kern County Waste Management Department (KCWMD) has reviewed the H. M. Holloway project's Draft Environmental Impact Report (DEIR) dated November 2007.

In 2004 KCWMD submitted comment in response to the Notice of Preparation. These comments included the following section:

4. b. Information that describes the specific waste streams served by the proposed facility including type and geographic origin of waste. This information is required for the following purposes:

1. The project is required to comply with Jurisdictional Reporting of waste quantity and origin for the California Disposal Reporting System (DRS). The KCWMD administers the DRS for this Jurisdiction. The applicant should contact KCWMD to arrange for the submittal of required data.

Our comments on the DEIR address issues related to solid waste and the amendment of the Kern County and Incorporated Cities Integrated Waste Management Plan - Siting Element (Siting Element), which were not sufficiently addressed in the DEIR.

1. Project Description

The current project description lists the project as follows:

a. Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.3 (Extensive

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Agriculture) and 8.4 (Mineral and Petroleum) to Map Code(s) 3.4 (Solid Waste Facilities) or a more restrictive map code designation;

b. A Modification to Conditional Use Permit 7, Map 28 (which allowed a private landfill/reclamation program in three of the existing depleted mine pits at the H.M. Holloway Gypsum Mine using a prescribed blend of native soil and certain approved imported non-hazardous waste streams) to allow the acceptance of biosolids, sandblasting media, and chipped construction lumber as additional waste streams at these approved pits as a solid waste disposal facility. No increase in the currently approved tonnage of approved waste streams is being sought as a part of this project.

2. Current Status of the Facility

a. KCWMD's understanding is that the H.M. Holloway Mine remediation project has been determined by the Local Enforcement Agency (LEA) to be a solid waste disposal operation, which previously operated under an exemption from permit. However, based upon the quantity and expanded types of waste being disposed of at the facility, the LEA has determined that the exemption from permitting no longer applies and that the operator must apply for a full solid waste facility permit (SWFP) in order to continue their current disposal operation.

b. KCWMD's understanding is that the applicant’s request for a CUP modification to allow three additional waste types is secondary to their requirement to obtain a land use consistency finding for their current disposal operation.

3. Siting Element Amendment

a. In order for a SWFP to be issued for a disposed facility the location of the facility must be included in the Siting Element. Per Section 6.1 of the Siting Element, any facility not originally identified in the Siting Element will require an amendment to the document.

b. The amendment of the Siting Element will need approval of the Local Task Force (LTF), the Board of Supervisors, and “a majority of the incorporated cities with a majority of the population,” as well as the approval of California Integrated Waste Management Board.

c. The LTF is charged to review and comment upon proposed facilities potential impacts to the regional diversion goals under AB 939. In the DEIR the applicant provided the following information:
As a Class III Industrial Waste Landfill, all wastes disposed of at this facility would represent a waste stream not recycled for beneficial reuse. Simultaneously, the County is required to ensure continued landfill capacity, which for this facility would be limited to the proposed nine waste streams. Although the proposed Project will not further the goal of AB 939 it does not constitute an impediment to its intent of diverting waste from disposal. The proposed Project, by meeting all Appendix E Siting Criteria would provide for the safe disposal of limited waste streams. It should be noted that any out of County generated waste streams disposed at the proposed Project would represent an indirect impact for the generating jurisdictions. They will be responsible for evaluating and balancing their diversion goals for any out of County waste disposed of at the proposed Project.

d. At the January 11, 2008 meeting of the Kern County Solid Waste Management Advisory Committee (SWMAC), the LTF reviewed the project and requested the following information prior to developing comments and recommendations:

i. Some of the materials proposed for disposal at this facility are items currently being recycled/diverted from disposal in Kern County. Provide detailed information on the potential for this project to negatively impact the AB 939 diversion rates of the Unincorporated Kern and/or the Incorporated Cities Jurisdictions'.

ii. Consider whether or not the material proposed for disposal at this facility that are items currently being recycled/diverted from disposal in Kern County can be eliminated from the accepted waste streams. This would eliminate the potential for this project to negatively impact the AB 939 diversion rates of the Unincorporated Kern and/or the Incorporated Cities Jurisdictions'.

iii. Consider whether or not the material proposed for disposal at this facility that are items currently being recycled/diverted from disposal in Kern County can be recycled or beneficially reused onsite and therefore eliminated from the disposal waste streams. This would eliminate the potential for this project to negatively impact the AB 939 diversion rates of the Unincorporated Kern and/or the Incorporated Cities Jurisdictions'.
4. Actions needed:

a. The proponent should submit the requested information to the KCWMD at least one month prior to the next scheduled SWMAC meeting to allow sufficient time for staff to prepare the required staff report. SWMAC meetings are scheduled every other month, with the next date being Friday March 14, 2008.

b. The applicant should consult with KCWMD staff to ensure that the information supplied is sufficient to allow the preparation of the required SWMAC staff report.

If you need additional information please contact Donn Fergerson at 882-8765.

Sincerely,
DAPHNÉ B. HARLEY, Director

By: Nancy L. Ewert, P.E.
Engineering Manager
Technical Resources Division
Responses to Letter 10

10-A

The comment includes information requested by the Local Task Force (LTF) at the January 11, 2008 meeting of the Kern County Solid Waste Management Advisory Committee (SWMAC). The information requested to be provided by the Project includes (a) detailed information on the potential for this project to negatively impact the AB 939 diversion rates of the Unincorporated Kern and/or the incorporated Cities Jurisdictions, (b) if the project can eliminate any of the proposed waste streams that are currently being recycled/diverted from disposal in Kern County, and (c) if the project can recycle or beneficially use onsite any of the proposed waste streams that are items currently being recycled/diverted from disposal in Kern County. The comment accurately describes the proceedings during the subject meeting and is noted for the record.

The California Integrated Waste Management Board (CIWMB) staff has been contacted for a determination on the 9 waste streams currently requested by the applicant for disposal for this project. Disposal of all nine waste streams will be subject to the State's Disposal Reporting System if they are disposed in a Class III landfill and as such, will count as disposal for purposes of calculating diversion, unless an exemption from disposal reporting is obtained.

See the response to Letter 11.

10-B

The comment notes that the project applicant should submit the information requested at the January 11, 2008 SWMAC hearing to the KCWMD at least one month prior to the next scheduled SWMAC meeting to allow sufficient time for staff to prepare the required staff report.

The project applicant has been notified of this request.

10-C

The comment notes that the project applicant should consult with KCWMD staff to ensure the information supplied is sufficient to allow the preparation of the required SWMAC staff report.

The project applicant has been notified of this request.
Letter 11 – Kern County Waste Management Department

Ms. Cheryl Cadosorp
Supervising Planner
Kern County Planning Department
2700 "M" Street, Suite
Bakersfield CA  93301

February 1, 2008

Dear Cheryl:

SUBJECT: Additional Comments on General Plan Amendment Case No. 5, Map No. 28; and Conditional Use Permit No. 9, Map No. 28 (H. M. Holloway)

The Kern County Waste Management Department (KCWMD) has reviewed the H. M. Holloway project’s Draft Environmental Impact Report (DEIR) dated November 2007. KCWMD submits these additional comments on the DEIR to clarify comments on issues related specifically to solid waste diversion program operated by the County of Kern.

California law (AB939) mandates that each jurisdiction divert a minimum of 50% of its waste stream. The County of Kern currently has attained an unofficial diversion rate of 61%. Based upon current calculations, each additional 7,000 tons of waste disposals per year results in a 1% reduction to the County’s diversion rate.

The H. M. Holloway Class III Industrial Landfill is requesting a permit to accept up to 2,000 tons per day of the following waste streams:

1. Chipped construction lumber
2. Shredded auto tires
3. Concrete/cement rubble
4. Designated asphalt products
5. Dewatered Class A and Class B municipal biosolids
6. Cogeneration ash (fly ash)
7. Spent sandblast media
8. Treated auto shredder waste
9. Lime filter cake

Of these wastes, chipped lumber, shredded tires, concrete/cement rubble and asphalt related products are currently being recycled or otherwise diverted from Kern County landfills. Disposal of these waste streams in a Class III solid waste facility will result in a negative impact to the County’s diversion efforts.

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The remaining five materials, biosolids, fly ash, sandblast media, auto shredder waste and lime filter cake, are not currently recycled or normally disposed of in Class III landfills in Kern County. The California Integrated Waste Management Board (CIWMB) staff has determined that these material types will be subject to the States’ Disposal Reporting System (DRS) if they are disposed in the H. M. Holloway Class III landfill, and as such will count as disposal for purposes of calculating diversion. H. M. Holloway representatives have indicated that the facility currently disposes of approximately 60,000 tons of auto shredder waste from a generator located in the unincorporated area. This one account alone could reduce the County’s diversion percentage by 8.6%, costing the County millions of dollars to recuperate. Cumulatively, the H. M. Holloway project has the potential to reduce the County of Kern’s diversion rate to zero.

As the CIWMB staff have determined that all waste materials accepted at the H. M. Holloway facility for disposal are currently not exempt from DRS, any waste materials accepted from the Kern County unincorporated area generators will negatively impact the County’s diversion rate.

If you need additional information, please contact Donn Fergerson at 862-8765.

Sincerely,
DAPHNE B. HARLEY, Director

By: Nancy L. Ewert, P.E.
Engineering Manager
Technical Resources Division
Responses to Letter 11

11-A

The County Waste Management Department expresses concerns regarding the County of Kern mandated AB 939 diversion rates and implementation of this Project. As noted in the letter, California law (AB 939) requires that the County divert a minimum of 50% of its waste streams from disposal in a landfill. This is termed “diversion”. The County currently has attained an unofficial diversion rate of 61%. Based on the proposed Projects estimated capacity it has been determined that the waste streams proposed will be counted towards disposal and will negatively impact the County's diversion rates mandated by AB 939.

The Notice of Preparation (April 28, 2004) for this Project scoped the Utilities and Service Systems section of the Environmental Checklist (XVI) as less than significant for landfill impacts. A letter had been received by your Department that included a request for additional information in order to process the Siting Element amendment for this Project. Your Department needed information on the types of wastes and geographic origins of the wastes to determine compliance with Jurisdictional Reporting of waste quantity and origin for the California Disposal Reporting System. This information was included in the Draft EIR, Air Quality Section, to determine worst case on-road vehicle miles traveled.

The current comment letter indicates that the State has made a determination that all nine wastes requested by the applicant for disposal will count as part of the disposal reporting criteria (See Response 10-A). This could impact the County's Diversion goals and compliance with California law (AB 939) and so represents a potentially significant impact to Public Services by jeopardizing Kern County's compliance with state regulations related to solid waste (Environmental Checklist XVI (g)).

Further information has been provided to the Planning Department regarding the County's solid waste facilities in Comment Letter No. 12. Kern County has twice issued Certificates of Participation (COPs) to fund solid waste system improvements. Repayment of both COPs was guaranteed by a pledge of future revenues generated by the solid waste management system (a rate covenant). A restrictive covenant in favor of the holders of these certificates was added as a condition that states, in summary, that the County agrees not to allow competition with the county solid waste system. Allowing this Project's landfill to accept waste for disposal could interfere with the County's ability to generate revenue and therefore violate the covenant.

Four of the nine waste streams requested by the applicant; chipped construction lumber, designated asphalt products, concrete/cement rubble and shredded auto tires, are wastes accepted by the County at its landfills. Acceptance of these waste streams by the applicant, even if not disposed but recycled and reused for a beneficial use, would interfere with the terms of the COPs as the applicant would be in competition with the County's landfill system for disposal of these wastes. On the other hand, five of the
waste streams requested by this Project for disposal are not accepted by the County's landfills at this time but may be in the future. Currently, acceptance of these wastes would not be in competition with the County and therefore not violate the COP contracts. These five include biosolids, spent sandblast media, treated auto shredder waste, cogeneration ash (fly ash) and lime filter cake. However, the acceptance of these five wastes for disposal, if generated within Kern County, would still represent a negative impact to the County's diversion efforts if subject to disposal reporting criteria. The California Integrated Waste Management Board (CIWMB) determines, based on the category of Landfill permit (Class I, II or III), the level of reporting required of waste streams. In addition there is a process to request an exemption of certain wastes from the disposal reporting criteria. To ensure that there are no negative impacts on the County’s mandated requirements to achieve the 50% diversion goal and comply with the rate covenants from the COPs, mitigation measures have been clarified to prohibit the four waste streams (chipped construction lumber, designated asphalt products, concrete/cement rubble and shredded auto tires) and restrict the permit for the remaining five wastes streams (biosolids, spent sandblast media, cogeneration ash (fly ash), treated auto shredder waste and lime filter cake) to a permit that does not require disposal reporting.

With the imposition of the following revised mitigation measures the impacts to public services can be considered less than significant. Approval of the Project without these restrictions, based on the evidence in the record from the Waste Management Department and County Administrative Office, would be considered a significant and unavoidable impact and would require recirculation of the Draft EIR for further analysis and a 15093 Statement of Overriding Considerations.

Mitigation Measure 4.5-2: All wastes (biosolids, spent sandblast media, cogeneration ash (fly ash), treated auto shredder waste and lime filter cake) shall be evaluated prior to receipt to ensure that only non-hazardous waste is accepted at the proposed facility. In the case of any hazardous waste detection, during either normal testing procedures or special checking of loads, the following procedures will be strictly adhered to in order to minimize contamination: a) Immediately after discovery of the contaminated material, all key personnel will be properly dressed and equipped to handle the material, and a decontamination area set up. b) The limits of the suspected contaminated material will be delineated and the waste segregated from all non-hazardous waste streams. c) The suspected material will then be moved to a specially assigned remote or isolated area of the pit and marked. d) There, in isolation, the material will be retested to confirm contamination. e) Upon confirmation of the presence of any hazardous material, the source of the contaminated waste will then be notified for the material’s proper and immediate removal to a correctly classified landfill. The LEA and the Regional Water Quality Control Board will be immediately notified of the incident.

Mitigation Measure 4.5-3: This facility shall only accept biosolids, treated auto shredder waste, cogeneration ash (fly ash), spent sandblast media and lime filter cake...
Verification must be obtained from the State (CIWMB) of a solid waste facilities permit that is not subject to the State’s Disposal Reporting System or an exemption to disposal reporting criteria of these wastes must be submitted to the LEA and the Planning Department prior to acceptance of waste. Acceptance of the following waste streams, (shredded auto tires, concrete/cement rubble, designated asphalt products and chipped construction lumber) shall be prohibited either for disposal or for beneficial use. A Loadcheck Program, as required by Title 27 and Title 14, [Quality Assurance/Quality Control Program Plan] shall also be developed and submitted to the Local Enforcement Agency for approval prior to the acceptance of waste. The Loadcheck program and quality assurance/quality control program will be submitted to the Planning Department after LEA approval.

**Mitigation Measure 4.5-8:** Biosolids shall be disposed of in the Pit “G” and Pit “F/G Connection Area” only, will be kept separated and segregated from chipped lumber disposal areas. Co-disposal of these two waste streams will not occur, thus precluding the potential catalyzing effects of these two waste streams. Waste marshalling areas for the two waste streams will be kept segregated.

**Mitigation Measure 4.6-1:**

a. The proposed Project waste streams cannot be subject to the disposal reporting systems. The Project must demonstrate that it meets the applicable state regulations for waste landfill siting, geologic criteria and construction standards to both the Regional Water Quality Control Board and the Local Enforcement Agency. A Report of Waste Discharge must be submitted to the Regional Water Quality Control Board for approval of Waste Discharge Requirements. The Local Enforcement Agency must also approve the construction standards for the facility. Such requirements must be issued prior to acceptance of waste at the facility.
Letter 12– Kern County Administrative Office

Kern County Administrative Office
County Administrative Center
1115 Truxton Avenue, Fifth Floor • Bakersfield, CA 93301-4639
Telephone 661-868-3198 • FAX 661-868-3190 • TTY Relay 800-735-2929

February 1, 2008

Lorelei Oviatt, Division Chief
Kern County Planning Department
2700 M Street
Bakersfield, CA 93301

Re: GPA 5, CUP 9, Map 28, Kern County
H. M. Holloway Landfill

Dear Ms. Oviatt:

It has come to our attention that the Planning Department is processing the above-referenced application for a General Plan Amendment and Conditional Use Permit for a Class III landfill in Lost Hills, California. Based on a review of the Draft Environmental Impact Report ("DEIR"), we do not believe the DEIR adequately addresses the impacts of the project on County facilities.

The County has financed solid waste facility construction projects through the issuance of Certificates of Participation ("COPs"). In 1994, the County issued COPs in the amount of approximately $17.8 million and in 2002 issued COPs in the amount of approximately $14.2 million. Each of these COPs have remaining debt balances.

As a condition to issuing these COPs the Board of Supervisors agreed to following restrictive covenant in favor of the holders of the certificates:

The County agrees, to the extent permitted by law, that it will not hereafter construct, acquire or operate or consent to the construction, acquisition or operation of any plants, structures, facilities or properties that may compete or tend to compete within the County with the [County Solid Waste] System or the provision of Services provided, however, that the foregoing covenant shall not apply to any facilities or properties owned or operated by entities other than the County for Recyclable Materials or to the extent that the County concludes, based on a certificate of a Consulting Engineer, that such actions shall have no material adverse effect on its ability to repay all then Outstanding System Obligations.

Based on our discussions with County Counsel, this provision would preclude the Board of Supervisors from approving any private landfill that would be capable of competing with the County’s landfill system for disposal of waste. The DEIR does not address the impacts of the approval of the proposed project on the County’s system and the potential adverse impacts to that system. Given the capacity of the proposed landfill and the mix of waste it proposes to accept, it appears there could be an adverse impact on the County’s system. Consequently, this impact needs to be addressed as you consider this project.

Please let me know if you have any questions or need any further information.

Sincerely,

Adel C. Klein
Director of Policy Analysis
Responses to Letter 12

12-A

The County Administrative Office has provided information regarding the County's obligations regarding the siting of new private landfills and the expansion of an existing landfill in relation to the issuance of Certificates of Participation (COPs). A restrictive covenant in favor of the holders of the certificates precludes new facilities that may compete with the County solid waste system.

Please see Response 11-A for clarifications to Mitigation Measures 4.5-2, 4.5-3, 4.5-8, and 4.6-1.