

# **RESPONSES TO COMMENTS**

**Regarding Initial Study/Mitigated Negative Declaration  
(SCH 2010081011)  
for  
Tequesquite Landfill Photovoltaic System**

**Prepared for:**

**City of Riverside Public Utilities  
3901 Orange Street  
Riverside, CA 92501**

**September 29, 2010**

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## Section I Introduction

In August 2010, an Initial Study/Mitigated Declaration (IS/MND) was prepared to determine if there is potential for any significant environmental effects associated with the construction and operation of the Tequesquite Landfill Photovoltaic System. The Tequesquite Landfill Photovoltaic System includes the following main components: installation of photovoltaic (PV) solar arrays, electrical conduits, and appurtenant facilities on the top surface of the closed Landfill; construction of an approximately 1,800-square foot Electric Equipment Building (EEB) east of the existing Landfill Gas Treatment Facility to contain the electrical inverters and other equipment necessary to distribute the electricity to the Riverside Public Utilities (RPU) power grid; distribution of the generated power to RPU's power grid via existing, and in some cases, upgraded, aboveground and underground facilities; periodic maintenance of the PV array; and potential execution of a Power Purchase Agreement (PPA) between the City of Riverside and a third-party vendor. Collectively these items are referred to as the Project.

The proposed Project will be constructed in two or more phases. The first phase will consist of a 1 megawatt (MW) to 5 MW PV system that will serve as a pilot program for RPU. The 1 MW system will occupy a small northwestern portion of the overall Landfill. Second and potential subsequent phases will consist of up to a 9 MW PV generation system that will occupy approximately 40 acres of the entire northern half of the Landfill cover. Operation of the PV system does not require water except for periodic maintenance (i.e., washing) of the PV panels that will occur approximately twice per year. Water will be supplied to the Landfill site via tank trucks; therefore, the Project does not include water facilities.

Pursuant to Section 15073 of the State *CEQA Guidelines*, the IS/MND was circulated for a 30-day period between August 4 and September 2, 2010, to Responsible Agencies and interested parties for review and comment. No new, unavoidable significant effects were identified during the public comment period and, pursuant to Section 15073.5 of the State *CEQA Guidelines*, there is no requirement to re-circulate the environmental documents for the Project.

Section 15074 of the State *CEQA Guidelines*, requires the decision-making body to consider the proposed IS/MND together with any comments received during the public review process. There is no requirement for a formal response to each of the comments received (unlike the requirement for a Final Environmental Impact Report). However, in order to provide the City Council with additional information upon which to base their decision, the following Responses to Comments has been prepared. The materials contained in this document include copies of comment letters and the City's responses. Each comment letter is labeled alphabetically with each individual comment identified by a number.

### Comments Received

The following comment letters were received regarding the IS/MND:

Letter No.	Date of Letter/Comments	Commenter	Agency
A	August 11, 2010	Franklin A. Dancy	Morongo Band of Mission Indians
B	August 24, 2010	Jeff Brandt	California Department of Fish and Game
C	September 1, 2010	Raymond M. Seamans	Department of Resources Recycling and Recovery (CalRecycle)
D	September 1, 2010	Mandy Gaito	Riverside County Environmental Health Department Environmental Protection and Oversight Division

Letter No.	Date of Letter/Comments	Commenter	Agency
E	September 3, 2010	Scott Morgan	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit
F <sup>1</sup>	September 15, 2010	Dixie B. Lass	California Regional Water Quality Control Board, Santa Ana Region

Where comments received on the IS/MND during the public review period and the City's responses resulted in changes to the text of the IS/MND, such changes are shown in the Final IS/MND text using the following conventions:

- Text added to the Final IS/MND is shown as underline
- Text deleted from the Final IS/MND is shown as ~~striketrough~~

Textual changes to the Final IS/MND do not constitute "substantial revision" as defined in Section 15073.5(b) of the State *CEQA Guidelines*, therefore, recirculation of the IS/MND is not required.

### Organization of the Responses to Comments Document

The Responses to Comments document is organized as follows:

- **Section 1 – Introduction**, which provides a summary of the project description, the context for the review along with applicable citation pursuant to CEQA and the State *CEQA Guidelines*, and a table of summarizing the date of the comment letter, name of commenters, and commenting agencies.
- **Section 2 – Responses to Comments**, which contains copies of the comment letters and provides the City's responses.

The City has prepared this Response to Comments to address environmental comments received during the CEQA public review period. Each comment letter is provided in this report with each comment numbered. The responses are provided following each letter. All written comments have been made a part of the public record and have been forwarded to the Riverside City Council for consideration.

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<sup>1</sup> Comment received after the close of the public comment period

## Section II Comment Letters and Responses to Comments

### Letter A – Morongo Band of Mission Indians (August 11, 2010)

#### Letter A



August 11, 2010

Blake Yamamoto  
City of Riverside  
Public Works Department  
3901 Orange Street  
Riverside, CA 92501

**SUBJECT: Notice of Intent to Adopt  
Mitigated Negative Declaration  
For the Tequesquite Landfill Photovoltaic System  
For the City of Riverside, California**

Dear Mr. Yamamoto:

Thank you for contacting the Morongo Band of Mission Indians regarding the above referenced project. The Tribe greatly appreciates the opportunity to review the project and, respectfully, offer the following comments.

The project is outside of the Tribe's current reservation boundaries but within an area that may be considered a traditional use area or one in which the Tribe has cultural ties (e.g. Cahuilla/Serrano territory). Given the findings contained in Section 5 of the Mitigated Negative Declaration document regarding Cultural Resources and the potential lack of historic and/or cultural artifacts due to the sustained level of ground disturbance while the site was in use as a landfill the Morongo Band of Mission Indians has no comments at this time but reserves the right to comment upon any subsequent land use and development proposals on the site.

If I may be of further assistance with regard to this matter, please do not hesitate to contact me at your convenience.

Very truly yours,

MORONGO BAND OF MISSION INDIANS

  
Franklin A. Dancy,  
Director of Planning

A-1

## Responses to Comment Letter A (Morongo Band of Mission Indians)

A-1 Comment noted. No further action is necessary.

Letter B – California Department of Fish and Game (August 24, 2010)



California Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
<http://www.dfg.ca.gov>  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-200  
Ontario, CA 91764  
(909) 484-0167

ARNOLD SCHWARZENEGGER, Governor  
JOHN MCMANNAN, Director



Letter B

August 24, 2010

Mr. Blake Yamamoto  
Senior Water Engineer  
City of Riverside  
Public Utilities Department  
3901 Orange Street  
Riverside, CA 92501

Re: Mitigated Negative Declaration – Tequesquite Landfill Photovoltaic System  
SCH 2010081011

Dear Mr. Yamamoto:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Mitigated Negative Declaration (MND) for the Tequesquite Landfill Photovoltaic System. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1).

B-1

For this project the Department is acting as a Trustee Agency and possibly as a Responsible Agency in the future issuance of a Lake and Streambed Alteration Agreement. As per section 15096 of the California Environmental Quality Act statute, the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of using a negative declaration or DEIR, and additional alternatives or mitigation measures which the CEQA document should include.

The proposed project includes the solar panel array site, associated infrastructure and distribution lines to connect to the City's electrical grid. The project is proposed to be constructed in two or more phases up to 9 megawatts. The first phase consists of a 1 megawatt (MW) to 5 MW photovoltaic (PV) system on the northwestern portion of the landfill. Second and subsequent phases will consist of up to a 9 MW PV system that will occupy approximately 40 acres of the entire northern half of the landfill cover. The Department is concerned that construction on the northern portion of the site may lead to further development of the southern portion of the site without adequate CEQA analysis. The Department requests the CEQA document disclose all potential or planned proposals for the site and adjacent areas, and analyze the cumulative impacts to identify and mitigate the cumulative impacts to the Santa Ana River and Tequesquite Creek and their associated habitats and species.

B-2

The landfill is 120 acres located southeast of the Santa Ana River, west of the westerly terminus of Tequesquite Avenue, northeast of Rubidoux Avenue, and southwest of Mount

B-3

*Conserving California's Wildlife Since 1870*

Rubidoux. Tequesquite Creek and Park are located east and southeast of the landfill. A levee separates the landfill from the Santa Ana River. The landfill closure program terminated in December 1998. The site has remained fenced and vacant since then and is periodically mowed. The Department is concerned the CEQA document does not identify habitat restoration efforts currently being discussed by the City and several other entities. The Department requests the CEQA document address the project's potential impacts on or in support of the habitat restoration opportunities for the Santa Ana River and Tequesquite Creek.

B-3

#### Multiple Species Habitat Conservation Plan

The project is located within the boundary of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to the provisions and policies of that plan. The MSHCP is a Natural Communities Conservation Plan that provides coverage for 146 species and up to 510,000 acres. Participants in the MSHCP are issued take authorization for covered species and do not require Federal or State Endangered Species Act Permits. The City of Riverside is a signatory to the MSHCP Implementing Agreement.

55.36 acres of the landfill is located within MSHCP Subunit 1 (Santa Ana River South) of the Norco Area Plan. It contains Criteria Cell 534 which focuses on grassland, riparian scrub, woodland and forest habitat expanding existing conserved wetland habitat along the Santa Ana River.

B-4

The Department is concerned about the encroachment of development into areas with native habitat values or areas with restoration potential. The CEQA document should contain sufficient, specific, and current biological information on the existing habitat and species at the project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. Any mitigation measures required by the resource protection policies of the MSHCP should be included in the CEQA document.

Although the proposed project is within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and could be subject to Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, a Lake and Streambed Alteration Agreement Notification is still required by the Department should the site contain jurisdictional waters. Additionally, the Department's criteria for determining the presence of jurisdictional waters are more comprehensive than the MSHCP criteria in Section 6.1.2.

#### Department Comments

The Department has the following recommendations that should be addressed in the Final Environmental Impact Report or subsequent CEQA document:

1. A discussion of the landfill closure plan and the project's conformance with it;
2. A discussion of the revegetation requirements for the landfill and this project's conformance with it;
3. A discussion of the construction of the levee bordering the Santa Ana River, permit history and any mitigation requirements associated with that construction;
4. An analysis of the structural integrity of the existing levee adjacent to the Santa Ana River and whether any modifications to the levee will be required in the future to protect the landfill, or in conjunction with this project;

B-5

5. A discussion of other foreseeable projects or improvements to be located in the southern portion of the landfill;
6. A discussion of the project's compliance with the MSHCP Criteria Cell requirements; and,
7. Consideration of an alternative that would move the solar panels to the southern portion of the site and allow for native plant restoration in the northern portion of the site.

B-5

Historically, the landfill was located within the east branch of the Santa Ana River and resulted in the loss of habitat for native plants and animals. The Department supports alternative energy projects, but believes that the appropriate location for solar arrays is in the southern portion of the site away from the Santa Ana River. The Department believes that the best and highest use of the property adjoining the Santa Ana River is habitat for native plants and animals to create an upland/riparian connection between habitat to the east and west on the southern side of the Santa Ana River. This concept would benefit a number of sensitive species, including the Federally- and State-listed least Bell's vireo, southwest willow flycatcher, and other sensitive avian species. The Santa Ana sucker, a federally listed as threatened species, has been found and spawns in the lower portion of Tequesquite Creek. The site photos show that there is dense riparian vegetation to the east of Tequesquite Creek and the barren landfill to the west. The ecological integrity of Tequesquite Creek would be enhanced by creating a riparian vegetation buffer zone adjacent to Tequesquite Creek on the west.

B-6

#### Streambed Alteration Agreements and CEQA

The site is located adjacent to the Santa Ana River and Tequesquite Creek. Due to the placement of the landfill, and the construction of the levee, the Santa Ana River and Tequesquite Creek and their associated riparian and riverine habitats have been removed and constrained from reestablishment on the site. If the solar array construction project involves any changes or improvements to the levee or other jurisdictional elements on adjacent lands, a Streambed Alteration Agreement will be required.

If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation may be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document.

B-7

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

B-7

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

- 1) Avoiding the impact altogether by not taking a certain action or parts of an action,
- 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
- 3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
- 4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
- 5) Compensating for the impact by replacing or providing substitute resources or environments.

B-8

In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,



Jeff Brandt  
Senior Environmental Scientist

cc: Anna Milloy  
State Clearinghouse

## Responses to Comment Letter B (California Department of Fish and Game)

- B-1** The City acknowledges the Department of Fish and Game (CDFG) will act as a Trustee Agency and possibly a Responsible Agency in the event a Lake and Streambed Alteration Agreement is needed for the Project. However, as discussed in item 4 (Biological Resources) of the *Initial Study/Mitigated Negative Declaration for the Tequesquite Landfill Photovoltaic System* (the IS/MND) and in the Response to Comment B-4, below, implementation of the Project will not impact jurisdictional waters.
- B-2** The comment correctly summarizes the Project description. With respect to CDFG's concern regarding the development of the southern portion of the landfill, the City has no plans for development of that portion of the landfill because, as shown in Figures 9a and 9b of the IS/MND, the southern portion of the landfill cover is highly visible from the backyards of residences located to the southeast of the landfill.

With respect to the request that the CEQA document disclose all potential or planned proposals for the site and adjacent areas and analyze the cumulative impacts to the Santa Ana River and Tequesquite Creek, item 4 (Biological Resources) commencing on page 26 of the IS/MND and items 18 a and 18b (Mandatory Findings of Significance) commencing on 55 of the IS/MND, discusses cumulative impacts resulting from the proposed Project. The analysis in these sections of the IS/MND concluded that implementation of the proposed Project will not impact the riparian habitat along the Santa Ana River adjacent to the landfill. The proposed Project does not include development in proximity to the Tequesquite Creek.

The only project the City has planned in the vicinity of the landfill is the Tequesquite Park project, which is located east of the landfill. Cumulative impacts resulting from the development of the Tequesquite Park are discussed in the *Draft Environmental Impact Report for the Tequesquite Park*, which was circulated for public comment from April 29 to June 14, 2010.

No new environmental issues have been raised by this comment.

- B-3** The comment correctly describes the size and location of the landfill. The comment regarding the Department's concern that the IS/MND does not "...identify habitat restoration efforts currently being discussed by the City and several other entities," is vague and does not make reference to the specific discussions. If the comment is referring to the meeting held August 11, 2010 in connection with the Tequesquite Park project, that meeting took place after the IS/MND was distributed for public comment. Further, the proposed photovoltaic project is not connected to the Tequesquite Park. These are two separate and distinct projects with no relation to each other.

With respect to the Project's potential impacts on or in support of the habitat restoration opportunities for the Santa Ana River or Tequesquite Creek, as discussed in item 4 (Biological Resources) of the IS/MND, there is no riparian habitat located on the landfill and no direct impacts to riparian habitat or special-status species residing in riparian habitat, will result from Project implementation (IS/MND, p. 27). The IS/MND further states that, "...the Project may have the potential to result in indirect impacts on special-status wildlife within the adjacent riparian habitat associated with the Santa Ana River. Project design features in Section 8 (Project Description) outline how potential indirect impacts associated with storm water runoff and lighting from the site on the adjacent Santa Ana River and associated riparian habitat, will be addressed. The more likely impacts would result from noise generation by construction activities. Adherence to mitigation measure **MM Biological 3** will reduce the effect of construction noise on special-status wildlife species associated with the Santa Ana River to below the level of significance" (IS/MND, p. 27). Mitigation measure **MM Biological 3** requires a 300-foot buffer be maintained between any construction activities on

the landfill cover and the adjacent riparian habitat for construction taking place between March 15 and August 31.

- B-4** The comment correctly summarizes the purpose of the MSHCP and the City's participation as a signatory to the Implementing Agreement. Approximately 55.36 acres of the approximately 100-acre landfill cover is within Criteria Cell 534. Of the approximately 40 acres of the landfill cover upon which photovoltaic arrays may be placed, approximately 21.76 acres are within Criteria Cell 534. Thus, the Project will only affect 21.76 acres within an MSHCP Criteria Cell.

Implementation of the proposed Project will not encroach into areas with native habitat values or restoration potential. As discussed in the IS/MND and the *Biological Technical Report for the Tequesquite Landfill Photovoltaic System* (included as Appendix C to the IS/MND), the landfill site was disturbed as a result of prior landfill activities. As part of the landfill closure requirements, the landfill was seeded with a mix of native and non-native invasive species and is periodically mowed, which prevents the extensive establishment of native habitats (IS/MND p., 10).

With respect to the presence of jurisdictional waters and the need for a Streambed Alteration Agreement, the field studies conducted as part of the *Biological Technical Report for the Tequesquite Landfill Photovoltaic System* (BTR) included assessments for areas subject to the jurisdiction of the U.S. Army Corps of Engineers jurisdiction pursuant to Section 404 of the Clean Water Act, and CDFG jurisdiction pursuant to Division 2, Chapter 6, Section 1600 of the California Fish and Game Code (BTR, p. 2). The BTR concluded: (i) the Project site does not contain waters subject to the jurisdiction of the Corps and/or CDFG; (ii) the Project Site does not contain any portion of the Santa Ana River or any jurisdictional tributary water; and (iii) implementation of the Project will not result in a discharge of dredged or fill material into the Santa Ana River or any of its tributary waters (BTR, pp. 31 and 34). Therefore, a Streambed Alteration Agreement is not required for the Project.

No new environmental issues were raised by this comment.

- B-5** The CEQA document for the proposed Project is an IS/MND; no final environmental impact report will be prepared.

The Project will require an amendment to the *Closure-Postclosure Maintenance Plan, Tequesquite Landfill, Riverside, California* (the *Landfill Closure Plan*) to be approved by the Regional Water Quality Control Board and the South Coast Air Quality Management District (IS/MND, p. 15). As stated on page 7 of the IS/MND under the subheading, "Geology and Soils," all work on the landfill surface will be conducted in compliance with the *Landfill Closure Plan*. Further, mitigation measure **MM Geology 2** requires the final design of the photovoltaic array be reviewed by the City Public Works Department, the department currently charged with maintenance of the landfill, to ensure that installation and operation will not interfere with landfill maintenance.

With regard to preserving the vegetative cover, Section 4.10 (p. 24) of the *Landfill Closure Plan* states that vegetation for the cover was selected on the basis of rooting depth not to exceed layer depth, soil type, resistance, climate, rapidity of germination and growth, self-persistence, and maintenance requirements. Appendix E of the *Landfill Closure Plan* describes each proposed plant and gives the rooting depths for each species. The specifications for mixing and applying each selected species are provided in the construction specifications for the landfill cover.

Section 5.1.1 of the *Landfill Closure Plan* (pp. 33–35) states that the cover and drainage system will be inspected for factors including the condition of vegetation on the cover. One of the Project Design Features requires that "Periodic visual inspections will be performed to determine areas affected by settlement and other potentially adverse conditions" (IS/MND p. 7); thus, the Project will comply with the provision of this Section of the *Landfill Closure Plan*.

In Section 5.1.4 of the *Landfill Closure Plan* (p. 35), acceptable repairs to the cover are discussed and include revegetation and mulching. The document states that procedures for earthwork and revegetation will be as per the details in the Construction Quality Assurance (CQA) plan for the final cover.

In the IS/MND, under the Project Description (IS/MND, p. 3), it is described that the panels will be installed at an angle to accommodate vegetative growth and ongoing maintenance of the Landfill's vegetative cover. As described in the maintenance of the solar panel array discussion in the Project Description (IS/MND, p. 5), the photovoltaic arrays will be sited and positioned so as not to interfere with the ongoing maintenance of the Landfill cover. Later in the Initial Study, under the Geology and Soils topics (pp. 34–35), it is stated that the *Landfill Closure Plan* requires there be a minimum of 80% vegetative cover on the top of the Landfill, and that to maintain this cover, the solar arrays will be sited and installed at an angle, such that vegetation may continue to grow under the panels and the current maintenance regime may continue. As stated above, mitigation measure **MM Geology 2** requires the final design of the PV array be reviewed by the City Public Works Department. That mitigation measure reads as follows:

**MM Geology 2:** The City Public Works Department shall review the final design of the PV arrays, including, but not limited to, the location and spacing of the PV arrays, the area covered by the ballasts, and the angle at which the panels will be installed to ensure that the maintenance and compliance monitoring activities identified in the *Landfill Closure Plan* and the existing drainage pattern of the Landfill site will not be impaired. The recommendations of the Public Works Department relative to the design of the PV arrays shall be taken into consideration by the City Public Utilities Department when approving the final design.

Therefore, the IS/MND provides the revegetation requirements and with inclusion of the associated Project Design Feature and mitigation measure, the Project will conform to the Landfill cover's revegetation requirements.

As discussed on page 13 of the IS/MND, the levee was constructed along the northwestern boundary of the landfill in 1948. The levee was reinforced and extended to the east in 1967. The Project will not affect the levee or result in the need for modifications to the levee; therefore there is no need for additional discussion of the levee in the IS/MND.

With respect to the potential for future projects on the southern portion of the landfill, as discussed in the [Response to Comment B-2](#), above, the City has no plans for the development of that portion of the Landfill due to its visibility from the backyards of residences located to the southeast of the landfill. Therefore, no further consideration will be given to potential development of the southern portion of the landfill cover.

The Project's compliance with the MSHCP is discussed in the IS/MND in item 4 Biological Resources (IS/MND, pp. 26–29) and in Section 7.0 of the BTR (BTR, pp. 38-40). The Project is a Covered Activity under the MSHCP and a Joint Project Review (JPR) application was submitted to the Regional Conservation Authority (RCA). The RCA concluded that the Project is consistent with the requirements of the MSHCP.

- B-6** As discussed in the [Response to Comment B-4](#), above, the Project Site does not contain any portion of the Santa Ana River or any jurisdictional tributary water and implementation of the Project will not affect jurisdictional waters. As discussed in the [Response to Comment B-2](#), above, the City has no plans for the development of the southern portion of the landfill due to its visibility from homes to the southeast. With respect to potential indirect impacts to the riparian habitat along the Santa Ana River, these impacts will be less than significant with implementation of mitigation measure **MM Biological 3**, which requires a 300-foot buffer be maintained between any construction activities on the landfill cover and the adjacent riparian habitat for construction taking place between

March 15 and August 31 (IS/MND, p. 27). Since implementation of the Project will not affect riparian habitat along the Santa Ana River and the photovoltaic arrays will not be constructed in the vicinity of the Tequesquite Creek, the creation of a riparian vegetation buffer zone is not required.

- B-7** As discussed in the Response to Comment B-4, above, the BTR concluded: (i) the Project site does not contain waters subject to the jurisdiction of the Corps and/or CDFG; (ii) the Project Site does not contain any portion of the Santa Ana River or any jurisdictional tributary water; and (iii) implementation of the Project will not result in a discharge of dredged or fill material into the Santa Ana River or any of its tributary waters (BTR, pp. 31 and 34). Therefore, a Streambed Alteration Agreement is not be required for the Project.
- B-8** The final IS/MND contains the following Project Design and Construction Features (IS/MND, pp. 7) and mitigation measures (IS/MND, p. 27) that will reduce potential impacts to biological resources to less than significant.

### **Project Design Features – Biological Resources**

- The Project will comply with the requirements of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) by completing the Joint Project Review Process (JPR) and required focused surveys for burrowing owl and narrow endemic plant species.
- The Project will utilize BMPs, including those required through the National Pollutant Discharge Elimination System (NPDES), to ensure that the quantity and quality of runoff discharged to the MSHCP Conservation Area is not altered in an adverse way when compared with existing conditions. BMPs will be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the MSHCP Conservation Area.
- Storm water systems will be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the MSHCP Conservation Area. Regular maintenance will occur to ensure effective operations of runoff control systems.
- Any night lighting will be directed away from the MSHCP Conservation Area to protect species from direct nighttime lighting. If nighttime lighting is required, shielding will be incorporated in the design to ensure ambient nighttime lighting is not increased in the MSHCP Conservation Area.

### **Mitigation Measures – Biological Resources**

**MM Biological 1:** All mowing, associated with the construction and maintenance of the PV system shall be conducted outside of the nesting season (February 1 through August 31), to the extent feasible. If these activities must be conducted during the nesting season, a qualified biologist will first conduct a nesting bird survey. Surveys will be conducted no more than three (3) days prior to scheduled activities. If active nests are identified, the biologist will establish buffers around the active nest (500 feet for raptors and 200 feet for non raptors). The active nest will not be removed, and no grading will occur within the established buffer, until a qualified biologist has determined that the nest is no longer active (i.e., the juveniles are surviving independent from the nest). If clearing is not conducted within three days of a negativity survey, the nesting survey must be repeated to confirm the absence of nesting birds.

**MM Biological 2:** No more than 30 days prior to ground disturbance associated with clearing, grading, etc., a qualified biologist will conduct a pre-construction burrowing owl survey to satisfy Objective Number 6 of the MSHCP species-specific objectives for the burrowing owl. If burrowing owls are detected within the Landfill site, the owls will be relocated from the site following accepted

protocols. In order to avoid the disruption of breeding owls, active nests will be avoided, and relocations will be conducted outside of the nesting season, identified as ranging from February 1 through August 31.

**MM Biological 3:** To avoid any potential indirect impacts on special-status wildlife species associated with the Santa Ana River adjacent to the site, a 300-foot buffer from the adjacent riparian habitats will be maintained for construction activities during the period of March 15 to August 31.

Letter C – Department of Resources Recycling and Recovery (September 1, 2010)

SEP-03-2010 15:19

STATE CLEARINGHOUSE

P.004

Natural Resources Agency

Arnold Schwarzenegger, Governor



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

Letter C

September 1, 2010

Mr. Blake Yamamoto, Senior Water Engineer  
City of Riverside  
Public Utilities Department  
3901 Orange Street  
Riverside, CA 92501

Clear  
09/02/10  
e.



**Subject: SCH No. 2010081011:** Proposed Initial Study/Mitigated Negative Declaration for the Tequesquite Landfill Photovoltaic System, Solid Waste Information System No. 33-AA-0001, Riverside County

Dear Mr. Yamamoto:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) 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.

C-1

CalRecycle staff has reviewed the environmental document cited above and offer the following project description, analysis, and our recommendations for the proposed project based on CalRecycle staff's understanding of the project. If CalRecycle's project description varies substantially from the project as understood by the Lead Agency, CalRecycle staff requests notification of any significant differences before adoption of this Initial Study/Mitigated Negative Declaration and approval of the project. Significant differences in the project description could qualify as "significant new information" about the project that would require recirculation of the document before adoption pursuant to CEQA Section 15073.5 or possibly the preparation of a new environmental document.

**Project Description**

The proposed project is to construct photovoltaic arrays, electrical conduits and appurtenant facilities on the surface of the closed Tequesquite Landfill. The proposed project will be constructed in two or more phases; the first phase will consist of a one megawatt to five megawatt photovoltaic system that will serve as a pilot program for the Riverside Public Utilities power grid. The photovoltaic system will occupy approximately 40 acres of the entire northern half of the landfill cover.

**Comments**

C-2

CalRecycle staff does not have specific comments regarding the photovoltaic system other than the ones listed below:

♻️  
ORIGINAL PRINTED ON 100% POSTCONSUMER WASTE, RECYCLED CHLORINE FREE PAPER

1. Approval, construction and operation of this proposed project must be in compliance with 27 CCR Section 21190 (listed below); this includes revising the closure/postclosure maintenance plan and having approval from the Local Enforcement Agency and the Regional Water Quality Control Board.

**Postclosure Land Use**

(a) Proposed postclosure land uses shall be designed and maintained to:

- (1) protect public health and safety and prevent damage to structures, roads, utilities and gas monitoring and control systems;
- (2) prevent public contact with waste, landfill gas and leachate; and
- (3) prevent landfill gas explosions.

(b) The site design shall consider one or more proposed uses of the site toward which the operator will direct its efforts, or shall show development as open space, graded to harmonize with the setting and landscaped with native shrubbery or low maintenance ground cover.

(c) All proposed postclosure land uses, other than non-irrigated open space, on sites implementing closure or on closed sites shall be submitted to the EA, RWQCB, local air district and local land use agency. The EA shall review and approve proposed postclosure land uses if the project involves structures within 1,000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste.

(d) Construction on the site shall maintain the integrity of the final cover, drainage and erosion control systems, and gas monitoring and control systems. The owner or operator shall demonstrate to the satisfaction of the EA that the activities will not pose a threat to public health and safety and the environment. Any proposed modification or replacement of the low permeability layer of the final cover shall begin upon approval by the EA, and the RWQCB.

(e) Construction of structural improvements on top of landfilled areas during the postclosure period shall meet the following conditions:

- (1) automatic methane gas sensors, designed to trigger an audible alarm when methane concentrations are detected, shall be installed in all buildings;
  - (2) enclosed basement construction is prohibited;
  - (3) buildings shall be constructed to mitigate the effects of gas accumulation, which may include an active gas collection or passive vent systems;
  - (4) buildings and utilities shall be constructed to mitigate the effects of differential settlement. All utility connections shall be designed with flexible connections and utility collars;
  - (5) utilities shall not be installed in or below any low permeability layer of final cover;
  - (6) pilings shall not be installed in or through any bottom liner unless approved by the RWQCB;
  - (7) if pilings are installed in or through the low permeability layer of final cover, then the low permeability layer must be replaced or repaired; and
  - (8) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with section 20933 of Article 6, of Subchapter 4 of this Chapter.
- (f) The EA may require that an additional soil layer or building pad be placed on the final cover prior to construction to protect the integrity and function of the various layers of final cover.
- (g) All on site construction within 1,000 feet of the boundary of any disposal area shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building, unless an exemption has been issued:
- (1) a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade;
  - (2) a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab;
  - (3) a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;
  - (4) perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging;
  - (5) the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;
  - (6) automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and
  - (7) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (section 20920 et seq.).

C-2

C-2 2. If during construction of this proposed project waste material is encountered work must cease immediately and the Local Enforcement Agency and subsequently CalRecycle staff in the Permitting and LEA Support Division shall be notified.

**Summary**

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

C-3 **Note:** All correspondence related to this letter and for staff of the Permitting and LEA Support Division/Waste Compliance and Mitigation Program should continue to be sent to 1001 I Street, P.O. Box 4025, Sacramento, CA 95812.

If you have any questions regarding these comments, please contact Michael Wochnick (Supervisor - Closure and Technical Support) at 916.341.6318 or by email at [michael.wochnick@calrecycle.ca.gov](mailto:michael.wochnick@calrecycle.ca.gov) or Dianne Ohiosumua at 951.782.4168 or by email at [dianne.ohiosumua@calrecycle.ca.gov](mailto:dianne.ohiosumua@calrecycle.ca.gov).

Sincerely,



Raymond M. Seamans  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
Department of Resources Recycling and Recovery

cc: Dianne Ohiosumua  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting, Region 4  
Department of Resources Recycling and Recovery

Susan Markie, Branch Manager  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting  
Department of Resources Recycling and Recovery

Michael Wochnick, Supervisor  
Closure and Technical Support  
Waste Compliance and Mitigation Program  
Department of Resources Recycling and Recovery

Mandy Gaito  
County of Riverside  
Community Health Agency  
Department of Environmental Health  
P. O. Box 1280  
Riverside, CA 92502-1280

## Responses to Comment Letter C (Department of Resources Recycling and Recovery)

- C-1** The summary of the Project description is correct. In the event there is a change in the Project, the City will evaluate that change in light of Sections 15162 and 15164 of the State *CEQA Guidelines* and make a determination as to the appropriate level of CEQA review required.
- C-2** The IS/MND states that the Project will comply with applicable federal, state, and City ordinances, standards, and procedures for public utility design construction, maintenance, and operation (IS/MND, p. 6), which would include compliance with Title 27 of the Code of California Regulations, Section 21190. Nonetheless, the following text (shown in underscore) will be added to the IS/MND.

Page 6, under the General Measures subheading:

### General Measures

- The Project will comply with applicable federal, state, and City ordinances, standards, and procedures for public utility design, construction, maintenance, and operation.
- The Project will comply with the requirements of Title 27 of the Code of California Regulations (CCR) Section 21190.
- The Project will comply with all requirements to notify utility companies of impending construction, obtain relevant information regarding existing subsurface utilities, and consult with the affected utility companies regarding the preservation or relocation of such utilities, if necessary.
- If any solid waste material is encountered during Project construction, all work will immediately cease and the County of Riverside Department of Environmental Health (the Local Enforcement Agency) and the Department of Resources Recycling and Recovery (CalRecycle) will be notified.

Page 15, under 11 Other Public Agencies who's Approval is Required (e.g., permits, financial approval, or participation agreement):

- a. Regional Water Quality Control Board – approval of revised Waste Discharge Requirements and an amendment to the *Landfill Closure Plan*
- b. Riverside County Department of Environmental Health as the Local Enforcement Agency (LEA) – approval of an amendment to the *Landfill Closure Plan*
- c. South Coast Air Quality Management District – approval of amendment to the *Landfill Closure Plan*

No new environmental issues were raised and no significant new information was provided by this comment. No further analysis is necessary.

- C-3** Comment noted. The City thanks CalRecycle for their review of the IS/MND.

## Letter D

September 1, 2010

Blake Yamamoto  
City of Riverside, Public Utilities Department  
3901 Orange Street  
Riverside, Ca. 92501

**RE: SCH No. 2010081011: LEA Comments for Tequesquite Sanitary Landfill's (33-AA-0001) Notice of Intent to Adopt Mitigated Negative Declaration for proposed Photovoltaic System.**

Dear Mr. Yamamoto,

The LEA reviewed submittal, received on September 1, 2010, and concurs with Cal Recycle Staff, Rayond M. Seamans' following comments in his letter addressing this proposed project, dated September 1, 2010:

1. Approval, construction and operation of this proposed project must be in compliance with 27 CCR Section 21190; this includes revising the closure /postclosure maintenance plan and having approval from Riverside County Environmental Health Department, LEA and the Regional Water Quality Control Board.
  - (a) Proposed postclosure land uses shall be designed and maintained to:
    - (1) protect public health and safety and prevent damage to structures, roads, utilities and gas monitoring and control systems;
    - (2) prevent public contact with waste, landfill gas and leachate; and
    - (3) prevent landfill gas explosions.
  - (b) The site design shall consider one or more proposed uses of the site toward which the operator will direct its efforts, or shall show development as open space, graded to harmonize with the setting and landscaped with native shrubbery or low maintenance ground cover.
  - (c) All proposed postclosure land uses, other than non-irrigated open space, on sites implementing closure or on closed sites shall be submitted to the EA, RWQCB, local air district and local land use agency. The EA shall review and approve proposed postclosure land uses if the project involves structures within 1,000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste.
  - (d) Construction on the site shall maintain the integrity of the final cover, drainage and erosion control systems, and gas monitoring and control systems. The owner or operator shall

D-1

demonstrate to the satisfaction of the EA that the activities will not pose a threat to public health and safety and the environment. Any proposed modification or replacement of the low permeability layer of the final cover shall begin upon approval by the EA, and the RWQCB.

(e) Construction of structural improvements on top of landfilled areas during the postclosure period shall meet the following conditions:

(1) automatic methane gas sensors, designed to trigger an audible alarm when methane concentrations are detected, shall be installed in all buildings;

(2) enclosed basement construction is prohibited;

(3) buildings shall be constructed to mitigate the effects of gas accumulation, which may include an active gas collection or passive vent systems;

(4) buildings and utilities shall be constructed to mitigate the effects of differential settlement. All utility connections shall be designed with flexible connections and utility collars;

(5) utilities shall not be installed in or below any low permeability layer of final cover;

(6) pilings shall not be installed in or through any bottom liner unless approved by the RWQCB;

(7) if pilings are installed in or through the low permeability layer of final cover, then the low permeability layer must be replaced or repaired; and

(8) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with section 20933 of Article 6, of Subchapter 4 of this Chapter.

(f) The EA may require that an additional soil layer or building pad be placed on the final cover prior to construction to protect the integrity and function of the various layers of final cover.

(g) All on site construction within 1,000 feet of the boundary of any disposal area shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building, unless an exemption has been issued:

(1) a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade;

(2) a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab;

(3) a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;

(4) perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging;

(5) the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;

(6) automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and

(7) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (section 20920 et seq.).

D-1

2. If during construction of this proposed project waste material is encountered work must cease immediately and Riverside County Environmental Health Department, LEA and subsequently Cal Recycle staff in the Permitting and LEA Support Division shall be notified.

D-1

Please call me if you have any questions regarding this letter at (951) 955-8982.

Sincerely,

Mandy Gaito  
Environmental Health Specialist

cc. Dianne Ohiosumua  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting, Region 4  
Department of Resources Recycling and Recovery

## Responses to Comment Letter D (Riverside County Department of Environmental Health)

D-1 Please refer to Responses to Comments C-1 and C-2, above.

Letter E – State of California, Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit (September 3, 2010)



Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor’s Office of Planning and Research  
State Clearinghouse and Planning Unit



Cathleen Cox  
Acting Director

September 3, 2010

Letter E

Blake Yamamoto  
City of Riverside - Public Utilities Department  
3901 Orange Street  
Riverside, CA 92501

Subject: Tequesquite Landfill Photovoltaic System  
SCH#: 2010081011

Dear Blake Yamamoto:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 2, 2010, 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,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

E-1

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010081011  
**Project Title** Tequesquite Landfill Photovoltaic System  
**Lead Agency** Riverside, City of

**Type** Neg Negative Declaration  
**Description** The proposed project will be constructed in two or more phases. The first phase will consist of 1 megawatt (MW) to 5 MW PV system that will serve as a pilot program for RPU. Second and potential subsequent phases will construct up to the full 10 MW PV generation system that will occupy approximately 40 acres of the entire northern half of the Landfill cover. The aboveground and underground distribution facilities will be constructed at the time the 6 MW - 10 MW portion of the project is constructed. Operation of the PV system does not require water except for periodic maintenance (i.e., washing) of the PV panels that will occur approximately twice per year. Water will be supplied to the Landfill site via tank trucks; therefore, the Project does not include water facilities.

**Lead Agency Contact**

**Name** Blake Yamamoto  
**Agency** City of Riverside - Public Utilities Department  
**Phone** (951) 826-5549 **Fax**  
**email**  
**Address** 3901 Orange Street  
**City** Riverside **State** CA **Zip** 92501

**Project Location**

**County** Riverside  
**City** Riverside  
**Region**  
**Lat / Long**  
**Cross Streets** The Landfill is located W of the westerly terminus of Tequesquite Ave.  
**Parcel No.** 187-090-001, 187-090-003, 187-090-004, 187-090-009 and 187-090-012  
**Township** 2S **Range** 5W **Section** 28,29, **Base** SBB&M

**Proximity to:**

**Highways** IS 91, SR 60  
**Airports** Fiabob & Riverside Municipal  
**Railways** BNSF/UPRR  
**Waterways** Santa Ana River  
**Schools** Riverside and Jurupa Unified School District  
**Land Use** Zoned Public Facilities (PF)/ GP Private Recreation (PR)

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 8; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; California Energy Commission; Native American Heritage Commission; Public Utilities Commission

**Date Received** 08/04/2010 **Start of Review** 08/04/2010 **End of Review** 09/02/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Responses to Comment Letter E (State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit)**

**E-1** This comment acknowledges receipt of the IS/MND and notes that copies of the IS/MND were submitted to selected state agencies for review. The comment also notes that the Project has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.



Linda S. Adams  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board**  
**Santa Ana Region**

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221  
[www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)



Arnold Schwarzenegger  
Governor

**Letter F**

September 15, 2010

Mr. Blake Yamamoto  
[byamamoto@riversideca.gov](mailto:byamamoto@riversideca.gov)  
City of Riverside Public Utilities - Water Division  
3901 Orange Street  
Riverside, California 92501

**TEQUESQUITE LANDFILL PHOTOVOLTAIC SYSTEM INITIAL STUDY/ MITIGATED  
NEGATIVE DECLARATION FOR TEQUESQUITE LANDFILL, CITY OF RIVERSIDE**

Dear Mr. Yamamoto:

We have reviewed the above-referenced document dated August 2010, which was received on August 4, 2010. This document includes an initial study for installation and operation of a photovoltaic system on Tequesquite landfill (TSL) and a mitigated negative declaration, as part of the CEQA requirements. We have the following comments:

- All the closure activities at TSL were completed on December 3, 1998, and complied with the approved Final Closure/Post-Closure Maintenance Plan (FCPCMP). FCPCMP outlines the post closure monitoring and maintenance activities at the TSL. This project will impact the way the site is presently maintained. Due to active landfill settlement and erosion, the cover will continue to need repairs on a regular basis. Therefore, the installation and operation of the solar cells on the landfill must allow for proper maintenance of the cover as well as the environmental protection controls, such as the gas collection system.
- There are multiple below-ground condensate sumps located all around the top of the landfill. These sumps are not automated but are pumped out manually. The installation of the solar cells on the landfill may impact the routine pumping of the sumps because it is currently done utilizing a pump truck that is driven around the top margin of the landfill. Failure to maintain this system by collecting the condensate in a timely manner may impact the quality of the waters of the State through a release of condensate from the sumps, resulting in additional groundwater monitoring and possible corrective actions..

Based on our review of this document, and the requirements of the FCPCMP, additional detailed clarification and mitigation of the items discussed above is necessary to satisfy the CEQA process. Please be advised that this letter does not relieve you of your responsibility to comply with rules and regulations set forth by other regulatory agencies.

F-1

**California Environmental Protection Agency**



Mr. Blake Yamamoto  
City of Riverside

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September 15, 2010

If you have any questions regarding this letter, please contact Ray Akhtarshad of my staff at (951) 320-2024 or [rayakhtarshad@waterboards.ca.gov](mailto:rayakhtarshad@waterboards.ca.gov), or myself at (951) 782-3295 or [dlass@waterboards.ca.gov](mailto:dlass@waterboards.ca.gov).

Sincerely,



Dixie B. Lass, Chief  
Land Disposal and DOD Section

cc : Sam Martinez, Riverside County DEH-LEA ([smartinez@co.riverside.ca.us](mailto:smartinez@co.riverside.ca.us))  
Michael Wochnick, CalRecycle ([Michael.Wochnick@CalRecycle.ca.gov](mailto:Michael.Wochnick@CalRecycle.ca.gov))  
Cheryl DeGano, Webb Associates, ([cheryl.degano@webbassociates.com](mailto:cheryl.degano@webbassociates.com))

RA\IC\DATA\LD\SITE\TEQUESQUITE\TEQUESQUITE-7 SOLAR PANEL INITIAL STUDY

*California Environmental Protection Agency*



## Responses to Comment Letter F (California Regional Water Quality Control Board, Santa Ana Region)

**F-1** This comment identifies three maintenance items that must be able to continue after installation of the PV array:

1. on-going maintenance resulting from settlement and erosion on the Tequesquite Landfill cover;
2. maintenance and protection of the gas collection system; and
3. access to the condensate sumps.

The Riverside Public Utilities Department is aware that the cover of the Tequesquite Landfill (Landfill) cannot be compromised and that the ongoing maintenance and monitoring activities associated with the Landfill, as required by the *Closure-Postclosure Maintenance Plan, Tequesquite Landfill, Riverside, California* (the *Landfill Closure Plan*), must be able to continue after installation of the PV arrays in order to maintain the integrity of the Landfill cover. Given that requirement, all facilities associated with the PV arrays will be installed on the surface of the Landfill and spaced and angled to accommodate vegetative growth, ongoing maintenance of the Landfill's vegetative cover, and settlement as discussed on page 3 of the IS/MND (underlining added for emphasis).

The proposed PV array will be either a non-tracking fixed-axis system, that is, the array will not track the movement of the sun or a single- or double-axis system, which will track the movement of the sun. Rigid PV panels are proposed to be mounted on ballasted frames that will be installed on the surface of the Landfill. The frame ballasts will measure approximately ½ square-foot to 1 ½ square-feet each, per panel. The specific type of PV system, panels, and frames will be determined by RPU as part of the final design. The panels will be installed at an angle to accommodate vegetative growth and ongoing maintenance of the Landfill's vegetative cover. The maximum height at which the panels will be constructed above the ground surface will be 15 feet. An adjustable racking system may be used to facilitate adjustments to the array resulting from settlement of the Landfill cover. In order to avoid any penetration into the Landfill cover, all electrical lines will be contained in aboveground lightweight, light gauge steel, flexible conduit. Security fencing and lighting will be installed around the solar arrays.

As indicated in the preceding paragraph, the Project will use ballasted PV arrays installed on the surface of the Landfill. These arrays could, if necessary, be lifted and moved to in the event additional soil must be placed on the Landfill to remediate settlement.

Additionally, the Project Description in the Final IS/MND identifies several design and construction features of the Project (pp. 6–8) that will allow the City Public Works Department to continue maintenance of the Landfill cover per the *Landfill Closure Plan*. The following Project Design Features accommodate maintenance with respect to settlement, erosion, and the gas collection system:<sup>2</sup>

### General Measures

- The Project will comply with applicable federal, state, and City ordinances, standards, and procedures for public utility design, construction, maintenance, and operation.
- The Project will comply with the requirements of Title 27 of the Code of California Regulations (CCR) Section 21190.

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<sup>2</sup> Underlined text is new text added to the Final IS/MND as a result of comments received during the public review period.

### **Air Quality**

- The Project will comply with the South Coast Air Quality Management District (SCAQMD) Rule 403, “Fugitive Dust Requirements for Control of Fine Particulate Matter (PM<sub>10</sub>),” which requires implementation of feasible measures to reduce and control fugitive dust emissions, including, but not limited to: watering on site, using soil stabilizers, utilizing wheel washers for exiting vehicles, and reducing vehicle speeds.
- The Project will comply with the requirements of SCAQMD Permit to Operate F72428<sup>3</sup> or any subsequent Permit to Operate issued by the SCAQMD that supersedes Permit to Operate F72428.

### **Biological Resources**

- The Project will utilize BMPs, including those required through the National Pollutant Discharge Elimination System (NPDES), to ensure that the quantity and quality of runoff discharged to the MSHCP Conservation Area is not altered in an adverse way when compared with existing conditions. BMPs will be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the MSHCP Conservation Area.
- Storm water systems will be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the MSHCP Conservation Area. Regular maintenance will occur to ensure effective operations of runoff control systems.
- Any night lighting will be directed away from the MSHCP Conservation Area to protect species from direct nighttime lighting. If nighttime lighting is required, shielding will be incorporated in the design to ensure ambient nighttime lighting is not increased in the MSHCP Conservation Area.

### **Geology and Soils**

- All work on the Landfill Surface will be conducted in compliance with the requirements of the *Landfill Closure Plan*.
- Structures will be designed to accommodate continued settlement of the underlying Landfill material and differential settlement of the Landfill surface. Adjustable foundation connections may be utilized to achieve this.
- Periodic visual inspections will be performed to determine areas affected by settlement and other potentially adverse conditions.
- A maximum allowable foundation pressure of 1,000 pounds per square foot (psf) will be used for the surface of the Landfill.
- A maximum allowable lateral sliding coefficient of 0.20 will be utilized for the surface of the Landfill.

### **Hydrology and Water Quality**

- Prior to approval of the final design for any portion of the PV arrays, the spacing of the facilities shall be reviewed by the City to ensure that the arrays are sited in such a manner as to not increase the amount of sheet flow relative to any of the existing V-ditches.

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<sup>3</sup> Permit to Operate F72428 was issued by SCAQMD for the operation of the landfill gas and collection system.

- Prior to approval of the final design for the first phase (i.e. the 1 MW to 5 MW system) and any subsequent phases, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the City and Regional Water Quality Control Board for approval. The SWPPP shall be implemented during installation of the PV arrays and construction of the DROs in compliance with the requirements of the General Construction Permit, Santa Ana Region, issued by the State Water Resources Control Board. The SWPPP shall identify BMPs to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges for the portion of the Project under construction. A copy of the SWPPP shall be held by the construction contractor.
- Typical BMPs for erosion control will be implemented during construction of the Project pursuant to any applicable NPDES requirements. These BMPs may include, but would not be limited to, the use of mulch, erosion control blankets, or gravel bags to control erosion. The Landfill surface will not require grading; however, small amounts of soil, from the existing stockpile on the Landfill site, may be used to smooth the surface, i.e., fill in any depressions, prior to placement of the arrays.
- At no time during the installation or operation of the Project, will the existing drainage structures on the top of the Landfill (V-ditches) be blocked or relocated.

In addition to the above Project Design Features, the IS/MND includes mitigation measure **MM Geology 2** (p. 35) below:

**MM Geology 2:** The City Public Works Department shall review the final design of the PV arrays, including, but not limited to: a) the location and spacing of the PV arrays, b) the area covered by the ballasts, and c) the angle at which the panels will be installed, to ensure that the maintenance and compliance monitoring activities identified in the Landfill Closure Plan, and the existing drainage pattern of the Landfill site, will not be impaired. The recommendations of the Public Works Department relative to the design of the PV arrays shall be taken into consideration by the City Public Utilities Department when approving the final design.

With respect to access to the condensate sumps, according to the City's Public Works Department (the department charged with maintenance of the Landfill) and Landtec (the consultants currently maintaining and inspecting the Landfill), there are seven condensate sumps that are manually pumped. As shown in the attached *Tequesquite Landfill Constraint Exhibit*, these seven sumps (labeled C-31, C-32, C-33, C-34, C-36, C-37, and C-38) are located around the bottom perimeter of the Landfill, not on the cover. Since the PV arrays will be located on the cover of the Landfill access to these sumps will not be affected.

To make sure Project-related construction and facilities does not limit access to the seven sumps that are manually pumped, the following Project Design Feature and constraints exhibit is hereby added to the Final IS/MND:

- No Project –component shall be located so as to limit access to the condensate sumps shown as C-31, C-32, C-33, C-34, C-36, C-37, and C-38 on the exhibit entitled **Tequesquite Landfill Constraint Exhibit**.

Through the use of ballasted PV arrays, the incorporation of Project Design Features, implementation of mitigation measure **MM Geology 2** as discussed above, and compliance with existing rules and regulations of the Regional Board and other regulatory agencies, the ability of the

Public Works Department to maintain the Landfill will not be compromised. The City has satisfactorily provided for the maintenance needs of the Landfill; therefore additional clarification or mitigation is not needed to satisfy the CEQA process relative to maintenance of the Landfill during construction or operation of the proposed Project.

No new environmental issues are raised by this comment.

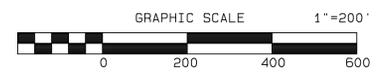
LEGEND

WELL NO.	NORTHING	EASTING
W-1	2300227.9160	6212564.7720
W-2	2300111.2020	6212352.8050
W-3	2299992.9500	6212145.4470
W-4	2299873.1580	6211936.5520
W-5	2299759.5260	6211723.0500
W-6	2299647.2400	6211517.2420
W-7	2299527.8460	6211298.2250
W-8	2299415.0600	6211087.8450
W-9	2299298.4300	6210878.5730
W-10	2299181.8120	6210665.8710
W-11	2299066.5020	6210454.8500
W-12	2298949.5190	6210243.6930
W-13	2298828.8810	6210027.9670
W-14	2298715.2960	6209794.7130
W-15	2298631.8660	6209577.8300
W-16	2298566.9150	6209366.9640
W-17	2298470.0770	6209162.5850
W-18	2298373.3270	6208949.0000
W-19	2298295.0180	6208738.3250
W-20	2298219.5190	6208528.3980
W-21	2298143.1720	6208318.0840
W-22	2298066.4400	6208109.3360
W-23	2297991.4930	6207901.5140
W-24	2297916.6790	6207693.2940
W-25	2297841.6710	6207485.9950
W-26	2297766.6710	6207278.6960
W-27	2297691.6710	6207071.3970
W-28	2297616.6710	6206864.0980
W-29	2297541.6710	6206656.7990
W-30	2297466.6710	6206449.5000
W-31	2297391.6710	6206242.2010
W-32	2297316.6710	6206034.9020
W-33	2297241.6710	6205827.6030
W-34	2297166.6710	6205620.3040
W-35	2297091.6710	6205413.0050
W-36	2297016.6710	6205205.7060
W-37	2296941.6710	6205000.4070
W-38	2296866.6710	6204793.1080
W-39	2296791.6710	6204585.8090
W-40	2296716.6710	6204378.5100
W-41	2296641.6710	6204171.2110
W-42	2296566.6710	6203963.9120
W-43	2296491.6710	6203756.6130
W-44	2296416.6710	6203549.3140
W-45	2296341.6710	6203342.0150
W-46	2296266.6710	6203134.7160
W-47	2296191.6710	6202927.4170
W-48	2296116.6710	6202720.1180
W-49	2296041.6710	6202512.8190
W-50	2295966.6710	6202305.5200
W-51	2295891.6710	6202098.2210
W-52	2295816.6710	6201890.9220
W-53	2295741.6710	6201683.6230
W-54	2295666.6710	6201476.3240
W-55	2295591.6710	6201269.0250
W-56	2295516.6710	6201061.7260
W-57	2295441.6710	6200854.4270
W-58	2295366.6710	6200647.1280
W-59	2295291.6710	6200439.8290
W-60	2295216.6710	6200232.5300
W-61	2295141.6710	6200025.2310
W-62	2295066.6710	6199817.9320
W-63	2294991.6710	6199610.6330
W-64	2294916.6710	6199403.3340
W-65	2294841.6710	6199196.0350
W-66	2294766.6710	6198988.7360
W-67	2294691.6710	6198781.4370
W-68	2294616.6710	6198574.1380
W-69	2294541.6710	6198366.8390
W-70	2294466.6710	6198159.5400
W-71	2294391.6710	6197952.2410
W-72	2294316.6710	6197744.9420
W-73	2294241.6710	6197537.6430
W-74	2294166.6710	6197330.3440
W-75	2294091.6710	6197123.0450
W-76	2294016.6710	6196915.7460
W-77	2293941.6710	6196708.4470
W-78	2293866.6710	6196501.1480
W-79	2293791.6710	6196293.8490
W-80	2293716.6710	6196086.5500
W-81	2293641.6710	6195879.2510
W-82	2293566.6710	6195671.9520
W-83	2293491.6710	6195464.6530
W-84	2293416.6710	6195257.3540
W-85	2293341.6710	6195050.0550
W-86	2293266.6710	6194842.7560
W-87	2293191.6710	6194635.4570
W-88	2293116.6710	6194428.1580
W-89	2293041.6710	6194220.8590
W-90	2292966.6710	6194013.5600
W-91	2292891.6710	6193806.2610
W-92	2292816.6710	6193598.9620
W-93	2292741.6710	6193391.6630
W-94	2292666.6710	6193184.3640
W-95	2292591.6710	6192977.0650
W-96	2292516.6710	6192769.7660
W-97	2292441.6710	6192562.4670
W-98	2292366.6710	6192355.1680
W-99	2292291.6710	6192147.8690
W-100	2292216.6710	6191940.5700

W-41, W-51, W-64 ARE APPROX. LOCATIONS NOT SHOWN ON CITY SURVEY VERIFICATION



- LEGEND
- W-# INDICATES LFG EXTRACTION WELL
  - ⊗ C-# INDICATES CONDENSATE TRAP
  - C-# INDICATES CONDENSATE TRAP (USED FOR PUMPING)



REVISIONS	DATE	BY

**CITY OF RIVERSIDE**  
**TEQUESQUITE LANDFILL**  
**CONSTRAINT EXHIBIT**

SCALE	ALBERT A. CIVIL ENGINEERS	N.O. 10-10
DATE: 9/28/2010	3788 McCRAW ST.	SHEET 1
DESIGNED	RIVERSIDE, CA 92506	OF 1 SHEETS
CHECKED	(951) 686-1070	DWG. NO.
PLN CK REF:	FILE: C:\2010\10-0010\dwg\area\10-0010Site.pln	10-10
F.B.		