

# MEMO

**Discussion/Action**  
**Item #: 5c**



Meeting Date: July 19, 2024

To: Board of Directors  
From: Director of Engineering & Compliance, Guy R. Petraborg  
Approved by: General Manager, Felipe Melchor

**Subject: Receive CEQA Categorical Exemption for the CASP Facility Project from Denise Duffy & Associates, Inc.**

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**RECOMMENDATION:** That the Board, as Lead Agency, receive the CEQA Categorical Exemption for the CASP Facility Project from Denise Duffy & Associates, Inc..

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## **BACKGROUND**

The California Environmental Quality Act (CEQA), which was enacted in 1970, is a statewide environmental law contained in the California Public Resources Code Sections 21000–21177. CEQA requires public agencies to review projects and changes to projects so as to identify and consider the environmental consequences of their proposed discretionary actions. The CEQA reviews are intended to inform government decision makers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage resulting from the Agency’s discretionary actions. Therefore, to comply with CEQA requirements, ReGen Monterey commissioned Denise Duffy & Associates, Inc. of Monterey, CA to review the proposed Covered Aerated Static Pile (CASP) Facility project.

## **DISCUSSION**

The ReGen Monterey CASP Facility Project proposes a change in the operational method of the existing compost facility from the current “Open Windrow” method to the “Covered Aerated Static Pile” (CASP) method. This proposed change would not result in a significant increase in use or expansion of the facilities proposed, including quantity of materials received or total material allowed onsite at any one time. There are no changes proposed to the size of the permitted compost area, the type of materials handled, the amount of the materials handled, or the use of the facility.

The CASP Facility project site contains the existing permitted composting facility. The proposed project is categorically exempt from environmental review under CEQA because it involves the conversion of the operational method only. The CASP Facility project proposes to convert the

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*Let's not waste this.*



existing compost facility operational method from the “Open Windrow” method to the CASP method. Specifically, there will be negligible or no expansion of the existing or former use of the compost facility in accordance with Section 15301(b), and is located on the same site as the structure replaced or reconstructed with the same purpose and capacity in accordance with Section 15302(c).

### **FINANCIAL IMPACT**

None – Information Only. The CEQA review for the CASP Facility project was a minor project expenditure. The filing of the Notice of Exemption (NOE) with Monterey County Records Office will also be a minor cost (<\$200). CASP Facility project financials will be provided as part of project updates.

### **CONCLUSION**

The CASP Facility project qualifies for a Class 1 Categorical Exemption under Article 19 (Categorical Exemptions) 15301(b) Existing Facilities and a Class 2 Categorical Exemption under 15302(c) Replacement or Construction of the State California Environmental Quality Act (CEQA) Guidelines. In addition, under CEQA Guidelines section 15061(b)(3), Review for Exemption (14 CCR Sec. 15061(b)(3)), activities are exempt from, and otherwise not subject to, CEQA under the “common sense” exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Therefore, the proposed CASP Facility project also qualifies under the “common sense” exemption.

Based on the findings of the CEQA review, staff recommends that the Board, as Lead Agency, receive the CEQA Categorical Exemption for the CASP Facility Project as attached herein and as prepared by Denise Duffy & Associates, Inc..

### **ATTACHMENTS:**

- 1. Notice of Exemption (Appendix E Form – Revised 2011)**
- 2. Attachment A, California Environmental Quality Act Supporting Documentation, ReGen Monterey CASP Facility Project**

# Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**From:** (Public Agency): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Address)

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location - Specific:

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Lead Agency

Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?    Yes    No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

Signed by Lead Agency    Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

# ATTACHMENT A

## California Environmental Quality Act Supporting Documentation

### ReGen Monterey ReGen Monterey CASP Facility Project

#### PROJECT DESCRIPTION

The ReGen Monterey CASP Facility Project consists of the conversion of the operational method of the existing compost facility from the current “Open Windrow” method to the “Covered Aerated Static Pile” (CASP) method. The proposed conversion would not result in a significant increase in use or expansion of the facilities proposed, including quantity of materials received or total material allowed onsite at any one time.

#### EXEMPT STATUS

The project qualifies for a Class 1 Categorical Exemption under Article 19 (Categorical Exemptions) *15301(b) Existing Facilities* and a Class 2 Categorical Exemption under *15302(c) Replacement or Construction* of the State California Environmental Quality Act (CEQA) Guidelines.

In addition, under CEQA Guidelines section 15061(b)(3), Review for Exemption (14 CCR Sec. 15061(b)(3)), activities are exempt from, and otherwise not subject to, CEQA under the “common sense” exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Therefore, the proposed project also qualifies under the “common sense” exemption.

#### Reasons Why the Project is Categorically Exempt

Article 19 (Categorical Exemptions) of the CEQA Guidelines lists classes of projects that are exempt from the requirements of CEQA. This section provides an analysis of why this project meets the conditions for a *Section 15301(b) Class 1 Existing Facilities* exemption and a *Section 15302(c) Class 2 Replacement or Construction* exemption, with the reasons why none of the possible exceptions to Categorical Exemptions, found in *Section 15300.2 Exceptions*, apply to this proposed project.

Section 15301, Existing Facilities, consists of:

*Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or other minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.*

Examples listed in Section 15301 consist of:

*Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.*<sup>1</sup>

Section 15302, Replacement or Reconstruction, consists of:

*Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.*

Examples listed in Section 15302 consist of:

*Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.*<sup>2</sup>

### **Categorical Exemption Analysis**

*The proposed project meets these conditions.* The project site contains an existing permitted composting facility. The proposed project is categorically exempt from environmental review under CEQA because it involves the conversion of the operational method of the existing compost facility from the “Open Windrow” method to the CASP method with negligible or no expansion of existing or former use in accordance with Section 15301(b), and is located on the same site as the structure replaced or reconstructed with the same purpose and capacity in accordance with Section 15302(c).

### **Exceptions to Categorical Exemption Analysis**

CEQA Guidelines Section 15300.2 identifies exceptions that override a lead agency’s ability to use a categorical exemption. These exceptions are listed below, including documentation as to why each exception does not apply to the proposed project.

#### **Location**

*Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

**This exception does not apply to the proposed project.** The proposed project qualifies for exemption under Classes 1 and 2.

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<sup>1</sup> CCR Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions, Section 15301 Existing Facilities. Accessible at: <https://www.law.cornell.edu/regulations/california/14-CCR-15301>

<sup>2</sup> CCR Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions, Section 15302 Replacement or Reconstruction. Accessible at: <https://www.law.cornell.edu/regulations/california/14-CCR-15302>

### **Cumulative Impact**

*All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.*

**This exception does not apply to the proposed project.** The proposed project consists of the conversion of the operational method of the existing compost facility from the current “Open Windrow” method to the CASP method. Rather, the proposed project would have a net benefit as the CASP system will be more beneficial in improving the control of odor, inhalable particulate matter (PM10), and volatile organic compounds (VOCs) compared to the former Open Windrow method. The CASP system would also be beneficial as it eliminates the use of diesel-powered equipment to turn windrows, which will be replaced by clean electricity to power the blowers aerating the piles.

There are no other projects of the same type proposed at the site and, therefore, no cumulative impacts would occur.

### **Significant Effect**

*A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

**This exception does not apply to the proposed project.** There are no unusual circumstances related to the project that would create a reasonable possibility of significant effects to the environment. As described above, the proposed project would have a net benefit as the CASP system will be more beneficial in improving the control of odor, inhalable particulate matter (PM10), and volatile organic compounds (VOCs) compared to the former Open Windrow method. Additionally, the CASP system would also be beneficial as it eliminates the use of diesel-powered equipment to turn windrows, which will be replaced by clean electricity to power the blowers aerating the piles. Therefore, impacts would be less than significant.

### **Scenic Highways**

*A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State Scenic Highway. This does not apply to improvements which are required as mitigation by and adopted negative declaration or certified EIR.*

**This exception does not apply to the proposed project.** According to the California Scenic Highway Mapping System, the closest eligible State Scenic highway is State Route 1, approximately one and a half miles west of the project. Due to the distance from State Route 1 and topography between the proposed project site and State Route 1, there would be no damage to a scenic resource due to project implementation.

**Hazardous Waste Sites**

*A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to §65962.5 of the Government Code.*

**This exception does not apply to the proposed project.** The proposed project area is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

**Historical Resources**

*A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

**This exception does not apply to the proposed project.** The proposed project would not cause a substantial adverse change in the significance of a historical resource. No historical resources are located within or near the proposed project site. Therefore, no impact to historical structures would occur.

**Conclusion**

In addition to qualifying for the categorical exemptions discussed above, under CEQA Guidelines section 15061(b)(3), Review for Exemption (14 CCR Sec. 15061(b)(3)), activities are exempt from, and otherwise not subject to, CEQA under the "common sense" exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As described above, the proposed project would not result in a significant impact on environmental resources. Therefore, the project is eligible for the identified categorical exemptions under CEQA and qualifies under the "common sense" exemption.

## References

California Department of Toxic Substances Control. 2023. EnviroStor Database Map. Available online at: <https://www.envirostor.dtsc.ca.gov/public/>

County of Monterey. 2023. Parcel Report Web App. Available online at: <https://maps.co.monterey.ca.us/wab/parcelreportwebapp/>