



**CITY OF YUBA CITY  
PLANNING COMMISSION  
STAFF REPORT**

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**Meeting Date:** November 28, 2018

**To:** Chair and Members of the Planning Commission

**From:** Development Services Department

**Presentation By:** Arnolando Rodriguez, AICP, Director

**Public Hearing:** Development Permit 17-03, Use Permit 17-05 and Environmental Assessment EA 17-10: Request for Modification of Use Permit 12-01 to Increase the Maximum Throughput at a Permitted Large Volume Transfer Station from 100 tons per day (TPD) to 300 TPD.

**Location:** 140 Epley Drive (south of Lincoln Road, east of Garden Highway; APN 54-083-014, 54-083-015 and 54-083-023)

**Project Information:**

Recycling Industries, Inc. (RI and/or applicant or operator) is proposing to modify Use Permit 12-01 and obtain a revised Large Volume Transfer/Processing Solid Waste Facility Permit (SWFP) to:

- Increase the maximum throughput from 100 tons per day (TPD) to 300 TPD of mixed waste and recyclables;
- Remove the 10 percent putrescible waste limit condition in UP 12-01. This removal will allow RI to receive waste that might contain more than 10 percent putrescible waste;
- Allow packer trucks to bring garbage to the subject site. Packer trucks are waste collection vehicles such as rear loaders, side loaders and front loaders. They are used primarily for the collection of waste that will be delivered to a disposal site for transfer, reprocessing, treatment or a landfill that is located off-site. These trucks are equipped with mechanized compaction abilities that allow the waste to be compressed or densified, thus allowing for greater route efficiencies. In the Yuba-Sutter Area, the current waste hauler uses front-loaders and side loaders as commercial compaction vehicles;
- Disallow packer trucks to deliver source separated residential and commercial green waste to the site;
- Expand the project site area from three to four acres through the addition of Assessor's Parcel 54-083-015;
- Add an inbound truck scale and modular scale-house/weighmaster office (approximately 700 square feet);
- Add, modify and abandon driveways;
- Relocate onsite an existing 1,800 square foot (sf) metal building that had been slated for demolition;

- Expand the proposed transfer and processing building from 18,000 sf to 21,600 sf; and,
- Merge APNs 54-083-014, 54-083-015 and 54-083-023.

**Background:**

Dave Kuhnen, on behalf of RI is requesting authorization to amend previously approved Use Permit (UP) 12-01. The Project Information Section on page 1, above, summarizes RI request.

Currently, RI operates a recycling center originally entitled per UP 07-12. This Use Permit was approved by the Planning Commission (Commission) on February 27, 2008, subject to 15 Conditions of Project Approval.

Subsequent to the approval of UP 07-12, RI submitted UP 12-01 to convert their recycling center into a Large Volume Transfer Station (LVTS). During the entitlement processing, staff drafted an Initial Study/Mitigated Negative Declaration (IS/MND; Environmental Assessment (EA) 12-02). EA 12-02 analyzed the potential impacts associated with construction and operation of a LVTS with a maximum throughput of 100 TPD of mixed waste and recyclables.

This IS/MND and related Use Permit were presented to the Commission on July 23, 2014 for consideration. After a public hearing, the Commission approved the project subject to compliance with an array of conditions. A summary of these conditions are as follows:

1. Operations to be conducted on three acres.
2. Ability to remove two metal buildings and the construction of a new 21,600 square foot building.
3. Would permit the facility to receive 100 tons or less per day of additional mixed recyclables and solid waste.
4. Would allow the applicant to expand existing operations for the acceptance of solid waste (i.e., putrescible material) of up to 10 percent of all delivered material.
5. Would allow for self-haul only. Packer garbage trucks would not be permitted.
6. The Use Permit would be reviewed annually by the Planning Commission for three years following construction of the facility.

Under UP 12-01, the facility operator is permitted to operate a LVTS that can accept up to 100 TPD of mixed recyclables and solid waste with a cap of 10 percent putrescible material of all material collected. Solid waste can include garbage from self-haul vehicles, commercial box vans and roll-off trucks. As conditioned, the facility is not permitted to receive packer trucks with garbage.

Following the approval of UP 12-01, on July 24, 2014, a Notice of Determination (NOD) was filed with the State Clearinghouse (reference SCH #2014052082), while a Solid Waste Facility Permit (SWFP) 51-AA-0008 was issued by the Yuba-Sutter County Local Enforcement Agency (LEA)

and the California Department of Resources Recycling and Recovery (CalRecycle) for a maximum throughput of 100 TPD.

Because the applicant has not developed the site as approved per UP 12-01, the permit has not been effectuated and similar to all other Use Permits, they are subject to becoming null and void for inaction. In this particular case, UP 12-01 has been the subject of three extension requests. Table 1 provides a timeline of UP 12-01:

**Table 1: UP 12-01 Timeline<sup>(1)</sup>**

	<b>Approved</b>	<b>Expiration Date</b>
<i>Original approval</i>	July 23, 2014	July 23, 2016
<i>Extension 1</i>	August 24, 2016	July 23, 2018
<i>Extension 2</i>	June 13, 2018	July 23, 2020

*(1) The table reflects the dates the Commission took action, not the date the extension was requested by the applicant.*

Use Permit extension requests are forwarded to the Commission for consideration and no modifications to the original Conditions of Approval as stipulated by the Commission have been considered nor approved. Also worth noting is that similar to other LVTS, the LEA is responsible for ensuring compliance with applicable State mandated requirements. As a LVTS, the LEA requires that the applicant submit periodic reports while also providing them the ability to issue warnings and citations.

### **General Plan & Zoning**

The subject property is zoned Industrial District (M-2) and is currently occupied by five metal buildings. As part of this project, the applicant would demolish two of the five buildings and would construct a new 21,600 sf receiving and sorting building. Table 2 provides a synopsis of the zoning and surrounding land uses.

**Table 2: Land Use, Zoning, & Surrounding Information**

<i>Land Use Designation:</i>	Manufacturing, Processing, and Warehousing
<i>Zoning Classification:</i>	Industrial (M-2) District
<i>Surrounding Land Uses:</i>	Vacant industrial land that is utilized for the D & H Transport truck storage business is located immediately north of the site across Epley Drive. Escalera Inc. is also located across Epley Drive to northwest of the site. To the east, across Putnam Avenue are multiple industrial businesses including: Unity Forest; Sheet Metal Workers; and Bandag Tires Repair. To the immediate west of the project site is the Hilo Erectors industrial business, and to the immediate south of the site is vacant industrial land which separates the project from the recently constructed Kingsbury Bearings industrial business located further to the south. The Feather River and the levee are located over 1,500 feet to the east of the facility. The nearest residence is over 1,900 feet to the west of the project site boundary.

### **Public Outreach:**

As part of its review of RI's most recent request, staff notified the applicant that it would need to retain, at their expense, a qualified environmental consultant to prepare an Initial Study (IS) pursuant to the California Environmental Quality Act (CEQA).<sup>1</sup> RI selected, and the City approved, Clements Environmental, to prepare a draft IS. Upon receipt of the draft Initial Study/Mitigated Negative Declaration (IS/MND), the City retained an independent consultant, Benchmark Resources, to peer review the IS. While Benchmark Resources is under the direct supervision of the City, RI was also responsible for all costs incurred by the independent consultant to peer review the document.

As part of the IS preparation, staff requested that RI sponsor a community meeting to solicit feedback on their proposal. Said meeting was held on June 26, 2017 at the project site. As part of the meeting, RI:

- Invited 200 nearby neighbors to the open house.
- Advertised the event in the Appeal Democrat on June 22 and 24, 2018 (1/6 page advertisement size).
- Advertised the event on Facebook.

Per RI, six people attended the meeting. RI received three support cards.

In addition, the City created a webpage dedicated to the project, met with various community members, mailed several notices of upcoming events, published notices in the Appeal Democrat, and circulated the Initial Study for public review and comment.

### **Staff Analysis:**

As part of the current proposal, staff assessed surrounding land uses, the potential impacts of the operations to nearby business and roadways, potential environmental impacts, needs by the applicant, proximity to residences, size of the facility, hours of operation, and zoning regulations. In addition, staff considered the site's history, previous Commission action, and the ability of RI to continue to operate while also providing a community benefit.

Based on said analysis and extensive dialogue and deliberation, staff is recommending numerous conditions that would allow RI to continue to operate, provide them an opportunity to expand, while also limiting the amount of material they may accept.

The following is a summary of conditions<sup>2</sup>:

1. The facility may be increased from 3 acres to 4 acres.
2. The facility shall not receive more than 100 tons per day of mixed waste and recyclables.
3. The facility shall only receive material generated within the Sutter and Yuba Counties.

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<sup>1</sup> Letter to David Kuhnen (RI) from Arnoldo Rodriguez, City of Yuba City, dated March 12, 2018.

<sup>2</sup> For a complete list of conditions, refer to Attachment 2, Conditions of Approval.

4. Putrescible material shall not exceed 10 percent of all material received.
5. Green Waste:
  - a. No green waste shall be accepted via a packer truck, including side, front, or rear loaders.
  - b. Self-haul green waste may be accepted and processed.
6. Except for source separated curbside recyclables, material may not be accepted via packer trucks. This includes side, front, or rear loaders.
7. Roll off bins of up to 50 yards may be accepted.
8. The facility shall be closed Sunday. The facility may operate refuse/waste between 7 a.m. – 5 p.m., Monday through Saturday for refuse/waste acceptance with ancillary operations between 6 a.m. – 9 p.m., Monday through Saturday.

Once refuse is received at the facility, it will be sorted and organized for delivery to other facilities. For example, cardboard and aluminum will be crushed and baled, whereas glass will be placed in transportation bins. Glass will not be crushed, however, there will undoubtedly be incidental crushing of bottles as they are separated. Putrescible material will be separated and will be transported to a landfill. Acceptable material includes:

- Beverage container recycling (i.e., aluminum cans)
- Electronic waste recycling (no processing will occur onsite, rather it will be shipped to processing plants)
- Tire recycling (tires will not be altered, shredded, baled, or otherwise processed)
- Green-waste (self-haul only; to be removed within 48 hours of being accepted)
- Scrap and ferrous metals
- Mattresses and bedsprings
- Rolled carpet and rolled padding
- Clean wood waste

While RI's initial request is to accept up to 300 TPD, with no limitations on putrescible material, and authorization to expand the facility by one acre, staff is recommending that conditions be imposed that allow them to expand their facility, however with restrictions as summarized in this staff report and contained in detail in the Attachment 2, Conditions of Approval.

Table 3 provides a comparison highlighting key variables between:

- Conditions as approved per UP 12-01
- RI proposal per this UP
- Staff recommendation

Note that the table is not a complete list, rather it is simply intended to highlight substantive elements.

**Table 3: Comparison of Approved Permit, RI proposal, Staff Recommendation**

	<b>Approved per UP 12-01</b>	<b>Current RI Proposal</b>	<b>Staff Recommendation</b>
Project area	3 acres	4 acres	4 acres
Max. tons per day	100	300	100
Max. putrescible material	10% of all material.	Concurs with staff.	10% of all material.
Types of deliveries	Self-haul only. No packer trucks.	Concurs with staff.	Except for source separated curbside recyclables, material may not be accepted via packer trucks. This includes side, front, or rear loaders.
Origination of waste restrictions	No restrictions.	No restrictions.	Sutter and Yuba Counties (includes incorporated cities within said counties).
Green waste	Self-haul only. No packer trucks.	Concurs with staff.	Self-haul only. No packer truck delivery. Shall be processed within 48 hours from acceptance.
Hours of operation	No restrictions.	Concurs with staff.	7 am-5 pm, Monday through Saturday with facility operating hours from 6 am-9 pm, Monday through Saturday. Closed on Sunday.
Queuing of vehicles on street	Permit is silent.	Concurs with staff.	Prohibits of queuing of vehicles or the directing of vehicles off-site to avoid queuing.
Noise	Comply with City regulations.	Concurs with staff.	Comply with City regulations and adds condition that RI shall retain an independent acoustical engineer to measure noise within a specified time at the City's request.
Tire Storage	Permit is silent.	Concurs with staff.	Shall be stored in a single bin no larger than 40 yards in size.

### **Environmental Assessment:**

A Subsequent Initial Study/Mitigated Negative Declaration (IS/MND; Attachment 14) was prepared for the proposed project and is attached for the Commission's review and consideration. As previously mentioned, in addition to complying with all applicable local regulations and requirements, the proposed project must also comply with the applicable State standards regarding operation of a solid waste facility.

The proposed LVTS will be required to meet the State standards for solid waste handling as defined in the California Code of Regulations (CCR), Title 14, Article 3.2, Section 18221.5 and Article 6.0, Sections 17402 and 17403. The Yuba-Sutter Local Enforcement Agency (LEA) will

be responsible for ensuring the project complies with all applicable State mandated requirements in the aforementioned code sections.

As part of the State mandated requirements of CCR Title 14, the applicant has prepared a *Transfer/Processing Report* (TPR; Attachment 14a), which details how the proposed facility will comply with CCR Title 14 requirements by fully describing the design and operations of the proposal.

In addition to the proposal being subject to compliance with the provisions of CCR Title 14 under the authority of the Yuba-Sutter LEA, the following regulatory requirements also apply to the proposed facility:

- **Use Permit** – as determined by the Planning Commission.
- **County Non-Disposal Facility Element (NDFE)** - The Regional Waste Management Authority (RWMA) previously revised the NDFE to include this facility. The proposed facility is identified in RWMA's Non-Disposal Facility Element (NDFE).
- **Storm Water Permit** - The facility maintains a General Industrial Storm Water Permit (NPDES) with the State Water Resources Control Board (SWRCB). A Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program Plan (MPP) have been developed and are monitored by Bishop Environmental.
- **California Department of Conservation Processor Certification Permit** - The State of California Department of Conservation has issued a Certification for the facility to operate as a State Certified Processor to support Certified Recycling Centers and Collection Programs. State Certification Approval occurred in June 2009.
- **Hazardous Waste Generator ID Number** - The facility will not generate over 250 gallons of hazardous waste per year. Operating under this level, the facility will not be required to have a Hazardous Waste Generator ID Number.
- **Solid Waste Facilities Permit** - A Solid Waste Facilities Permit application has been submitted and will be required to be approved by the County of Yuba Environmental Management Department, Environmental Health Division (LEA), and the City of Yuba City. If approved, the LEA will submit the proposed permit to CalRecycle for State of California approval.

In compliance with the requirements of CEQA, the proposed project and the associated Draft Subsequent IS/MND were delivered to the State *Office of Planning and Research, State Clearinghouse and Planning Unit* (SCH) for review and distribution. The public review period for the IS/MND began on October 7, 2018 and closed on November 6, 2018. The State Clearinghouse file number assigned to the project is SCH# 2014052082.

As part of the public comment period, staff received various comments. These comments included letters from:

1. CalRecycle

2. Feather River Quality Air Management District
3. Yuba-Sutter Local Enforcement Agency (LEA)
4. Central Valley Regional Water Quality Control Board (CVRWQCB)

Their comment letters, including thorough responses, are outlined in Attachment 3.

**Community Feedback:**

As part of this most recent proposal, staff received:

- Emails expressing their opposition to the proposed use. Refer to Attachment 5.
- Emails in support of the proposed use. Refer to Attachment 6.
- A petition submitted by RI with signatures in support of the proposed use. Refer to Attachment 7.
- Letter submitted by Brigit S. Barnes & Associates, Inc. dated November 6, 2018 (refer to Attachment 11). In their letter, they expressed the following concerns:
  - Standard of Review for CEQA Review
  - City fails to meet independent judgement test mandated under CEQA
  - Summary of defects in analysis or resulting mitigation
  - Detail of comments
  - Aesthetics
  - Air quality
  - Odors
  - Cultural resources
  - Greenhouse gas emissions
  - Hazards and hazardous materials
  - Hydrology and water quality
  - Noise
  - Public services
  - Transportation/traffic
  - Inadequate information to evaluate adequacy of mitigation
  - Inadequate evidence of RI ability to fund mitigation
- Letter submitted by Mitchell Chadwick dated November 20, 2018 (refer to Attachment 12) in support of the project. They noted:
  - The project expands an existing industrial use in an industrial area
  - A mitigated negative declaration is appropriate for the project
  - Competition is the American way and good for society
- Letter submitted by Mitchell Chadwick dated November 21, 2018, in reply to the Brigit S. Barnes & Associates letter (Attachment 13). They noted:
  - The project expands an existing industrial use in an industrial area
  - CEQA and the CEQA Guidelines support preparation of an MND
  - Preparation of the MND complies with CEQA, and the City will exercise its independent judgement
  - Aesthetics



- Air quality
- Biological resources
- Cultural resources
- Greenhouse gas emissions
- Hazards and hazardous materials
- Hydrology and water quality
- Noise
- Public services
- Transportation/Traffic

### **Recommended Action:**

The suitability of the proposed project has been examined with respect to its consistency with goals and policies of the General Plan, its compatibility with surrounding uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment.

Yuba City Municipal Code Sections 8-5.7003 requires that findings be made in order to approve a Use Permit. Provided below is an evaluation of the findings required to approve the project. The required findings are in ***bold, italicized*** font, followed by a staff analysis.

#### ***1. The proposal is consistent with the General Plan.***

Staff analysis: The property is zoned Industrial District (M-2) which is consistent with the existing General Plan designation of Manufacturing, Processing, and Warehousing. The M-2 district permits recycling and collection facilities (including a LVTS) subject to the issuance of a Use Permit by the Commission.

#### ***2. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this chapter.***

Staff analysis: Under the revised project, the site has been increased from three to four acres. The expanded site will allow improved circulation and queuing, and will be adequate to accommodate the proposed LVTS facility and related operations. The proposed site plan is in conformance with the Zoning Regulations with perimeter landscaping and fencing, and will include the necessary site improvements to allow for a safe and efficient operation. Utilized areas of the site will be paved, directional signage will be provided, and stormwater runoff will be controlled. Truck loading docks will be provided to allow efficient transfer of material and prevent potential impacts to off-site circulation. The proposed flow of vehicle and truck traffic entering and exiting the site will minimize the potential for vehicular conflicts while allowing for a safe and efficient flow of traffic and facility use. The site has sufficient on-site space to prevent trucks from queuing on the public right-of-way in the event of a surge of visiting trucks to the site.

To ensure that there is safe and efficient traffic movement at the site, the applicant is required to have an on-site traffic management plan as part of the *Transfer/Processing*

*Report* document and will employ spotters to direct traffic. This will ensure that during material receiving hours, facility personnel will monitor and direct incoming traffic.

**3. *The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.***

Staff analysis: The applicant is proposing to expand the facility from 100 TPD to a 300 TPD, however staff is recommending limiting the maximum to 100 TPD. Regardless, traffic will increase in comparison to what exists today, however this increase was previously examined per UP 12-01.

Estimated truck activity and employee travel associated with the project will occur over an 11 hour operating day between 7 a.m. to 6 p.m. Truck activity is expected to be relatively uniform across that period, but somewhat less truck travel is expected in the evening as the plant begins to wind down for the day.

The project could generate up to eight vehicle trips during the a.m. peak hour which is well below the 50 trips threshold for a traffic study. Even if the project's peak hour PCE estimate of 18 peak hour trips was applied, this estimate is less than the 50-trip threshold used by the City of Yuba City. Based on the City's criteria, the project is not expected to have a significant impact to the local or regional street systems.

**4. *The site design and size and design of the buildings will complement neighboring facilities.***

Staff analysis: The design of the site meets the requirements of the Zoning Regulations relative to the provision of adequate parking and shading and buffer landscaping. The applicant is proposing to construct a new 21,600 sf transfer/processing building. The proposed building will be similar in size and design to the buildings built immediately to the south. The proposed building will be compatible with other nearby industrial buildings and will ensure that the proposed business operations are kept inside an enclosed space. Presently the project site is surrounded by a six-foot high chain-link fence and landscaping.

**5. *The establishment or operation of the use or building applied for will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.***

Staff analysis: The project site is suited for a LVTS. The surrounding uses are industrial in nature, while the nearest homes are located approximately 1,900 lineal feet from the site, thus the operation of the LVTS facility will not be detrimental or injurious to property or improvements in the neighborhood. As detailed in the attached IS/MND and the TPR, the proposed LVTS must incorporate multiple components to ensure its compatibility with the surrounding properties. These components, which are mandated by the State's application process, include:

- Station Control Plan which addresses:
  - Nuisance controls (i.e. daily cleanup of the site);
  - Dust control measures to mitigate on-site dust;
  - Vector and bird control measures to prevent these items from becoming nuisances;
  - Litter control measures;
  - Noise control measures;
  - Odor control measures; and,
  - Traffic control measures.
- Records and Reporting Plan which addresses the types of on-going reporting required for the operation of the LVTS. This includes:
  - Employee training program;
  - Facility self-inspection program;
  - Health and safety program;
  - Hazardous waste reporting program;
  - Public complaint log; and,
  - A monitoring and inspection schedule report.

As previously mentioned in the *Environmental Assessment* discussion section, since the proposed project is considered a Large Volume Transfer Station, the Yuba-Sutter LEA will be responsible for ensuring the project complies with all applicable State mandated requirements. Given this designation, the applicant will be responsible for monthly reporting to the LEA to ensure compliance with State requirements. Additionally, the LEA will also be responsible for enforcement of all local restrictions placed on the proposed use which includes key elements that ensure the compatibility of the use with the surrounding properties.

**Commission Action:**

Based on the findings above, the environmental assessment, comments received, adopted regulations, and the General Plan, staff recommends that the Planning Commission take the following actions:

1. Adopt the Subsequent Initial Study/Mitigated Negative Declaration 17-10.
2. Determine that Development Permit 17-03 and Use Permit 17-05 are consistent with the General Plan subject to compliance with the Conditions of Project Approval as outlined in Attachment 2.
3. Approve Development Permit 17-03 and Use Permit 17-05 with the Conditions of Project Approval, as outlined in Attachment 2, modifying Use Permit 12-01 and granting a revised Large Volume Transfer/Processing Solid Waste Facility Permit.

**Subject to Appeal:**

The Commission's action may be appealed to the City Council per Section 8-5.7003(e) of the Yuba City Municipal Code. An appeal may be filed by "[A]ny applicant or person claiming to be

directly and adversely affected by any action of the Planning Commission...” Appeals shall be filed with the City Clerk within 10 days after the Commission’s action.

**Attachments:**

1. Aerial photo/Location Map
2. Conditions of Approval
3. Comments received from responsible agencies and responses
4. Letters and email exchanges
  - a. Dept. of Resources Recycling and Recovery (CalRecycle) letter dated Nov. 5, 2018
  - b. Email chain between CalRecycle and Larry Miner of Clements Environmental
  - c. Feather River Air Quality Management District (FRAQMD) letter dated Nov. 6, 2018
  - d. Email chain between FRAQMD and Larry Miner of Clements Environmental
  - e. Sutter-Yuba Local Enforcement Agency (LEA) letter dated Nov. 5, 2018
  - f. Email chain between LEA and Larry Miner of Clements Environmental
  - g. Central Valley Regional Water Quality Control Board letter dated Oct. 30, 2018
5. List of emails expressing their opposition of the project
6. List of emails in support of the project
7. Petition submitted by RI with signatures in support of the project.
8. Letter submitted by Mat Conant and Ron Sullenger of the Sutter County Board of Supervisors dated October 30, 2018 requesting an additional 30-days to review and provide comments on the Initial Study/Mitigated Negative Declaration
9. Letter submitted by Brigit S. Barnes & Associates, Inc. dated November 1, 2018 requesting an additional 30-days to review and provide comments on the Initial Study/Mitigated Negative Declaration
10. Letter submitted by Yuba City (Arnoldo Rodriguez) dated November 5, 2018 denying a 30-day extension request to submit comments on the Initial Study/Mitigated Negative Declaration
11. Letter submitted by Brigit S. Barnes & Associates, Inc. dated November 6, 2018 opposing the project
12. Letter submitted by Mitchell Chadwick dated November 20, 2018 supporting the project
13. Letter submitted by Mitchell Chadwick dated November 21, 2018 titled “Reply to Stop the Dump Comment Letter on Recycling Industries’ Expansion Project”
14. Initial Study/Mitigated Negative Declaration for Use Permit 17-05 and Development Plan 17-03 including:
  - a. Transfer/Processing Report
  - b. Initial Study/Mitigated Negative Declaration prepared for Use Permit 12-01 dated May 23, 2014
  - c. Traffic Study prepared by Ken Anderson & Associates, Inc. dated July 18, 2018
15. Mitigation Monitoring and Reporting Program
16. Report to the Planning Commission for Use Permit 12-01 dated July 23, 2014

17. Site Plan and building elevations

Attachment 2: Conditions of Project Approval

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## Indemnification:

1. The applicant, operator, and/or property owner ("Applicant" herein) is required to enter into an agreement with the City agreeing to indemnify, defend, and hold harmless the City of Yuba City, its officers, attorneys, agents, employees, departments, commissioners, authorized volunteers, and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this land use approval, including without limitation any California Environmental Quality Act (CEQA) approval or any related development approvals or conditions whether imposed by the City, or not, except for City's sole active negligence or willful misconduct. This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued. The land use approval shall not become effective until Applicant executes a "Covenant to Indemnify."
2. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

## Materials:

3. The facility shall not receive more than 100 tons per day.
4. The facility shall only receive material generated within the Sutter and Yuba Counties.
5. Putrescible material: maximum of 10 percent of all material. Material shall be removed within 48 hours.
6. The facility shall not accept, store, or process:
  - a. Hazardous Material
  - b. Biohazardous Material
  - c. Medical Waste

If any of the above waste (hazardous, biohazardous or medical) is dumped illegally at the site, the operator shall take necessary steps to properly handle and dispose of such items listed.

7. Tires: Shall be stored in a bin no larger than 40 yards in size. A maximum of one tire bin shall be at the facility at any given time.
8. Green Waste:
  - a. No green waste shall be accepted via a packer truck, including side, front, or rear loaders.
  - b. Self-haul green waste may be accepted and processed.

- c. Shall be removed within 48 hours of being accepted.
- 9. Pallets: Shall not be stacked taller than 6 feet in height outdoors.

### Delivery of Material:

- 10. Except for source separated curbside recyclables, material may not be accepted via packer trucks. This includes side, front, or rear loaders.
- 11. Roll off bins of up to 50 yards may be accepted
- 12. The facility is closed Sunday. The facility is open from to refuse/waste from 7am – 5pm, Monday through Saturday with ancillary operations from 6am – 9pm, Monday through Saturday.

### Storage:

- 13. All utilized areas, including storage areas, shall be paved.
- 14. Bundled, packaged, and/or palletized material shall be stored on paved areas.

### Vector Control:

- 15. Operator shall follow all controls listed in Section 5.5 of Transfer/Processing Report (TPR).

### Noise:

- 16. Operator shall contract with an independent acoustical engineer to measure noise being generated by the facility within 10 working days as requested by the City. Should noise levels exceed adopted standards, said noise levels shall be reduced to acceptable levels within 24-hours.

### Odor Control:

- 17. Operator shall comply with all provisions listed in Section 5.4 of TPR
- 18. Trucks shall be washed weekly off-site or on-site where solids in water can be captured before entering the City system.

### Queuing:

- 19. There shall be no stacking and/or queuing of vehicles entering the facility and/or waiting to access the scale on the public right-of-way. Vehicles shall not be directed to leave the facility to avoid queuing; rather operational changes shall be implemented within 24 hours of notification by the City.

### Processing:

- 20. All processing, sorting, compacting, shredding, baling, crushing, etc. of solid waste destined to a landfill shall occur indoors.
- 21. All green waste shall be stored indoors unless contained in a roll-off container and covered.



22. Storage of roll off bins destined to be dumped and processed at the site shall be properly covered, unless stored indoors.
23. Storage of construction vehicles/material is not allowed in the public right-of-way.

## Litter Control:

24. Litter control shall be implemented as described in section 4.11.2 of the TPR report.
25. The transfer station operator shall manage the facility in such a manner that confines litter to the work area, which prevents litter from accumulating on other parts of the site and which prevents litter from being blown off the site.
26. The transfer station operator shall implement a program requiring transfer station users to securely containerize their load to avoid littering. The program shall be subject to the approval of the City.
27. Under windy conditions, the transfer station operator shall cover the refuse with City approved cover materials as often as necessary to control blowing litter. Other options shall be considered as necessary, including the alignment of unloading areas away from the prevailing wind direction.
28. The transfer station operator shall install portable litter fencing in the work area to intercept wind-blown debris.
29. The transfer station operator shall remove litter from the litter fencing and planting screens at least once a day. On site access areas shall be policed at least daily. The City may require more frequent policing to control the accumulation of litter.
30. The transfer station operator shall provide weekly (or more frequent) litter clean up along City right-of-way to and from the facility. The City may modify the frequency of clean up and/or area of coverage. If wind-blown litter from the transfer station reaches other properties, the Public Works Director may require the transfer station operator to remove the litter and the Director may require the operator to institute additional measures to prevent recurrence of the problem.
31. Paved roadways proximate to the site shall be cleaned as necessary when soil material has been carried by patrons of the facility onto public roadways. If the operator fails to do so upon notice, the City may clean the roadway at the operator's expense.
32. The transfer station operator shall post signs, as determined necessary by the City, along access roads to the transfer station noting littering and illegal dumping laws. The operator should periodically publish these laws and operation hours in mailings.
33. The transfer station operator shall post signs at the transfer station entrance noting the hours of operation.

## Posting of Signs:

34. The transfer station operator shall post signs, at their expense, notifying patrons of littering regulations and the need to properly tarp their vehicles to minimize debris from exiting the vehicle onto the roadway and/or neighboring sites.

## Host Fee:

35. Following State approval of the proposed expansion of the Large Volume Transfer Station, the applicant will negotiate a “host fee” with the City. The Host Fee will be calculated based upon the amount of garbage that is ultimately transferred to the Landfill by the applicant.
  - a. Authorize the Community Development Director (or his designee) to approve minor amendments to the project Transfer Processing Report as necessary to accommodate final approval from the State of California.
  - b. Authorize the Community Development Director (or his designee) to provide all necessary approvals required to obtain final approval from the State of California for the proposed Large Volume Transfer Station.

## Public Works:

36. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.
37. The applicant, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
38. Storage of construction vehicles/material is not allowed in the travel way.
39. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent lands or impede the drainage from those properties. The rear yards and/or side yards of the parcel shall have the same finish grade elevation as those lots within tolerances as approved by the Public Works Department. If retaining walls are required they shall be constructed of concrete or masonry block.
40. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
41. The Developer shall place, within the property boundary, an in-line separator on the storm drain line prior to the point of connection to the storm drain line in the City right-of-way. Property owner shall be responsible for all maintenance of the system.
42. Required Improvement Plan Notes:
  - a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
  - b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."

- c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
  - d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
  - e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."
43. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
44. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
45. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting Maintenance District for the purpose of maintaining the street lights. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
46. All public street lighting shall be dedicated to the City of Yuba City.
47. Cross easements over all property not occupied by buildings shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division.
48. Prior to the issuance of a building permit, the property owner shall merge the parcels in to one parcel, or shall relocate the property lines between the parcels so they do not bisect any buildings.
49. The project, including phased improvements, shall comply with the City's Storm water Management and Discharge Control Ordinance (Title 4, Chapter 21 of the Yuba City Municipal Code).
50. The applicant shall provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.
51. The applicant shall provide, to the Public Works Director, the name and contact information of the individual(s) who will be responsible for cleaning any debris in the City right-of-way resulting from the transfer station's operations. The individual(s) shall be available.
52. Applicant to contact the State Water Resources Control Board to determine industrial general permit compliance.

### Fire Department:

53. Obtain necessary permits from the Yuba City Fire Department.

### CalRecycle:

54. Comply with letter November 5, 2018 and subsequent correspondence between CalRecycle and Larry Miner.

### Feather River Air Quality Management District:

55. Comply with letter dated November 6, 2018 and subsequent correspondence between the FRAQMD and Larry Miner.

### Sutter-Yuba Local Enforcement Agency:

56. Comply with letter dated November 5, 2018 and subsequent correspondence between the LEA and Larry Miner.

### Central Valley Regional Water Quality Control Board:

57. Comply with letter dated October 30, 2018

## Attachment 3: Comments received from responsible agencies and responses

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## Calrecycle Comment Letter

### CalRecycle Comment 1:

#### Days and Hours of Operation:

Page 50 of the draft IS/MND indicates that intake and tipping will take place from 7:00am to 5:00pm Monday through Sunday; with additional outdoor site operations from 6:30am to 9:00pm and other activities within buildings up to 24 hours per day Monday through Saturday.

The current Solid Waste Facilities Permit (SWFP) allows receipt of refuse/waste from 7:00am-5:00pm, Monday through Saturday with ancillary operations/facility operating hours from 6:00pm-8:00pm, Monday through Saturday.

Why is the increase in hours not listed in the summary of project impacts in section 1.2?

### Response to CalRecycle Comment 1:

Sunday operation is being removed from the proposed project revisions.

The project will be limited to the hours of operation as set forth in the current Solid Waste Facility Permit as follows: Receipt and process refuse/waste from 7:00am-5:00pm, Monday through Saturday with ancillary operations/facility operating hours from 6:30am-8:00pm, Monday through Saturday.

### CalRecycle Comment 2:

#### Waste types:

Section 1.2 states that the proposed project would "Remove the 10% putrescible waste limit condition in UP 12-01. This removal will allow RI to receive waste that might contain more than 10% putrescible waste:"

The term *might* seem misleading since removing the 10% putrescible waste limit condition implies that 100% of waste received may in fact be putrescible. Will the facility be allowed to receive up to 300 tons per day of putrescible waste? Please clarify.

### Response to CalRecycle Comment 2:

Putrescible waste is defined under Title 14 CCR, Section 17225.52 as "wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases or other offensive conditions, and include materials such as food wastes, offal and dead animals."

Per the CalRecycle web page regarding Solid Waste Characterization studies which can be found at <https://www2.calrecycle.ca.gov/WasteCharacterization/>, residential solid waste in Yuba City is composed of approximately 44 percent putrescible waste. Any unusual loads with higher

concentrations of putrescible waste would be prohibited from using the RITS as noted in Section 1.3 and Appendix G of the RITS TPR.

#### CalRecycle Comment 3:

Page 24 e) EA 12-2 acknowledged that potential odor impacts associated with operation of the project as proposed under UP 12-01 could be mitigated by tipping and processing solid waste in an enclosed building, installing an overhead misting system with an odor neutralizing compound and not accepting solid waste with over ten percent putrescible material.

The above language references mitigation measures associated with the 10% putrescible limit. Does this mitigation measure apply to putrescible waste after the 10% limit is removed? Please clarify.

#### Response to CalRecycle Comment 3:

Potential odor impacts at solid waste transfer and processing facilities are mitigated by moving out material in a timely manner, conducting operations inside an enclosed building and installing and maintaining an overhead misting system with an odor neutralizing agent. The proposed mitigation is effective for controlling odors at transfer stations that process municipal solid waste which may exceed 10 percent putrescible waste.

In addition, please note that Appendix G of the RITS TPR prohibits the following odor generating material from being delivered to the RITS facility:

- Materials from Franchise Curbside Residential Greenwaste Collection Programs;
- Materials from Franchise Commercial Restaurant and Food Waste Collection Programs;
- Animal Carcasses;
- Septage;
- Sewage Sludge;
- Hazardous Wastes;
- Universal Wastes; and,
- Regulated Medical Wastes.

#### CalRecycle Comment 4:

Page 24 cites odor control provisions that are included in the TPR. It should be noted that the Local Enforcement Agency does not have regulatory authority over odors at Transfer/Processing Facilities under Title 14, CCR

#### Response to CalRecycle Comment 4:

The comment is noted that Local Enforcement Agency does not have regulatory authority over odors at Transfer/Processing Facilities under Title 14, CCR. It should be noted that the LEA would have control over complaints and special occurrences that could be related to odor issues as well as regulatory oversight over facility maintenance, vectors and material storage times which could create odor issues.



## CalRecycle Conclusion

The above responses were provided to CalRecycle on November 8, 2018, via email, and on November 14, 2018, Diane Vlach, Senior Environmental Scientist (Supervisor) at CalRecycle responded via email indicating that the opportunity to review the responses was appreciated, and that there were “no further questions at this time”. A copy of the email is included as an attachment to this staff report.

## Feather River Air Quality Management District Comment Letter

### FRQAMD Comment 1:

The proposed project lists types of equipment and processes that may require a Permit to Operate (Permit) from the District. This includes the emergency generators listed for building 3 and building 7. All generators operating on the site over 25 horsepower would require a Permit, not a State Portable Equipment Permit (PERP) as noted in the MND. Any diesel-powered tippers or material handlers may also be subject to a District Permit.

### Response to FRAQMD Comment 1:

Comment noted. All required permits from the FRAQMD will be obtained for diesel powered equipment and generators over 25 horsepower.

### FRAQMD Comment 2:

The project does not appear to evaluate the Volatile Organic Compounds (VOC) emitted from the putrescible wastes degrading over a 48hour period inside the building; nor an evaluation of VOC's from potential composting operations if the facility plans on accepting green waste and only offloading "periodically" as noted on page 4-25. The District recommends that the MND estimate the VOC emissions from both sources. To avoid composting VOC emissions and odors the facility should incorporate specific measures to remove the green waste and yard waste prior to the degradation process.

### Response to FRAQMD Comment 2:

VOCs are typically associated with the composting piles, not tipping piles in a transfer station. Compost facilities are classified as a VOC emission source and are required to obtain a permit to construct and operate from the local air quality management district. Transfer stations do not require a permit to construct or a permit to operate from the Air District.

While organic material in refuse containers, as well as in collection trucks, may reach composting temperature levels, any VOC emissions would be diluted during the collection and tipping process. Many air districts have published VOC emission factors for composting facilities, however none are provided for municipal solid waste transfer stations which may be due to the constant movement of the tipping pile and the fact that all incoming solid waste must be transferred to a permitted landfill within 48 hours. No composting is proposed as part of the project.

### FRAQMD Comment 3:

The District is concerned that there are no mitigation measures proposed to address potential odor impacts outside the building. The District is also concerned that the proposed mitigation measures will be insufficient in fully mitigating the odor impacts. The District recommends that the project commit to incorporating additional controls and/or operating conditions should the proposed mitigation fail to fully mitigate odor impacts.

### Response to FRAQMD Comment 3:

Odors at the facility will be controlled by tipping and loading out all waste inside the proposed transfer station building, using an overhead misting system with an odor neutralizing agent, and maintaining a clean site. The operator will be responsive to any complaints regarding odor and trace any complaints back to the source with the goal of developing a process and procedures for handling odoriferous waste from a specific customer or route.

### FRAQMD Comment 4:

The demolition of the existing building is subject to the Asbestos NESHAP as described in the Rules and Regulations Statement (attached).

### Response to FRAQMD Comment 4:

Comment noted. One metal building will be relocated on site and no building demolitions are proposed. Prior to demolition of any structures, an asbestos evaluation will be completed in accordance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations. Section 61.145 requires written notification of demolition operations. Asbestos NESHAP Demolition/Renovation Notification Form can be downloaded at <http://www.arb.ca.gov/enf/asbestos/asbestosform.pdf>. This notification should be typewritten and postmarked or delivered no later than ten (10) days prior to the beginning of the asbestos demolition or removal activity. Please submit the original form to USEPA and a copy each to California Air Resources Board (CARB) and the District at the addresses below:

U.S. EPA  
Attn: Asbestos NESHAP Program  
75 Hawthorne Street  
San Francisco, CA 94105

CARB, Compliance Division  
Attn: Asbestos NESHAP Program  
P.O. Box 2815  
Sacramento, CA 95814

### FRAQMD Comment 5:

The MND should identify which CARB Off-Road Diesel Fueled Fleets Regulation on page 22 it is referring to as there are multiple regulations that apply to off-road diesel equipment such as the Portable Diesel-Fueled Engines ATCM (California Code of Regulations 93116).

### Response to FRAQMD Comment 5:

The following CARB regulatory regulations would apply to the project:

- Limit Diesel-Fueled Commercial Motor Vehicle Idling to 5 minutes for in-use off-road heavy duty diesel trucks.
- A person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringleman Chart.

It should be noted that any mobile fueling operations will be limited to diesel fuel. Not mobile gasoline fueling will occur on the RITS site.

### FRAQMD Conclusion

The above responses were provided to FRAQMD on November 8, 2018, via email, and on November 15, 2018, Sondra Spaethe, Air Quality Planner at Feather River Air Quality Management District responded via email indicating the following:

The FRAQMD would like to clarify that the engine horsepower threshold for permitting varies depending on if the engine is used as emergency or prime power. The emergency diesel generator engine threshold is 25 hp. The prime engine threshold is lower. The applicant should consult with FRAQMD permit engineers when the type and size of the generators is known. (Comment 1).

If the facility will be transferring all materials within 48 hours then there should not be composting-type emissions.

The facility should commit to adopting enhanced odor mitigation should the proposed mitigation fail to adequately address odor impacts.

A copy of the email is included as an attachment to this staff report.

### Yuba-Sutter Local Enforcement Agency (LEA) Comment Letter

#### LEA Comment 1:

The implementation of the proposed project will require a revision to the Solid Waste Facility Permit (SWFP) for the existing Recycling Industries Transfer Station. As a responsible agency, The Yuba-Sutter LEA will therefore review and add documentation for adequacy relating to the SWFP permitting process if any of these occur.

#### Response to LEA Comment 1:

Comment noted. A revision of the existing Solid Waste Facility Permit will be processed as required by the LEA.

#### LEA Comment 2:

On page 50 of the draft Initial Study(IS)/Mitigated Negative Declaration(MND) states the following:

Monday- Saturday: Intake and tipping: 7:00 AM to 5:00 PM (all customers), Other outdoor site operations: 6:30 AM to 9:00 PM, and other activities within buildings: Up to 24 hours/day.

Sunday: Intake and tipping: 7:00 AM to 5:00 PM (all customers)

The facilities current SWFP allows receipt of refuse/waste Monday through Saturday from 7:00 AM to 5:00 PM with ancillary operations/facility operating hours Monday through Saturday from 6:00 AM to 9:00 PM.

Were all potentially significant impacts associated with the change/increase in operating and ancillary hours adequately addressed in the draft IS/MND? With the increased hours of operation/ancillary hours and no noise assessment to study sound impacts the Yuba-Sutter LEA is not sure how increased hours of operation/ancillary hours will reduce sound as stated in the draft IS/MND. Should the increase in operating and ancillary hours be listed in the summary of project impacts in section 1.2 of the draft IS/MND?

#### Response to LEA Comment 2:

Sunday operation is being removed from the proposed project revisions.

The project will be limited to the hours of operation as set forth in the current Solid Waste Facility Permit as follows: Receipt and process refuse/waste from 7:00am-5:00pm, Monday through Saturday with ancillary operations/facility operating hours from 6:30am-8:00pm, Monday through Saturday

#### LEA Comment 3:

In section 1.2 of the draft IS/MND it states the proposed project would "Remove the 10% putrescible waste limit condition in UP 12-01. This removal will allow Recycling Industries Transfer Station to receive waste that might contain more than 10% putrescible waste". On page 24, section e of the draft IS/MND it states EA 12-2 acknowledged that potential odor impacts associated with operation of the project as proposed under UP 12-01 could be mitigated by tipping and processing solid waste in an enclosed building, installing an overhead misting system with an odor neutralizing compound and not accepting solid waste with over ten percent putrescible material.

This section is referencing mitigation measures associated with the 10% putrescible limit. Since the project proposes to remove 10% putrescible cap will this mitigation measure still apply to putrescible wastes that range from 11 % through 100%?

### Response to LEA Comment 3:

Putrescible waste is defined under Title 14 CCR, Section 17225.52 as “wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases or other offensive conditions, and include materials such as food wastes, offal and dead animals.”

Per the CalRecycle web page regarding Solid Waste Characterization studies which can be found at <https://www2.calrecycle.ca.gov/WasteCharacterization/>, residential solid waste in Yuba City is composed of approximately 44 percent putrescible waste. Any unusual loads with higher concentrations of putrescible waste would be prohibited from using the RITS as noted in Section 1.3 and Appendix G of the RITS TPR.

Potential odor impacts at solid waste transfer and processing facilities are mitigated by moving out material in a timely manner, conducting operations inside an enclosed building and installing and maintaining an overhead misting system with an odor neutralizing agent. The proposed mitigation is effective for controlling odors at transfer stations that process municipal solid waste which may exceed 10 percent putrescible waste.

In addition, please note that Appendix G of the RITS TPR prohibits the following odor generating material from being delivered to the RITS facility:

- Materials from Franchise Curbside Residential Greenwaste Collection Programs;
- Materials from Franchise Commercial Restaurant and Food Waste Collection Programs;
- Animal Carcasses;
- Septage;
- Sewage Sludge;
- Hazardous Wastes;
- Universal Wastes; and,
- Regulated Medical Wastes.

### LEA Comment 4:

Yuba-Sutter LEA staff has no further comments on the project proposed at this time and requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this project. Also requests for dates, times, and locations of any public hearings regarding the project proposal should be sent to the Yuba-Sutter LEA at least ten days in advance.

If the environmental document is adopted during a public hearing, the Yuba-Sutter LEA requests ten days advance notice of this hearing. If the document is adopted without a public hearing, the Yuba-Sutter LEA requests ten days advance notice of the date of the adoption and project approval by the decision-making body.

Thank you for the opportunity to comment on this project at this point of the planning process. If you have any questions regarding these comments, please contact me at 530-749-5450 or email me at Clark Pickell, at [cpickell@co.vuba.ca.us](mailto:cpickell@co.vuba.ca.us), or William Davis at [wadavis@co.vuba.ca.us](mailto:wadavis@co.vuba.ca.us).

#### Response to LEA Comment 4:

Comment noted.

#### LEA Conclusion

The CalRecycle responses were provided to Yuba-Sutter LEA on November 9, 2018, via email, since the LEA had similar questions. On November 15, 2016, Clark Allen Pickell, REHS, of the Yuba County Environmental Health Department provided the following response, via email:

Larry,

Thanks for following up with the Yuba County LEA. I anticipate that our responses to you addressing our comments will be similar to CalRecycle. I plan to sit down and review the comments and responses in full when I return from Thanksgiving on November 26<sup>th</sup>. Due to the ongoing fire in Butte County our resources are very limited so please be patient and we will address the comments when I return.

Regards,

Clark

Clark Allen Pickell, REHS  
**Yuba County Environmental Health Department**  
*Certified Unified Program Agency*  
Director Environmental Health  
530-749-7523

On November 15, 2018, the specific responses as included in this staff report were also emailed to the Mr. Clark Pickell. As mentioned in Mr. Pickell's email, above due to the fire and Thanksgiving Holiday, a formal response can not be prepared in time to include in this staff report.

#### Central Valley Regional Water Quality Control Board (CVRWQCB) Comment Letter

##### CVRWQCB Comment 1:

##### Regulatory Setting - Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the

purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

#### Response to CVRWQCB Comment 1:

Comment Noted.

#### CVRWQCB Comment 2:

**Antidegradation Considerations** - All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page"IV-15.01 at: [http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.



#### Response to CVRWQCB Comment 2:

No process wastewater will be generated by the project, and as a result, no WDR is required for the project. Any contact water inside the transfer station will be discharged to floor drains and treated pursuant to the Yuba City Department of Public Works prior to being discharged to the sanitary sewer system.

#### CVRWQCB Comment 3:

**Permitting Requirements Construction Storm Water General Permit** - Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan. For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

#### Response to CVRWQCB Comment 3:

Comment noted. A General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), as required under Construction General Permit Order No. 2009-009-DWQ, will be obtained prior to any onsite grading activities.

#### CVRWQCB Comment 4:

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits** - The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)



#### Response to CVRWQCB Comment 4:

Onsite infiltration of stormwater in compliance with the MS4 and City Low Impact Development requirements will be provided to offset the additional runoff associated with the proposed project. Preliminary calculations indicate that approximately 4,271 cubic feet of infiltration volume will be required (3 feet wide, 200 feet long and 7.1 feet deep or equivalent infiltration trench) to be provided onsite. The final design and supporting calculations for the LID will be reviewed and approved by the City prior to the issuance of building permits.

#### CVRWQCB Comment 5:

**Industrial Storm Water General Permit** - Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### Response to CVRWQCB Comment 5:

The RITS is subject to and complies with the Statewide General Permit for Storm Water Discharges Associated with Industrial Activities, Order 2014-0057-DWQ (Industrial General Permit or IGP). A Notice of Intent has been filed as required under the General Permit by the RITS operators, and a Waste Discharger Identification (WDID) number has been issued (reference WDID 5S51I024147) by the State Regional Water Quality Control Board. The RITS will implement a Stormwater Pollution Prevention Plan (SWPPP) and incorporate best management practices (BMPs).

#### CVRWQCB Comment 6:

**Clean Water Act Section 404 Permit** - If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Wildlife for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

#### Response to CVRWQCB Comment 6:

The project does not involve the discharge of dredged or fill material into or from navigable waters or wetlands, and a permit pursuant to Section 404 of the Clean Water Act is not necessary from the United States Army Corps of Engineers (USACOE).

#### CVRWQCB Comment 7:

**Clean Water Act Section 401 Permit- Water Quality Certification** - If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

#### Response to CVRWQCB Comment 7:

No permits are necessary from the USACOE, and no other federal permits (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), in order to construct the RITS.

#### CVRWQCB Comment 8:

**Waste Discharge Requirements - Discharges to Waters of the State** - If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

#### Response to CVRWQCB Comment 8:

The RITS project will not generate any wastewater discharges that require a WDR and no USACOE review is required as there are no non-jurisdictional waters of the State on the project site.

#### CVRWQCB Comment 9:

**Dewatering Permit** - If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults.

Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wgo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wgo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145 res. pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

#### Response to CVRWQCB Comment 9:

Comment noted. If any dewatering is required as part of the RITS construction, a Notice of Intent with the Central Valley Water Board will be filed and obtained prior to beginning an discharge.

#### CVRWQCB Comment 10:

**Regulatory Compliance for Commercially Irrigated Agriculture** - If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply: 1) Obtain Coverage Under a Coalition Group; or 2) Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order RS-2013-0100.

#### Response to CVRWQCB Comment 10:

The property will not be used for commercial irrigated agricultural purposes.

#### CVRWQCB Comment 11:

**Low or Limited Threat General NPDES Permit** - If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074. pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

#### Response to CVRWQCB Comment 11:

Any dewatering associated with construction of the RITS will be in compliance with the National Pollutant Discharge Elimination System (NPDES) permitting requirements through compliance with the Central Valley Water Board Low Threat General Order or the Limited Threat General Order as applicable.

#### CVRWQCB Comment 12:

**NPDES Permit** - If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

#### Response to CVRWQCB Comment 12:

The RITS project will not generate any wastewater discharges and does not require a NPDES permit.

#### CVRWQCB Conclusion

The CVRWQCB comments are primarily related to compliance with specific regulatory requirements that, where applicable, must be complied with by the project proponent. No additional outreach was made to the CVRWQCB as the project will comply with all applicable state water quality requirements.

# Attachment 4a: Letter from CalRecycle

California Environmental Protection Agency

Edmund G. Brown Jr., Governor



## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. Box 4025, SACRAMENTO, CALIFORNIA 95812

November 5, 2018

Mr. Arnoldo Rodriguez, AICP  
Development Services Director  
City of Yuba City  
1201 Civic Center Blvd.  
Yuba City, CA 95993  
arodrigu@yubacity.net

Governor's Office of Planning & Research  
NOV 05 2018  
STATE CLEARINGHOUSE

**SUBJECT: SCH 2014052082 - Draft Subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for Recycling Industries Transfer Station Use Permit Revisions (Facility No. 51-AA-0008) – City of Yuba City, Sutter County**

Dear Mr. Rodriguez:

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.

### **PROJECT DESCRIPTION**

The City of Yuba City, Community Development Services Planning Division, acting as Lead Agency, has prepared and circulated an IS/MND in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The proposed Recycling Industries Transfer Station (RITS) (proposed project) is located at 140 Epley Drive in Sutter County currently zoned M-2 in an industrial area. The project site is approximately 0.55 miles south-southwest of the Sutter County Airport runway. The tax assessor's parcel numbers (APN) for the property that comprises the three (3) acre project site include APN 54-083-014 and APN 54-083-023. The proposed project would add the adjacent vacant, one (1) acre parcel to the south (APN 54-083-015) for a total site area of approximately four (4) acres.

Surrounding land uses within one mile of the project site include heavy industrial, an airport, commercial uses, agricultural land, residential and open space.

The proposed project would modify to the Use Permit (UP) No. 12-01 to:

- Increase the maximum throughput from 100 TPD to 300 TPD of mixed waste and recyclables;
- Remove the 10% putrescible waste limit condition in UP 12-01. This removal will allow RI to receive waste that might contain more than 10% putrescible waste;
- Allow packer trucks to bring garbage to the Recycling Industries' Large Volume Transfer Station. Packer trucks are waste collection vehicles such as rear loaders, side loaders and front loaders. They are used primarily for the collection of waste that will be delivered to a disposal site for transfer, reprocessing, treatment or a landfill. These trucks are equipped with mechanized compaction abilities that allow the waste to be compressed or densified,





thus allowing for greater route efficiencies. In the Yuba Sutter Area, the current waste hauler uses front-loaders and side loaders as commercial compaction vehicles;

- Disallow packer trucks to deliver source separated residential and commercial green waste to the RITS;
- Expand the project site area from three (3) to four (4) acres through the addition of Assessor's Parcel 54-083-15;
- Add an inbound truck scale and modular scale-house/weighmaster office (approximately 700 square feet); • Add, modify and abandon driveways;
- Relocate onsite an existing 1,800 square foot metal building that had been slated for demolition;  
Expand the proposed transfer and processing building from 18,000 square feet to 21,600 square feet and,
- Merge APN 54-083-015 with APN 54-083-014.

### **COMMENTS**

CalRecycle staff's comments on the proposed project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the Draft IS/ND, in addition to the specific location noted.

Comments for the Draft IS/ND are summarized below:

#### **Days and Hours of Operation:**

Page 50 of the draft IS/MND indicates that intake and tipping will take place from 7:00am to 5:00pm Monday through Sunday; with additional outdoor site operations from 6:30am to 9:00pm and other activities within buildings up to 24 hours per day Monday through Saturday.

The current Solid Waste Facilities Permit (SWFP) allows receipt of refuse/waste from 7:00am-5:00pm, Monday through Saturday with ancillary operations/facility operating hours from 6:00pm-8:00pm, Monday through Saturday.

Why is the increase in hours not listed in the summary of project impacts in section 1.2?

#### **Waste types:**

Section 1.2 states that the proposed project would "Remove the 10% putrescible waste limit condition in UP 12-01. This removal will allow RI to receive waste that might contain more than 10% putrescible waste."

The term *might* seems misleading since removing the 10% putrescible waste limit condition implies that 100% of waste received may in fact be putrescible. Will the facility be allowed to receive up to 300 tons per day of putrescible waste? Please clarify.

Page 24 e) EA 12-2 acknowledged that potential odor impacts associated with operation of the project as proposed under UP 12-01 could be mitigated by tipping and processing solid waste in an enclosed building, installing an overhead misting system with an odor neutralizing compound and not accepting solid waste with over ten percent putrescible material.

The above language references mitigation measures associated with the 10% putrescible limit. Does this mitigation measure apply to putrescible waste after the 10% limit is removed? Please clarify.

Page 24 cites odor control provisions that are included in the TPR. It should be noted that the Local Enforcement Agency does not have regulatory authority over odors at Transfer/Processing Facilities under Title 14, CCR.

Solid Waste Regulatory Oversight

The Local Enforcement Agency (LEA) contact for this proposed project is Andy Davis of the Yuba County, Environment Health. He can be reached at 530-749-5472 or by e-mail at [wadavis@co.yuba.ca.us](mailto:wadavis@co.yuba.ca.us). Please contact the LEA to discuss permit requirements for the proposed project.

CONCLUSION

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.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this project.

If the environmental document is adopted during a public hearing, CalRecycle staff requests ten days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests ten days advance notice of the date of the adoption and project approval by the decision-making body.

If you have any questions regarding these comments, please contact Margaret Comotto at 916-341-6399 or by e-mail at [Margaret.Comotto@calrecycle.ca.gov](mailto:Margaret.Comotto@calrecycle.ca.gov).

Sincerely,

*Diane Vlach*

Diane Vlach, Senior Environmental Scientist  
Permitting and LEA Assistance Branch  
Waste Permitting, Compliance and Mitigation Division

cc: Diane Vlach, CalRecycle, [Diane.Vlach@Calrecycle.ca.gov](mailto:Diane.Vlach@Calrecycle.ca.gov)  
Nevin Yeates, CalRecycle, [Nevin.Yeates@Calrecycle.ca.gov](mailto:Nevin.Yeates@Calrecycle.ca.gov)  
Andy Davis, LEA, [wadavis@co.yuba.ca.us](mailto:wadavis@co.yuba.ca.us)





## Attachment 4b: Email chain between CalRecycle &amp; Larry Miner



Larry Miner &lt;lminer@clementsenvironmental.com&gt;

**RE: SCH 2014052082 - Draft Subsequent Initial Study//Mitigated Negative Declaration for Recycling Industries Transfer Station**

1 message

**Vlach, Diane@CalRecycle** <Diane.Vlach@calrecycle.ca.gov>  
 To: Larry Miner <lminer@clementsenvironmental.com>

Wed, Nov 14, 2018 at 6:09 AM

Hi Larry-

My Manager wanted me to thank you for the opportunity to review the draft responses and to let you know that we have no further questions at this time. Have a great day.

-Diane



**Diane Vlach** | Senior Environmental Scientist (Supervisor) | California Department of Resources Recycling and Recovery | WPCMD |  
 Permitting & Assistance Branch - North Unit | 1001 I Street Sacramento, CA 95812 | ☎: 916.341.6393 | 📠: 916.319.7135 | ✉:  
[Diane.Vlach@CalRecycle.ca.gov](mailto:Diane.Vlach@CalRecycle.ca.gov)

**From:** Larry Miner [mailto:[lminer@clementsenvironmental.com](mailto:lminer@clementsenvironmental.com)]

**Sent:** Thursday, November 8, 2018 5:22 PM

**To:** Vlach, Diane@CalRecycle <[Diane.Vlach@CalRecycle.ca.gov](mailto:Diane.Vlach@CalRecycle.ca.gov)>

**Subject:** SCH 2014052082 - Dra. Subsequent Initial Study//Mitigated Negative Declaration for Recycling Industries Transfer Station

Hi Diane,

I am the planning consultant that worked with the City of Yuba City in preparing the Recycling Industries (RI) Initial Study/Mitigated Negative Declaration (IS/MND) and Arnoldo Rodriguez suggested that I reach out to you to obtain your input on our draft responses to your November 5, 2018, comment letter.

Please review the following and let me know when you might have time to discuss:

**CalRecycle Comment 1:**

Days and Hours of Operation:

Page 50 of the draft IS/MND indicates that intake and tipping will take place from 7:00am to 5:00pm Monday through Sunday; with additional outdoor site operations from 6:30am to 9:00pm and other activities within buildings up to 24 hours per day Monday through Saturday.

The current Solid Waste Facilities Permit (SWFP) allows receipt of refuse/waste from 7:00am-5:00pm, Monday through Saturday with ancillary operations/facility operating hours from 6:00pm-8:00pm, Monday through Saturday.

Why is the increase in hours not listed in the summary of project impacts in section 1.2?

**Response to CalRecycle Comment 1:**

Sunday operation is being removed from the proposed project revisions.

The project will be limited to the hours of operation as set forth in the current Solid Waste Facility Permit as follows: Receipt and process refuse/waste from 7:00am-5:00pm, Monday through Saturday with ancillary operations/facility operating hours from 6:30am-8:00pm, Monday through Saturday

**CalRecycle Comment 2:**

Waste types:

Section 1.2 states that the proposed project would "Remove the 10% putrescible waste limit condition in UP 12-01. This removal will allow RI to receive waste that might contain more than 10% putrescible waste:"

The term might seem misleading since removing the 10% putrescible waste limit condition implies that 100% of waste received may in fact be putrescible. Will the facility be allowed to receive up to 300 tons per day of putrescible waste? Please clarify.

### **Response to CalRecycle Comment 2:**

Putrescible waste is defined under Title 14 CCR, Section 17225.52 as “wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases or other offensive conditions, and include materials such as food wastes, offal and dead animals.”

Per the CalRecycle web page regarding Solid Waste Characterization studies which can be found at <https://www2.calrecycle.ca.gov/WasteCharacterization/>, residential solid waste in Yuba City is composed of approximately 44 percent putrescible waste. Any unusual loads with higher concentrations of putrescible waste would be prohibited from using the RITS as noted in Section 1.3 and Appendix G of the RITS TPR.

### **CalRecycle Comment 3:**

Page 24 e) EA 12-2 acknowledged that potential odor impacts associated with operation of the project as proposed under UP 12-01 could be mitigated by tipping and processing solid waste in an enclosed building, installing an overhead misting system with an odor neutralizing compound and not accepting solid waste with over ten percent putrescible material.

The above language references mitigation measures associated with the 10% putrescible limit. Does this mitigation measure apply to putrescible waste after the 10% limit is removed? Please clarify.

### **Response to CalRecycle Comment 3:**

Potential odor impacts at solid waste transfer and processing facilities are mitigated by moving out material in a timely manner, conducting operations inside an enclosed building and installing and maintaining an overhead misting system with an odor neutralizing agent. The proposed mitigation is effective for controlling odors at transfer stations that process municipal solid waste which may exceed 10 percent putrescible waste.

In addition, please note that Appendix G of the RITS TPR prohibits the following odor generating material from being delivered to the RITS facility:

- Materials from Franchise Curbside Residential Greenwaste Collection Programs;
- Materials from Franchise Commercial Restaurant and Food Waste Collection Programs;
- Animal Caracasses;
- Septage;
- Sewage Sludge;
- Hazardous Wastes;
- Universal Wastes; and,
- Regulated Medical Wastes.

#### **CalRecycle Comment 4:**

Page 24 cites odor control provisions that are included in the TPR. It should be noted that the Local Enforcement Agency does not have regulatory authority over odors at Transfer/Processing Facilities under Title 14, CCR

#### **Response to CalRecycle Comment 4:**

The comment is noted that Local Enforcement Agency does not have regulatory authority over odors at Transfer/Processing Facilities under Title 14, CCR. It should be noted that the LEA would have control over complaints and special occurrences that could be related to odor issues as well as regulatory oversight over facility maintenance, vectors and material storage times which could create odor issues.

Thank you for your time and assistance, and please feel free to call or email me with any questions or comments.

Sincerely,

--

Larry Miner, AICP CEP

Clements Environmental

Office - (818) 267-5100

Cell - (310) 993-1676



*Serving Sutter and Yuba Counties*

## Attachment 4c: Letter from FRAQMD

541 Washington Avenue  
Yuba City, CA 95991  
(530) 634-7659  
FAX (530) 634-7660  
[www.fraqmd.org](http://www.fraqmd.org)

Christopher D. Brown, AICP  
Air Pollution Control Officer

November 6, 2018

Arnoldo Rodriguez  
City of Yuba City  
[arodriguez@yubacity.net](mailto:arodriguez@yubacity.net)

Re: Recycling Industries UP 12-01 Mitigated Negative Declaration

Dear Arnoldo Rodriguez,

The Feather River Air Quality Management District (District) appreciates the opportunity to review and comment on the Mitigated Negative Declaration (MND) for the amendment to the Recycling Industries Use Permit.

The proposed project lists types of equipment and processes that may require a Permit to Operate (Permit) from the District. This includes the emergency generators listed for building 3 and building 7. All generators operating on the site over 25 horsepower would require a Permit, not a State Portable Equipment Permit (PERP) as noted in the MND. Any diesel powered tippers or material handlers may also be subject to a District Permit.

The project does not appear to evaluate the Volatile Organic Compounds (VOC) emitted from the putrescible wastes degrading over a 48 hour period inside the building; nor an evaluation of VOC's from potential composting operations if the facility plans on accepting green waste and only offloading "periodically" as noted on page 4-25. The District recommends that the MND estimate the VOC emissions from both sources. To avoid composting VOC emissions and odors the facility should incorporate specific measures to remove the green waste and yard waste prior to the degradation process.

The District is concerned that there are no mitigation measures proposed to address potential odor impacts outside the building. The District is also concerned that the proposed mitigation measures will be insufficient in fully mitigating the odor impacts. The District recommends that the project commit to incorporating additional controls and/or operating conditions should the proposed mitigation fail to fully mitigate odor impacts.

The District requests the project identify whether the service vender for mobile equipment refueling is diesel or gasoline. Gasoline refueling may be subject to District Permitting requirements and state regulations enforced by the District.

The demolition of the existing building is subject to the Asbestos NESHAP as described in the Rules and Regulations Statement (attached).

The MND should identify which CARB Off-Road Diesel Fueled Fleets Regulation on page 22 it is referring to as there are multiple regulations that apply to off-road diesel equipment such as the Portable Diesel-Fueled Engines ATCM (California Code of Regulations 93116).

If you have any questions please contact me at (530) 634-7659 ext 210.

Regards,



Sondra Spaethe  
Air Quality Planner

Attachments: Rules and Regulations Statement

## FRAQMD Rules & Regulations Statement: New Development

The following statement is recommended as standard condition of approval or construction document language for **all** development projects within Feather River Air Quality Management District (FRAQMD). All projects are subject to FRAQMD rules in effect at the time of construction. A complete listing of current rules is available at [www.fraqmd.org](http://www.fraqmd.org) or by calling 530-634-7659. Specific rules that may relate to construction activities or building design may include, but are not limited to:

**Regulation IV: Stationary Emission Sources Permit System and Registration.** Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from FRAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or internal combustion engine should contact the FRAQMD early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc.) with an internal combustion engine over 50 horsepower are required to have a FRAQMD permit or a California Air Resources Board portable equipment registration. Other general types of uses that require a permit include, but are not limited to fumigation chambers, gasoline tanks and dispensing, spray booths, and operations that generate airborne particulate emissions.

**Rule 3.0: Visible Emissions.** A person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringleman Chart.

**Rule 3.15: Architectural Coatings.** The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

**Rule 3.16: Fugitive Dust.** The developer or contractor is required to control dust emissions from earth moving activities, storage or any other construction activity to prevent airborne dust from leaving the project site.

**Rule 3.17: Wood Burning Devices.** This rule requires newly installed wood burning devices meet emission standards. Wood burning fireplaces are prohibited unless they meet emission standards.

**Rule 3.23: Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters.** This rule requires all newly purchased or installed units 75,000 Btu/hr up to 1 million Btu/hr meet emission limits.

**Rule 7.10: Indirect Source Fee.** An applicant for a building permit shall pay fees to the FRAQMD based on number of units (residential) or square footage of the building and associated parking (commercial and industrial).

**Disposal by Burning:** Open burning is yet another source of fugitive gas and particulate emissions and shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) may be conducted at the project site. Vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.



In addition, other State or Federal rules and regulations may be applicable to construction phases of development projects, including:

**California Health and Safety Code (HSC) section 41700.** Except as otherwise provided in Section 41705, no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

**HSC section 41701.** Except as otherwise provided in Section 41704, or Article 2 (commencing with Section 41800) of this chapter other than Section 41812, or Article 2 (commencing with Section 42350) of Chapter 4, no person shall discharge into the atmosphere from any source whatsoever any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour which is: (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

**California Vehicle Code section 23114** regarding transportation of material on roads and highways.

**California Code of Regulations Title 13 Chapter 10 section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.** Limits idling time to 5 minutes for on-road heavy duty diesel trucks.

**California Code of Regulations Title 13 Chapter 9 Article 4.8 section 2449: Regulation for In-Use Off-Road Diesel Vehicles.** Limits idling time to 5 minutes.

**California Code of Regulations Title 17 Division 3 Chapter 1 Subchapter 7.5 section 93105: Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations.**

**California Code of Regulations Title 17 Division 3 Chapter 1 Subchapter 7.5 section 93106: Asbestos ATCM for Surfacing Applications.**

**Asbestos NESHAP.** Prior to demolition of existing structures, an asbestos evaluation must be completed in accordance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations. Section 61.145 requires written notification of demolition operations. Asbestos NESHAP Demolition/Renovation Notification Form can be downloaded at <http://www.arb.ca.gov/enf/asbestos/asbestosform.pdf>. This notification should be typewritten and postmarked or delivered no later than ten (10) days prior to the beginning of the asbestos demolition or removal activity. Please submit the original form to USEPA and a copy each to California Air Resources Board (CARB) and the District at the addresses below:

U.S. EPA  
Attn: Asbestos NESHAP Program  
75 Hawthorne Street  
San Francisco, CA 94105

CARB, Compliance Division  
Attn: Asbestos NESHAP Program  
P.O. Box 2815  
Sacramento, CA 95814

FRAQMD  
Attn: Karla Sanders  
541 Washington Avenue  
Yuba City, CA 95991



Larry Miner <lminer@clementsenvironmental.com>

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## RE: Recycling Industries UP 12-01 - Initial Study/Mitigated Negative Declaration

1 message

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**Sondra Spaethe** <:sspaethe@fraqmd.org>  
To: Larry Miner <lminer@clementsenvironmental.com>

Thu, Nov 15, 2018 at 4:48 PM

Hi Larry,

The FRAQMD would like to clarify that the engine horsepower threshold for permitting varies depending on if the engine is used as emergency or prime power. The emergency diesel generator engine threshold is 25 hp. The prime engine threshold is lower. The applicant should consult with FRAQMD permit engineers when the type and size of the generators is known. (Comment 1 below).

If the facility will be transferring all materials within 48 hours then there should not be composting-type emissions.

The facility should commit to adopting enhanced odor mitigation should the proposed mitigation fail to adequately address odor impacts.

Thank you,

Sondra Spaethe

Air Quality Planner

Feather River Air Quality Management District

541 Washington Avenue

Yuba City, CA 95991

(530) 634-7659 ext 210

FAX: (530) 637-7660

**From:** Larry Miner [mailto:[lminer@clementsenvironmental.com](mailto:lminer@clementsenvironmental.com)]

**Sent:** Thursday, November 8, 2018 5:12 PM

**To:** Sondra Spaethe

**Subject:** Recycling Industries UP 12-01 - Initial Study/Mitigated Negative Declaration

Hi Sondra,

I am the planning consultant that worked with the City of Yuba City in preparing the Recycling Industries (RI) Initial Stud/Mitigated Negative Declaration (IS/MND) and Arnoldo Rodriguez suggested that I reach out to you to obtain your input on our draft responses to your November 6, 2018, comment letter.

Please review the following and let me know when you might have time to discuss:

#### **FRQAMD Comment 1:**

The proposed project lists types of equipment and processes that may require a Permit to Operate (Permit) from the District. This includes the emergency generators listed for building 3 and building 7. All generators operating on the site over 25 horsepower would require a Permit, not a State Portable Equipment Permit (PERP) as noted in the MND. Any diesel powered tippers or material handlers may also be subject to a District Permit.

#### **Response to FRAQMD Comment 1:**

Comment noted. All required permits from the FRAQMD will be obtained for diesel powered equipment and generators over 25 horsepower.

#### **FRAQMD Comment 2:**

The project does not appear to evaluate the Volatile Organic Compounds (VOC) emitted from the putrescible wastes degrading over a 48 hour period inside the building; nor an evaluation of VOC's from potential composting operations if the facility plans on accepting green waste and only offloading "periodically" as noted on page 4-25. The District recommends that the MND estimate the VOC emissions from both sources. To avoid composting VOC emissions and odors the facility should incorporate specific measures to remove the green waste and yard waste prior to the degradation process.

**Response to FRAQMD Comment 2:**

VOCs are typically associated with the composting piles, not tipping piles in a transfer station. Compost facilities are classified as a VOC emission source and are required to obtain a permit to construct and operate from the local air quality management district. Transfer stations do not require a permit to construct or a permit to operate from the Air District.

While organic material in refuse containers, as well as in collection trucks, may reach composting temperature levels, any VOC emissions would be diluted during the collection and tipping process. Many air districts have published VOC emission factors for composting facilities, however none are provided for municipal solid waste transfer stations which may be due to the constant movement of the tipping pile and the fact that all incoming solid waste must be transferred to a permitted landfill within 48 hours. No composting is proposed as part of the project.

**FRAQMD Comment 3:**

The District is concerned that there are no mitigation measures proposed to address potential odor impacts outside the building. The District is also concerned that the proposed mitigation measures will be insufficient in fully mitigating the odor impacts. The District recommends that the project commit to incorporating additional controls and/or operating conditions should the proposed mitigation fail to fully mitigate odor impacts.

**Response to FRAQMD Comment 3:**

Odors at the facility will be controlled by tipping and loading out all waste inside the proposed transfer station building, using an overhead misting system with an odor neutralizing agent, and maintaining a clean site. The operator will be responsive to any complaints regarding odor and trace any complaints back to the source with the goal of developing a process and procedures for handling odoriferous waste from a specific customer or route.

**FRAQMD Comment 4:**

The demolition of the existing building is subject to the Asbestos NESHAP as described in the Rules and Regulations Statement (attached).

**Response to FRAQMD Comment 4:**

Comment noted. One metal building will be relocated on site and no building demolitions are proposed. Prior to demolition of any structures, an asbestos evaluation will be completed in accordance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations. Section 61.145 requires written notification of demolition operations. Asbestos NESHAP Demolition/Renovation Notification Form can be downloaded at <http://www.arb.ca.gov/enf/asbestos/asbestosform.pdf>. This notification should be typewritten and postmarked or delivered no later than ten (10) days prior to the beginning of the asbestos demolition or removal activity. Please submit the original form to USEPA and a copy each to California Air Resources Board (CARB) and the District at the addresses below:

U.S. EPA

Attn: Asbestos NESHAP Program

[75 Hawthorne Street](#)

[San Francisco, CA 94105](#)

CARB, Compliance Division

Attn: Asbestos NESHAP Program

P.O. Box 2815

Sacramento, CA 95814

**FRAQMD Comment 5:**

The MND should identify which CARB Off-Road Diesel Fueled Fleets Regulation on page 22 it is referring to as there are multiple regulations that apply to off-road diesel equipment such as the Portable Diesel-Fueled Engines ATCM (California Code of Regulations 93116).

**Response to FRAQMD Comment 5:**

The following CARB regulatory regulations would apply to the project:

- Limit Diesel-Fueled Commercial Motor Vehicle Idling to 5 minutes for in-use off-road heavy duty diesel trucks.
- A person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringleman Chart.

It should be noted that any mobile fueling operations will be limited to diesel fuel. Not mobile gasoline fueling will occur on the RITS site.

Thank you for your time and assistance, and please feel free to call or email me with any questions or comments.

Sincerely,

--

Larry Miner, AICP CEP

Clements Environmental

Office - (818) 267-5100

Cell - (310) 993-1676



Larry Miner <lminer@clementsenvironmental.com>

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## RE: SCH 2014052082 - Draft Subsequent Initial Study//Mitigated Negative Declaration for Recycling Industries Transfer Station

1 message

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**Pickell, Clark** <CPickell@co.yuba.ca.us>

Fri, Nov 16, 2018 at 12:06 PM

To: Larry Miner <lminer@clementsenvironmental.com>

Cc: "Davis, William Andy (CDSA)" <wadavis@co.yuba.ca.us>, David Kuhnen <dk@recyclingindustries.com>

Larry,

Thanks for following up with the Yuba County LEA. I anticipate that our responses to you addressing our comments will be similar to CalRecycle. I plan to sit down and review the comments and responses in full when I return from Thanksgiving on November 26<sup>th</sup>. Due to the ongoing fire in Butte County our resources are very limited so please be patient and we will address the comments when I return.

Regards,

Clark

Clark Allen Pickell, REHS

**Yuba County Environmental Health Department**

*Certified Unified Program Agency*

Director Environmental Health

530-749-7523

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**From:** Larry Miner [mailto:[lminer@clementsenvironmental.com](mailto:lminer@clementsenvironmental.com)]

**Sent:** Wednesday, November 14, 2018 10:05 AM

**To:** Pickell, Clark

**Cc:** Davis, William Andy (CDSA); David Kuhnen

**Subject:** Fwd: SCH 2014052082 - Draft Subsequent Initial Study//Mitigated Negative Declaration for Recycling Industries Transfer Station

Hello Clark,

Please see the email below from Diane Vlach at Calrecycle.

Will Calrecycle's response be sufficient in addressing your concerns?

Please let me know when you get a chance.

Thank you.

----- Forwarded message -----

From: **Vlach, Diane@CalRecycle** <[Diane.Vlach@calrecycle.ca.gov](mailto:Diane.Vlach@calrecycle.ca.gov)>

Date: Wed, Nov 14, 2018 at 6:09 AM

Subject: RE: SCH 2014052082 - Draft Subsequent Initial Study//Mitigated Negative Declaration for Recycling Industries Transfer Station

To: Larry Miner <[lminer@clementsenvironmental.com](mailto:lminer@clementsenvironmental.com)>

Hi Larry-

My Manager wanted me to thank you for the opportunity to review the draft responses and to let you know that we have no further questions at this time. Have a great day.

-Diane



**Diane Vlach** | Senior Environmental Scientist (Supervisor) | California Department of Resources Recycling and Recovery | WPCMD |  
Permitting & Assistance Branch - North Unit | 1001 I Street Sacramento, CA 95812 | ☎: 916.341.6393 | 📠: 916.319.7135 | ✉: [Diane.Vlach@CalRecycle.ca.gov](mailto:Diane.Vlach@CalRecycle.ca.gov)



**From:** Larry Miner [mailto:[lminer@clementsenvironmental.com](mailto:lminer@clementsenvironmental.com)]

**Sent:** Thursday, November 8, 2018 5:22 PM

**To:** Vlach, Diane@CalRecycle <[Diane.Vlach@CalRecycle.ca.gov](mailto:Diane.Vlach@CalRecycle.ca.gov)>

**Subject:** SCH 2014052082 - Dra. Subsequent Initial Study//Mitigated Negative Declaration for Recycling Industries Transfer Station

Hi Diane,

I am the planning consultant that worked with the City of Yuba City in preparing the Recycling Industries (RI) Initial Study/Mitigated Negative Declaration (IS/MND) and Arnoldo Rodriguez suggested that I reach out to you to obtain your input on our draft responses to your November 5, 2018, comment letter.

Please review the following and let me know when you might have time to discuss:

### **CalRecycle Comment 1:**

Days and Hours of Operation:

Page 50 of the draft IS/MND indicates that intake and tipping will take place from 7:00am to 5:00pm Monday through Sunday; with additional outdoor site operations from 6:30am to 9:00pm and other activities within buildings up to 24 hours per day Monday through Saturday.

The current Solid Waste Facilities Permit (SWFP) allows receipt of refuse/waste from 7:00am-5:00pm, Monday through Saturday with ancillary operations/facility operating hours from 6:00pm-8:00pm, Monday through Saturday.

Why is the increase in hours not listed in the summary of project impacts in section 1.2?

### **Response to CalRecycle Comment 1:**

Sunday operation is being removed from the proposed project revisions.

The project will be limited to the hours of operation as set forth in the current Solid Waste Facility Permit as follows: Receipt and process refuse/waste from 7:00am-5:00pm, Monday through Saturday with ancillary operations/facility operating hours from 6:30am-8:00pm, Monday through Saturday

### **CalRecycle Comment 2:**

Waste types:

Section 1.2 states that the proposed project would "Remove the 10% putrescible waste limit condition in UP 12-01. This removal will allow RI to receive waste that might contain more than 10% putrescible waste:"

The term might seem misleading since removing the 10% putrescible waste limit condition implies that 100% of waste received may in fact be putrescible. Will the facility be allowed to receive up to 300 tons per day of putrescible waste? Please clarify.

### **Response to CalRecycle Comment 2:**

Putrescible waste is defined under Title 14 CCR, Section 17225.52 as "wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases or other offensive conditions, and include materials such as food wastes, offal and dead animals."

Per the CalRecycle web page regarding Solid Waste Characterization studies which can be found at <https://www2.calrecycle.ca.gov/WasteCharacterization/>, residential solid waste in Yuba City is composed of approximately 44 percent putrescible waste. Any unusual loads with higher concentrations of putrescible waste would be prohibited from using the RITS as noted in Section 1.3 and Appendix G of the RITS TPR.

### **CalRecycle Comment 3:**

Page 24 e) EA 12-2 acknowledged that potential odor impacts associated with operation of the project as proposed under UP 12-01 could be mitigated by tipping and processing solid waste in

an enclosed building, installing an overhead misting system with an odor neutralizing compound and not accepting solid waste with over ten percent putrescible material.

The above language references mitigation measures associated with the 10% putrescible limit. Does this mitigation measure apply to putrescible waste after the 10% limit is removed? Please clarify.

### **Response to CalRecycle Comment 3:**

Potential odor impacts at solid waste transfer and processing facilities are mitigated by moving out material in a timely manner, conducting operations inside an enclosed building and installing and maintaining an overhead misting system with an odor neutralizing agent. The proposed mitigation is effective for controlling odors at transfer stations that process municipal solid waste which may exceed 10 percent putrescible waste.

In addition, please note that Appendix G of the RITS TPR prohibits the following odor generating material from being delivered to the RITS facility:

- Materials from Franchise Curbside Residential Greenwaste Collection Programs;
- Materials from Franchise Commercial Restaurant and Food Waste Collection Programs;
- Animal Caracasses;
- Septage;
- Sewage Sludge;
- Hazardous Wastes;
- Universal Wastes; and,
- Regulated Medical Wastes.

### **CalRecycle Comment 4:**

Page 24 cites odor control provisions that are included in the TPR. It should be noted that the Local Enforcement Agency does not have regulatory authority over odors at Transfer/Processing Facilities under Title 14, CCR

**Response to CalRecycle Comment 4:**

The comment is noted that Local Enforcement Agency does not have regulatory authority over odors at Transfer/Processing Facilities under Title 14, CCR. It should be noted that the LEA would have control over complaints and special occurrences that could be related to odor issues as well as regulatory oversight over facility maintenance, vectors and material storage times which could create odor issues.

Thank you for your time and assistance, and please feel free to call or email me with any questions or comments.

Sincerely,

--

Larry Miner, AICP CEP

Clements Environmental

Office - (818) 267-5100

Cell - (310) 993-1676

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Larry Miner, AICP CEP

Clements Environmental

Office - (818) 267-5100

Cell - (310) 993-1676



*Yuba-Sutter*  
Local Enforcement Agency

915 8<sup>th</sup> Street, Suite 123, Marysville, CA 95901

**Environmental Health Division**

Phone: (530) 749-5450

Fax: (530) 749-5454

Web: <http://www.yubacomdev.com>

November 5, 2018

Mr. Arnoldo Rodriguez, AICP  
Development Services Director  
City of Yuba City  
1201 Civic Center Blvd.  
Yuba City, CA 95993  
[arodrigu@yubacity.net](mailto:arodrigu@yubacity.net)

**Subject:** SCH 2014052082 - Draft Subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for Recycling Industries Transfer Station Use Permit Revisions (Facility No. 51-AA-0008) – City of Yuba City, Sutter County

Dear Mr. Rodriguez:

Thank you for the opportunity of allowing the Yuba-Sutter Local Enforcement Agency (Yuba-Sutter LEA) to offer the following comments for this proposed project as part of the California Environmental Quality Act (CEQA) process.

**Project Description**

The proposed project would modify the current Use Permit (UP) No. 12-01 to include the following:

1. Increase the maximum incoming tonnage from 100 tons per day to 300 tons per day of mixed waste and recyclables.
2. Remove the current 10% putrescible waste limit condition.
3. Allow commercial compaction trucks to bring material to the Recycling Industries Transfer Station.
4. Disallow packer trucks to deliver source separated residential and commercial green waste to the facility.
5. Expand the facilities site area from three (3) to four (4) acres by the addition of Assessor's Parcel 54-083-15.
6. Add an inbound truck scale and modular scale-house/weighmaster office (approximately 700 square feet).
7. Relocate onsite an existing 1,800 square foot metal building that had been slated for demolition.
8. Expand the proposed transfer and processing building from 18,000 square feet to 21,600 square feet.
9. Merge APN 54-083-015 with APN 54-083-014.

**Initial Comments**

The implementation of the proposed project will require a revision to the Solid Waste Facility Permit (SWFP) for the existing Recycling Industries Transfer Station. As a responsible agency, The Yuba-Sutter LEA will therefore review and add documentation for adequacy relating to the SWFP permitting process if any of these occur.



## Comments on Use Permit Revision for Recycling Industries

On page 50 of the draft Initial Study(IS)/Mitigated Negative Declaration(MND) states the following:

Monday – Saturday: Intake and tipping: 7:00 AM to 5:00 PM (all customers), Other outdoor site operations: 6:30 AM to 9:00 PM, and other activities within buildings: Up to 24 hours/day.

Sunday: Intake and tipping: 7:00 AM to 5:00 PM (all customers)

The facilities current SWFP allows receipt of refuse/waste Monday through Saturday from 7:00 AM to 5:00 PM with ancillary operations/facility operating hours Monday through Saturday from 6:00 AM to 9:00 PM.

Were all potentially significant impacts associated with the change/increase in operating and ancillary hours adequately addressed in the draft IS/MND? With the increased hours of operation/ancillary hours and no noise assessment to study sound impacts the Yuba-Sutter LEA is not sure how increased hours of operation/ancillary hours will reduce sound as stated in the draft IS/MND. Should the increase in operating and ancillary hours be listed in the summary of project impacts in section 1.2 of the draft IS/MND?

In section 1.2 of the draft IS/MND it states the proposed project would “Remove the 10% putrescible waste limit condition in UP 12-01. This removal will allow Recycling Industries Transfer Station to receive waste that might contain more than 10% putrescible waste”. On page 24, section e of the draft IS/MND it states EA 12-2 acknowledged that potential odor impacts associated with operation of the project as proposed under UP 12-01 could be mitigated by tipping and processing solid waste in an enclosed building, installing an overhead misting system with an odor neutralizing compound and not accepting solid waste with over ten percent putrescible material.

This section is referencing mitigation measures associated with the 10% putrescible limit. Since the project proposes to remove 10% putrescible cap will this mitigation measure still apply to putrescible wastes that range from 11% through 100%?

## Summary

Yuba-Sutter LEA staff has no further comments on the project proposed at this time and requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this project. Also requests for dates, times, and locations of any public hearings regarding the project proposal should be sent to the Yuba-Sutter LEA at least ten days in advance.

If the environmental document is adopted during a public hearing, the Yuba-Sutter LEA requests ten days advance notice of this hearing. If the document is adopted without a public hearing, the Yuba-Sutter LEA requests ten days advance notice of the date of the adoption and project approval by the decision-making body.

Thank you for the opportunity to comment on this project at this point of the planning process. If you have any questions regarding these comments, please contact me at 530-749-5450 or email me at Clark Pickell, at [cpickell@co.yuba.ca.us](mailto:cpickell@co.yuba.ca.us), or William Davis at [wadavis@co.yuba.ca.us](mailto:wadavis@co.yuba.ca.us).

Sincerely,



Clark Allen Pickell, R.E.H.S  
Supervising Yuba-Sutter Local Enforcement Agency  
Yuba County Environmental Health Director  
Yuba County Environmental Health Department

cc: Margaret Comotto, Cal-Recycle, Waste Permitting, Compliance & Mitigation Division

## Attachment 4g: Letter from CVRWQCB



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

November 7, 2018

Arnoldo Rodriguez  
Yuba City  
1201 Civic Center Bl.  
Yuba, CA 95993

Subject: Recycling Industries Transfer Station Use Permit Revisions  
SCH#: 2014052082

Dear Arnoldo Rodriguez:

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on November 5, 2018. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2014052082) when contacting this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Morgan".

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency





EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

Governor's Office of Planning & Research

30 October 2018

late  
11/5/18

NOV 07 2018

STATE CLEARINGHOUSE  
CERTIFIED MAIL

7018 1830 0001 0062 2759

Arnoldo Rodriguez  
City of Yuba  
1201 Civic Center Boulevard  
Yuba, CA 95993

### COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, RECYCLING INDUSTRIES TRANSFER STATION USE PERMIT REVISIONS PROJECT, SCH# 2014052082, SUTTER COUNTY

Pursuant to the State Clearinghouse's 5 October 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Recycling Industries Transfer Station Use Permit Revisions Project, located in Sutter County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### I. Regulatory Setting

##### Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

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(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Wildlife for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

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### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4812 or [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov).



Jordan Hensley  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

## Attachment 5: List of emails expressing their opposition to the project

<i>Name</i>	<i>Email</i>	<i>Comments</i>
Amanda Houston	<a href="mailto:renee15houston@gmail.com">renee15houston@gmail.com</a>	
Maria Mora	<a href="mailto:maria.gosatcity@gmail.com">maria.gosatcity@gmail.com</a>	I disagree! To close to businesses and home.
Brandee Dahringer	<a href="mailto:queenv2488@yahoo.com">queenv2488@yahoo.com</a>	
Holly Stricker	<a href="mailto:holly.stricker@yahoo.com">holly.stricker@yahoo.com</a>	No way! This company has no experience with this type of project and it is way too close to home. Too close to the water. There are also several other businesses right in that area! More likely than not, dumps/transfer stations are out in the far county away from other businesses and homes. Just because it's an industrial area doesn't mean it's a good place for a dump!
Sally J Moore	<a href="mailto:grannaof9@comcast.net">grannaof9@comcast.net</a>	We don't need or want a dump in Sutter County. One dump is all that's needed in the Yuba and Sutter Counties. STOP THE DUMP.
Brittany Dreyer	<a href="mailto:brittanybeez@yahoo.com">brittanybeez@yahoo.com</a>	
John Dreyer	<a href="mailto:11dreyer11@gmail.com">11dreyer11@gmail.com</a>	
Sally J Moore	<a href="mailto:grannaof9@comcast.net">grannaof9@comcast.net</a>	We don't need or want a dump in Sutter County. One dump is all that's needed in the Yuba and Sutter Counties. STOP THE DUMP.
Ira Burroughs	<a href="mailto:firefighterb@hotmail.com">firefighterb@hotmail.com</a>	If this project is approved and goes thru, we will be moving ASAP. It makes no sense to put this anywhere near a residential neighborhood. There are plenty of options in the greater area that will not affect anyone. South Sutter county? Maybe link up the recyclers in sac and find solutions there. I promise this will be the last straw for this family..
Amber Jaynes	<a href="mailto:Jaynesamber90@gmail.com">Jaynesamber90@gmail.com</a>	
Joseph Fanucchi	<a href="mailto:joe@inssvc.com">joe@inssvc.com</a>	Don't need the dirt, dust, and rubbish that falls from cars and trucks approaching the dump site. I once lived close to a dump the smell on certain days when the wind blew in my direction.
Robert Huff	<a href="mailto:jessheartedward@yahoo.com">jessheartedward@yahoo.com</a>	
Jessica Wilkerson	<a href="mailto:jessheartedward@yahoo.com">jessheartedward@yahoo.com</a>	
Amber Stoer	<a href="mailto:daizy14209@yahoo.com">daizy14209@yahoo.com</a>	
Brenda Clemons	<a href="mailto:fullmoonwriting@gmail.com">fullmoonwriting@gmail.com</a>	
Ulysses Aceves	<a href="mailto:ulysses_aceves@hotmail.com">ulysses_aceves@hotmail.com</a>	
Kim Schafer	<a href="mailto:kimann102864@att.net">kimann102864@att.net</a>	
Manuel Valdez	<a href="mailto:manuelvaldez55@yahoo.com">manuelvaldez55@yahoo.com</a>	
Joe BLow	<a href="mailto:lvitsupport@gmail.com">lvitsupport@gmail.com</a>	comment
James Summers	<a href="mailto:jamesesummers@gmail.com">jamesesummers@gmail.com</a>	Please no dump in Yuba City. We finally got rid of the smell from the sewer plant. Lets not reverse our progress on cleaning up our neighborhood. The dump in Marysville is plenty large enough for both towns.
Brandon Sanford	<a href="mailto:besanford4@gmail.com">besanford4@gmail.com</a>	Stop the dump
Joga Gill	<a href="mailto:gill_joga@yahoo.com">gill_joga@yahoo.com</a>	
Jackie Uttecht	<a href="mailto:ujackiecnkf@aol.com">ujackiecnkf@aol.com</a>	I don't appreciate form letters. Maybe take a little time and see what your voters are actually saying to you for a change!
Jonathan Shiveley	<a href="mailto:jonathanshiveley@gmail.com">jonathanshiveley@gmail.com</a>	I do not want a dump or transfer station built next to my house!

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<i>Name</i>	<i>Email</i>	<i>Comments</i>
Christie Mora	<a href="mailto:morachristie@yahoo.com">morachristie@yahoo.com</a>	
Miguel Camargo	<a href="mailto:veronicat5@att.net">veronicat5@att.net</a>	
Ranjit Grewal	<a href="mailto:rkang99@yahoo.com">rkang99@yahoo.com</a>	
Cecilia Huerta	<a href="mailto:cecigarcia2003@hotmail.com">cecigarcia2003@hotmail.com</a>	
Linda Warren	<a href="mailto:steveandlinda333@gmail.com">steveandlinda333@gmail.com</a>	Stop the transfer center dump. They say it will NOT Stink , but it will. Every transfer center for dumps smell badly . The doors will be opened a lot.
Douglas Fonley	<a href="mailto:dfonley530@gmail.com">dfonley530@gmail.com</a>	
Raquel Villanueva	<a href="mailto:el7cotija@hotmail.com">el7cotija@hotmail.com</a>	Stop the Dump
Teresa Garibay	<a href="mailto:teresa8a_7@hotmail.com">teresa8a_7@hotmail.com</a>	Stop the Dump
Adriana Alaniz	<a href="mailto:adrianaalaniz29@yahoo.com">adrianaalaniz29@yahoo.com</a>	
David Ross	<a href="mailto:dgross3444@gmail.com">dgross3444@gmail.com</a>	
Brenda Salas	<a href="mailto:brendasalas0130@gmail.com">brendasalas0130@gmail.com</a>	
Carole Shine	<a href="mailto:carole.shine@yahoo.com">carole.shine@yahoo.com</a>	
Katrina Carson	<a href="mailto:katrinaN05@hotmail.com">katrinaN05@hotmail.com</a>	
Amy Souza	<a href="mailto:ase195661@yahoo.com">ase195661@yahoo.com</a>	No way!
Shaun Reynolds	<a href="mailto:shaunr530@gmail.com">shaunr530@gmail.com</a>	Don't want the dump hear
Randal Johnston	<a href="mailto:randaljohnston31@yahoo.com">randaljohnston31@yahoo.com</a>	
Curtis Shelton	<a href="mailto:curtis@cablesolutionz.com">curtis@cablesolutionz.com</a>	STOP THE DUMP!!!
Jacquelin Uttecht	<a href="mailto:ujackiecnkf@aol.com">ujackiecnkf@aol.com</a>	I am AGAINST a GARBAGE TRANSFER STATION in South Yuba City. I have worked hard to keep my home and it's values up. I have re-fenced, re-roofed, re-painted and putting in new landscaping. I certainly don't want a dump down the road to bring down home values! I will continue to display the "Stop the Dump" sign is in my front yard in protest!
Joseph Fanucchi	<a href="mailto:joe@inssvc.com">joe@inssvc.com</a>	We don't need a dump or the problems it will bring
Rita Andrews	<a href="mailto:ritabeat60@aol.com">ritabeat60@aol.com</a>	This transfer would be a HORRIBLE addition to Sutter County. We have never had a problem with lack of services at the existing dump in Yuba County and we sure don't need one here!
Stefanie Miller	<a href="mailto:stefaniedawn@hotmail.com">stefaniedawn@hotmail.com</a>	This is a bad place for a dump. There is already to much traffic on Epley and we do not need anymore smells added to our town. I can't believe anyone would ever consider putting this in a largely populated area. I bet no one who is voting for it ever goes near that area of town.
Romney Degroodt	<a href="mailto:degroodt87@gmail.com">degroodt87@gmail.com</a>	I do not want the dump to be so close to my house and the houses of my friends and neighbors. I am not interested in smelling the dump nor do I desire to see any decrease in the value of my home with a dump so close to my neighborhood. If you want to create a dump, please do so way further south of yuba city.
Erika Harrison	<a href="mailto:ekabutch@att.net">ekabutch@att.net</a>	Think about our River. We have enough bad smells in this area without adding more.
Janiece Rodrigues	<a href="mailto:grammy.3@sbcglobal.net">grammy.3@sbcglobal.net</a>	We don't want a dump site in Sutter County
Gina Burroughs	<a href="mailto:kokomag3@yahoo.com">kokomag3@yahoo.com</a>	
Audrey Gregory	<a href="mailto:Audreymgregory@yahoo.com">Audreymgregory@yahoo.com</a>	

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<i>Name</i>	<i>Email</i>	<i>Comments</i>
James Pedigo	<a href="mailto:acoolcatman@yahoo.com">acoolcatman@yahoo.com</a>	Someone getting paid off
Lynda Drew	<a href="mailto:califgirlus2000@yahoo.com">califgirlus2000@yahoo.com</a>	Not in town!! The water treatment plant is bad enough. Too close to housing.
BRIAN SCOTT	<a href="mailto:water_guy@att.net">water_guy@att.net</a>	
David Love	<a href="mailto:davidmlove66@gmail.com">davidmlove66@gmail.com</a>	Please reconsider placing any new dump related site in Sutter County.
Barbara Rutledge	<a href="mailto:barbararutledge50@gmail.com">barbararutledge50@gmail.com</a>	
Brandy Evans	<a href="mailto:Brandyevans2304@gmail.com">Brandyevans2304@gmail.com</a>	
Mario Garibay	<a href="mailto:mario1024@sbcglobal.net">mario1024@sbcglobal.net</a>	Not good
Alex Burgess	<a href="mailto:alwxfmlswag@gmail.com">alwxfmlswag@gmail.com</a>	
Nila Seidel	<a href="mailto:nila.seidel@yahoo.com">nila.seidel@yahoo.com</a>	
Bret Barrie	<a href="mailto:bretbarrie@gmail.com">bretbarrie@gmail.com</a>	
Jackie Uttecht	<a href="mailto:ujackiecnkf@aol.com">ujackiecnkf@aol.com</a>	As I stated previously, we do not want the DUMP any where near our homes. You won't be living near the dump, nor be losing any property value because of it. You need to listen to the people in this community and stop the DUMP in this location, PERIOD!!
Amanda Eischeid	<a href="mailto:amanda1977@live.com">amanda1977@live.com</a>	
Mary Williams	<a href="mailto:lynn317msv@gmail.com">lynn317msv@gmail.com</a>	No Dump!
Jessica Barrie	<a href="mailto:jessica.barrie1@gmail.com">jessica.barrie1@gmail.com</a>	
Debbie Quintana	<a href="mailto:debbiequintana60@gmail.com">debbiequintana60@gmail.com</a>	In the city is not a place to dump trash...it smells, lots of bacteria. .Pollutes the environment. ... please keep it out of town...
Danielle Bryan	<a href="mailto:dbryanis@hotmail.com">dbryanis@hotmail.com</a>	We don't want a dump this close to the city!! Unexceptable!
Paul Bryan	<a href="mailto:pistachioibryan@gmail.com">pistachioibryan@gmail.com</a>	How can we put trash this close to the city? It makes no sense at all! This is NOT going to happen!
Rigo Sandoval	<a href="mailto:sandman7102@yahoo.com">sandman7102@yahoo.com</a>	Stop the dump
Brooke Jimenez	<a href="mailto:brooke2799@gmail.com">brooke2799@gmail.com</a>	
Peggy Smith	<a href="mailto:travelqueen63@gmail.com">travelqueen63@gmail.com</a>	Do not treat your citizens like they are stupid. And don't let money rule your decision. No Dump!!!
Verónica Camargo	<a href="mailto:veronicat5@att.net">veronicat5@att.net</a>	
Darcy Tronson	<a href="mailto:darcytronson0@gmail.com">darcytronson0@gmail.com</a>	Stop the dump
Denise Hamon	<a href="mailto:neiceeh@gmail.com">neiceeh@gmail.com</a>	
Todd Nichols	<a href="mailto:tbonenichols@yahoo.com">tbonenichols@yahoo.com</a>	
Anthony Barnes	<a href="mailto:wayneybcty@hotmail.com">wayneybcty@hotmail.com</a>	I absolutely do not want a dump in my back yard. This dump will ruin our property values
Sandeep Hundal	<a href="mailto:hundal.harsh2002@yahoo.com">hundal.harsh2002@yahoo.com</a>	
Brian Marler	<a href="mailto:briresa@att.net">briresa@att.net</a>	
Amanda Juarez	<a href="mailto:wisdom4me4@yahoo.com">wisdom4me4@yahoo.com</a>	This will ruin the town!
Kara Christensen	<a href="mailto:cuteypye227@gmail.com">cuteypye227@gmail.com</a>	
Theresa Marler	<a href="mailto:smileytpb@gmail.com">smileytpb@gmail.com</a>	
Jose Lara	<a href="mailto:zamagab@gmail.com">zamagab@gmail.com</a>	
Sally Finley	<a href="mailto:nanafinley56@yahoo.com">nanafinley56@yahoo.com</a>	



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<i>Name</i>	<i>Email</i>	<i>Comments</i>
Carrie Van SsantSant	<a href="mailto:VanSantBaby@outlook.com">VanSantBaby@outlook.com</a>	Working at Sutter surgical hospital it gives a horrid smell.
Javier Lopez	<a href="mailto:haveaniceday8488@yahoo.com">haveaniceday8488@yahoo.com</a>	
Jeff Angove	<a href="mailto:jangove@pacbell.net">jangove@pacbell.net</a>	
Melanie Cunningham	<a href="mailto:stirnaman_007@att.net">stirnaman_007@att.net</a>	
BRIAN SCOTT	<a href="mailto:water_guy@att.net">water_guy@att.net</a>	
Samantha Thomas	<a href="mailto:sammthomas94@gmail.com">sammthomas94@gmail.com</a>	
Howard Martell	<a href="mailto:vikingsensei@gmail.com">vikingsensei@gmail.com</a>	
Andrew Tinajero Tinajero	<a href="mailto:beebbs82@hotmail.com">beebbs82@hotmail.com</a>	
Winifred Taylor	<a href="mailto:Wintsafety@gmail.com">Wintsafety@gmail.com</a>	Stop destroying our city . It already looks like a dump with all the trash on the streets.
Cynthia McCain	<a href="mailto:cindygaull@comcast.net">cindygaull@comcast.net</a>	STOP THE DUMP.
Georgia Wood	<a href="mailto:onetwig@gmail.com">onetwig@gmail.com</a>	No dump in a residential area.
Donna Sizemore	<a href="mailto:donnalsizemore@yahoo.com">donnalsizemore@yahoo.com</a>	
Leta Childers	<a href="mailto:egag56@hotmail.com">egag56@hotmail.com</a>	
Cindy Markus	<a href="mailto:markusc1411@gmail.com">markusc1411@gmail.com</a>	
Cathy DeLay	<a href="mailto:cmd@jps.net">cmd@jps.net</a>	
Onkar Samra	<a href="mailto:samra_onkar@hotmail.com">samra_onkar@hotmail.com</a>	I dont want a dump close to home.
Caterina Faoro	<a href="mailto:alittlelost1@yahoo.com">alittlelost1@yahoo.com</a>	it will be more trucks, more road damage, more odor, more noise. I remember going to a levee meeting and being informed that the cost of repair was going to be distributed to all. The actual excuse given was, those poor people that live in the Shanghai area were loosing their homes because flood insurance was so high and as a community we all have to help. okay... well now they're going to have an increase of noise and traffic and everything else that I had listed above.... so, now that's okay for that area or even North of that area?? Oh I see... the larger dumping ground will be more revenue for the city... and us paying for the levee for that area means less money for the city to come up with... there's a theme here.... as long as they make or keep money for their coffer, the idea should be implemented. Where do the city officials live that will be making or voting on this decision?? Miles and miles away???
Aliyah Solomon	<a href="mailto:solomonaliyah114@gmail.com">solomonaliyah114@gmail.com</a>	Absolutely not, this can easily be moved further from town. I don't pay \$1500 rent to smell garbage.
Lisa Metcalf	<a href="mailto:spectrum1110@gmail.com">spectrum1110@gmail.com</a>	
Jacklyn Orozco	<a href="mailto:jacklynveronica@yahoo.com">jacklynveronica@yahoo.com</a>	
Holly Pupo	<a href="mailto:hollyann_cmt@yahoo.com">hollyann_cmt@yahoo.com</a>	I don't want a dump in my backyard. And for the city to arbitrarily to bring this in is disgusting and not the will of the people. If you want this dump let's put it in your backyard. We could have several of them one in each of your yards
Ryan Sauer	<a href="mailto:rs0311300@gmail.com">rs0311300@gmail.com</a>	This is extremely short sighted for overall health. Being so close to a softball field and a river just screams for contamination regardless of how careful safety measures are implemented. To err is human.
Daniel Silveira	<a href="mailto:danielsilveira@att.net">danielsilveira@att.net</a>	
Simran Kang	<a href="mailto:skang530@gmail.com">skang530@gmail.com</a>	

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<i>Name</i>	<i>Email</i>	<i>Comments</i>
Jaclyn Galvez	pepperjackgalvez@gmail.com	This Transfer Station would be located too close to a water supply & residential property. It would decrease property value, and have a negative smell to the already rancid smelling but necessary water treatment plant in that area. There's a reason why the dump is currently located isolated from homes, schools & businesses. Stop the dump!
Heidi Walker	<a href="mailto:psychprof.hw@gmail.com">psychprof.hw@gmail.com</a>	Stop the dump.
Sukhjot Kang	<a href="mailto:mrsdksbg@gamil.com">mrsdksbg@gamil.com</a>	
Jaydeep Kang	<a href="mailto:jdubb53o@yahoo.com">jdubb53o@yahoo.com</a>	This is wrong and ruin the south part of yuba city which is near omg families resident.
Ana Villaobos	<a href="mailto:ana95901@yahoo.com">ana95901@yahoo.com</a>	
Lisa Thunen	<a href="mailto:lthunen@sbcglobal.net">lthunen@sbcglobal.net</a>	
George Zapata	<a href="mailto:gzapata@stapleton-spence.com">gzapata@stapleton-spence.com</a>	
Karen Robinson	<a href="mailto:dognerd113@gmail.com">dognerd113@gmail.com</a>	I'm suspicious of any project this big that seems to be being forced through. Transparency is a good thing.
Katherine Boune	<a href="mailto:kathib71@hotmail.com">kathib71@hotmail.com</a>	Stop the dump
Ottis Pack Jr	<a href="mailto:thumperpack2@gmail.com">thumperpack2@gmail.com</a>	
Trina Giacomo	<a href="mailto:trinagiaco@gmail.com">trinagiaco@gmail.com</a>	This is the craziest idea of a dump placement I have heard. With so many homes, families that live in that area why would you even consider this? I live in that area and the thought of having to smell garbage, the thought of my kids having to live with the smell makes me angry and not to mention it would lower the chances of us ever selling our house. Who in their right mind would buy a house next to a dump. Please, take this to a rural spot!
Melissa Sharma	<a href="mailto:melraesharma@gmail.com">melraesharma@gmail.com</a>	
Amanda Weatherall	<a href="mailto:amandaweath@gmail.com">amandaweath@gmail.com</a>	
Bruceann Harrold	<a href="mailto:harroldmom@yahoo.com">harroldmom@yahoo.com</a>	
Kimberley Eagan	<a href="mailto:kimberleyeagan@yahoo.com">kimberleyeagan@yahoo.com</a>	I don't want the smell and the rodent stuff to be so close to the housing areas in Yuba City. It's crazy to have that so close to people's house and so close to the river. I worry about pollution through ground water.
Ejaypaul Dehal	<a href="mailto:ejaydehal79@gmail.com">ejaydehal79@gmail.com</a>	My neighborhood already smells like shit when the wind shifts and the waste treatment plant is upwind. We do not need our neighborhood to smell like trash too. I will move out of this city if this is approved.
Ravinder Kang	<a href="mailto:rkang83@yahoo.com">rkang83@yahoo.com</a>	
Susan Gomez	<a href="mailto:advertizing50@gmail.com">advertizing50@gmail.com</a>	I don't want a dump closer to home. I don't see a reason for it.
Manish Bjardwaj	<a href="mailto:mkb1675@icloud.com">mkb1675@icloud.com</a>	
Nina Martinez	<a href="mailto:ninakabina@hotmail.com">ninakabina@hotmail.com</a>	Too close to my home and too close to the river.
Debra Fox	<a href="mailto:debra.fox1979@gmail.com">debra.fox1979@gmail.com</a>	
Eddie Johnson	<a href="mailto:gray_fox456@hotmail.com">gray_fox456@hotmail.com</a>	
Mary Fox Fox	<a href="mailto:mmfox9419@gmail.com">mmfox9419@gmail.com</a>	
Andrew Tinajero	<a href="mailto:beebs82@hotmail.com">beebs82@hotmail.com</a>	
Stephanie Broadnax	<a href="mailto:stephaniebroadnax1@gmail.com">stephaniebroadnax1@gmail.com</a>	

## Attachment 5: List of emails expressing their opposition to the project

<i>Name</i>	<i>Email</i>	<i>Comments</i>
Denise Gauthier	<a href="mailto:denisegau53@yahoo.com">denisegau53@yahoo.com</a>	I do not want a garbage transfer station near my home its bad enough having to smell the waste treatment facility nearby
James Nuxoll	<a href="mailto:Congox3@Gmail.com">Congox3@Gmail.com</a>	
Patti Myers	<a href="mailto:hazeleyes1950@hotmail.com">hazeleyes1950@hotmail.com</a>	
Patti Myers	<a href="mailto:hazeleyes1950@hotmail.com">hazeleyes1950@hotmail.com</a>	
Jeanene Castaneda	<a href="mailto:jeanenec@yahoo.com">jeanenec@yahoo.com</a>	
Niecy Lee	<a href="mailto:niecylee@aol.com">niecylee@aol.com</a>	
Kristina Jaeger	<a href="mailto:kristinajgr@comcast.net">kristinajgr@comcast.net</a>	
Merlene Judd	<a href="mailto:merniej@gmail.com">merniej@gmail.com</a>	Stop the Dump in this residential area!
Aracely Carrillo	<a href="mailto:aracelycarrill@yahoo.com">aracelycarrill@yahoo.com</a>	STOP the Expansion of this Yuba City Transfer Station/Dump
JASON Funk	<a href="mailto:jason.b.funk@gmail.com">jason.b.funk@gmail.com</a>	I am opposed to this going near my neighborhood without a full environmental study.
Judy Hall	<a href="mailto:jafahl@gmail.com">jafahl@gmail.com</a>	
Kimberly Contreras	<a href="mailto:esthikim@hotmail.com">esthikim@hotmail.com</a>	Stop trying to destroy south Yuba City!! We are not a homeless camp nor a garbage dump! A dump will bring smells and flies and loose garbage to our area! No dump should ever be put within or near city limits of a town. The dump on hwy 20 smells to high heaven in the evenings at times.
Steven Warren	<a href="mailto:5teveandlinda333333@gmail.com">5teveandlinda333333@gmail.com</a>	I believe there is zero benefit to the residents of south Yuba City. There will only be more odor. We already have to deal with sewer smell we don't need garbage smell too. Garbage has a terrible smell that can't be controlled as they claim.
Theda Kuney	<a href="mailto:reneekuney@gmail.com">reneekuney@gmail.com</a>	
Lorene Wong	<a href="mailto:wydelete@gmail.com">wydelete@gmail.com</a>	
Ricky Corleone	<a href="mailto:tato8080@yahoo.com">tato8080@yahoo.com</a>	What is wrong with you people????
Gordon Smith	<a href="mailto:rgeme@comcast.net">rgeme@comcast.net</a>	No no no. Don't what to smell garbage in our in our back yard!
Andrew Bagley	<a href="mailto:fearnot43@gmail.com">fearnot43@gmail.com</a>	This is way to close to our neighborhood!
Kevin Von Talge	<a href="mailto:kevinvontalge@gmail.com">kevinvontalge@gmail.com</a>	Not enviornmental friendly.
Katherine Rains	<a href="mailto:karains300@gmail.com">karains300@gmail.com</a>	We don't need a dump in Yuba City.
Wendy Cahill	<a href="mailto:wndynjef@pacbell.net">wndynjef@pacbell.net</a>	Dumps do not belong in neighborhoods. It is toxic to our families, and pets. Find land outside of the city limits to create a transfer station.
Naomi Ramirez	<a href="mailto:mimiramirez811@yahoo.com">mimiramirez811@yahoo.com</a>	Move it out of this area somewhere industrial
Teresa Kauk	<a href="mailto:tjkauk@aol.com">tjkauk@aol.com</a>	
Forrest Miller	<a href="mailto:321frm@gmail.com">321frm@gmail.com</a>	This type of decision should include the public and our representatives in the decision making process. No transfer station without a vote by Yuba City Council.
Daniel Laird	<a href="mailto:h514laird@gmail.com">h514laird@gmail.com</a>	
James Brown	<a href="mailto:jimmy@ducknap.com">jimmy@ducknap.com</a>	
Magdalena Herrera	<a href="mailto:hmagdalena407@gmail.com">hmagdalena407@gmail.com</a>	
Shaun Reynolds	<a href="mailto:shaunr206@gmail.com">shaunr206@gmail.com</a>	

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<i>Name</i>	<i>Email</i>	<i>Comments</i>
Sarbjit Shergill	<a href="mailto:saabshergill@gmail.com">saabshergill@gmail.com</a>	
Sanjit Dhaliwal	<a href="mailto:sanjidhaliwal11@gmail.com">sanjdaliwal11@gmail.com</a>	
Jeff Neel	<a href="mailto:shinbob88@yahoo.com">shinbob88@yahoo.com</a>	No thanks!
Sandra Watson	<a href="mailto:siws09@comcast.net">siws09@comcast.net</a>	No Dump!!
Laura Steffens	<a href="mailto:lsyubacity@yahoo.com">lsyubacity@yahoo.com</a>	
Anna Lowery	<a href="mailto:nene2006@comcast.net">nene2006@comcast.net</a>	We do not need a transfer station in town. They are doing just fine the way they are doing it now.
Steven Kossack	<a href="mailto:smkossack@aol.com">smkossack@aol.com</a>	Sanitation, environmental associated impact, traffic, road degradation, noise, neighborhood depreciation, safety issues and other negative impacts certainly warrant declination of the proposal. Think about quality of life instead of money.
Paula Sillas	<a href="mailto:p_sillas@hotmail.com">p_sillas@hotmail.com</a>	This is to close to residential. This can be done but just not where they have it planned. Find another spot out that isn't going to effect "whole" neighborhood"s".
Charlotte DeCarli	<a href="mailto:dp2987@comcast.net">dp2987@comcast.net</a>	
Rodney Corn	<a href="mailto:rodney.corn@comcast.net">rodney.corn@comcast.net</a>	
Tina Corn	<a href="mailto:tinacorn26@yahoo.com">tinacorn26@yahoo.com</a>	
Jason Elkins	<a href="mailto:elkinswelds@hotmail.com">elkinswelds@hotmail.com</a>	Not in the our neighborhood
Lesley Langlois	<a href="mailto:danandlesley@hotmail.com">danandlesley@hotmail.com</a>	Not in the our neighborhood
Gayelynn Clayton	<a href="mailto:gayel.clayton@yahoo.com">gayel.clayton@yahoo.com</a>	I DONT WANT A DUMP NEAR MY HOUSE
Greg Rudstrom Jr	<a href="mailto:greg@sutterorchardsupply.com">greg@sutterorchardsupply.com</a>	
Juan Mariscal	<a href="mailto:juanmariscal45@yahoo.com">juanmariscal45@yahoo.com</a>	
Sara Harris	<a href="mailto:sarasharris@yahoo.com">sarasharris@yahoo.com</a>	
Paul Perez	<a href="mailto:ycpaul530@gmail.com">ycpaul530@gmail.com</a>	I DONT WANT A DUMP NEAR MY HOUSE
Daniel Shields	<a href="mailto:dandylife7@live.com">dandylife7@live.com</a>	
Stormy Anderson	<a href="mailto:svranderson@yahoo.com">svranderson@yahoo.com</a>	
Michael Parks	<a href="mailto:parksm248540@gmail.com">parksm248540@gmail.com</a>	I don't want a dump near my house. It'll destroy my property value
David Ross	<a href="mailto:dgross3444@gmail.com">dgross3444@gmail.com</a>	
Raquel Stephens	<a href="mailto:missroseyposey@yahoo.com">missroseyposey@yahoo.com</a>	
Daniel Anderson	<a href="mailto:1mandan79@gmail.com">1mandan79@gmail.com</a>	This is way to close, we already have to deal with the smell from the sewage plant, now this, come on!!!
Mamie Anderson	<a href="mailto:dananmarie@att.net">dananmarie@att.net</a>	
Ray Luna	<a href="mailto:rayluna26@hotmail.com">rayluna26@hotmail.com</a>	
Claudia Bradford	<a href="mailto:bercla4043@gmail.com">bercla4043@gmail.com</a>	
Ricky McLaughlin	<a href="mailto:mclaughlinricky9@yahoo.com">mclaughlinricky9@yahoo.com</a>	
Katherine Tinajero	<a href="mailto:ktinajero3@gmail.com">ktinajero3@gmail.com</a>	There MUST be a better alternative than to put this DUMP in the YC City Limits. PLEASE reconsider!
Sarah Trask	<a href="mailto:mssarahmhiggins@gmail.com">mssarahmhiggins@gmail.com</a>	

## Attachment 5: List of emails expressing their opposition to the project

<i>Name</i>	<i>Email</i>	<i>Comments</i>
Jacquelin Uttecht	<a href="mailto:ujackiecnkf@aol.com">ujackiecnkf@aol.com</a>	I live approximately 3/4 mile from the water treatment plant, and our neighborhood reeks occasionally as well as our water. We as homeowners do not want a Transfer Station/Dump as well. This will greatly affect the value of all of our homes down the road and you know it! STOP THE DUMP!
Laurie Brown	<a href="mailto:ljpenrose@outlook.com">ljpenrose@outlook.com</a>	
Kiley Bybee	<a href="mailto:kiley_bybee22@outlook.com">kiley_bybee22@outlook.com</a>	Hundreds of jobs will be lost if this dump is made. The marysville recology needs Yuba City.
Sarah Aceves	<a href="mailto:saceves4@att.net">saceves4@att.net</a>	I am opposed as our area already has significant odors from the sewage plant and regardless of what they say I believe this transfer station will create more. We already are limited in our outdoor time based on sewage odors.
Sonia Santana	<a href="mailto:tana4@live.com">tana4@live.com</a>	Place the dump next to his residence!!!!
Randy Gorham	<a href="mailto:randy.gorham@me.com">randy.gorham@me.com</a>	
Matthew Miller	<a href="mailto:mmiller@yttco.net">mmiller@yttco.net</a>	No dumps
Gurbir Singh Grewal	<a href="mailto:gurbirgrewal81@icloud.com">gurbirgrewal81@icloud.com</a>	
Pedro Martin Calzadilla	<a href="mailto:sbcalzadilla05@icloud.com">sbcalzadilla05@icloud.com</a>	I am Against the proposed Dump Site! We already have to put up with the disgusting smells of The Water Treatment site, now this! Vote No!
Lisa Goebel	<a href="mailto:threebanzboys@icloud.com">threebanzboys@icloud.com</a>	
Liz Cervantes	<a href="mailto:lizcervantes530@icloud.com">lizcervantes530@icloud.com</a>	
Susana Barriga	<a href="mailto:sbcalzadilla05@icloud.com">sbcalzadilla05@icloud.com</a>	Our family is against the garbage dump site/ "transfer station!" Not in or around our neighborhood! You may put it in 'your' planning commissions' back yard, if you choose to. But not 'OUR' family neighborhoods! Vote No on placing your Trash, even temporarily IN Our family's neighborhood!
Jonathan Bueno	<a href="mailto:b0418686@go.yccd.edu">b0418686@go.yccd.edu</a>	I don't like the idea
Jolene Peter	<a href="mailto:jolene33@sbcglobal.net">jolene33@sbcglobal.net</a>	I am against this
Peter Allen	<a href="mailto:allenp95993@gmail.com">allenp95993@gmail.com</a>	
Summer Ward	<a href="mailto:summerbflowers@gmail.com">summerbflowers@gmail.com</a>	
Laura Cook	<a href="mailto:ljcook50@hotmail.com">ljcook50@hotmail.com</a>	
Paul Gilbert	<a href="mailto:pilburt@yahoo.com">pilburt@yahoo.com</a>	Please do not allow the Garbage Transfer Station in South Yuba City. We already have enough of an odor coming from the sewage treatment plant.
Wayne Ward	<a href="mailto:deenbutch@gmail.com">deenbutch@gmail.com</a>	Put the dump outside the city limits, many more trucks, lots of extra noise and diesel emissions. There are many properties next to nothing, be wise and move your new dump, its too close to our house. We don't like the current smell of the exhisting facility, very dirty, not cleaned up very often.
Lisa Russell	<a href="mailto:llisarussell993@yahoo.com">llisarussell993@yahoo.com</a>	
Doug Gibbs	<a href="mailto:doug@productbuilders.com">doug@productbuilders.com</a>	This issue needs to be put to a City vote by the people, not just the politicians!
Susan Morrill	<a href="mailto:Susanmorrill88@gmail.com">Susanmorrill88@gmail.com</a>	This issue needs to be put to a City vote by the people, not just the politicians!
Jana Rodriguez	<a href="mailto:jana.leigh.rod@gmail.com">jana.leigh.rod@gmail.com</a>	
Richard Harvey	<a href="mailto:steve@pfcins.net">steve@pfcins.net</a>	Not the proper place to enlarge a transfer station.
Mary Foster	<a href="mailto:marylynn1953@aol.com">marylynn1953@aol.com</a>	

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<i>Name</i>	<i>Email</i>	<i>Comments</i>
Tammy Bagley	<a href="mailto:tammybagley79@att.net">tammybagley79@att.net</a>	Too close to housing
Louise McKray	<a href="mailto:oceanavenue4skip@yahoo.com">oceanavenue4skip@yahoo.com</a>	
Sandra Davini	<a href="mailto:ddavini@comcast.net">ddavini@comcast.net</a>	The proposed expansion of the Epley Drive dump and reducing restrictions on dumpers are detrimental to the streets and neighborhoods in Yuba City!
John Lowry	<a href="mailto:lowryjohn77@gmail.com">lowryjohn77@gmail.com</a>	Not good for our city
Angee Tokos	<a href="mailto:Ang68Chevy@gmail.com">Ang68Chevy@gmail.com</a>	
Michael Sandoval	<a href="mailto:michaeljsandoval@comcast.net">michaeljsandoval@comcast.net</a>	I am adamantly OPPOSED to building a Transfer Station in the same neighborhood where I live. Shame on the City Council for trying to force this oversized TRASH PIT upon us without our consent!
Travis Hill	<a href="mailto:hondoboat@yahoo.com">hondoboat@yahoo.com</a>	Leave the dump where it is and belongs, quit trying to build more trash piles especially in city limits
Suzanne England	<a href="mailto:slengland@att.net">slengland@att.net</a>	Property values will go down!
George Starr	<a href="mailto:donastarr1@gmail.com">donastarr1@gmail.com</a>	Wrong location for transfer station
Dona Starr	<a href="mailto:donastarr1@gmail.com">donastarr1@gmail.com</a>	I happened to be behind a truck that pulled onto Garden Highway from the transfer station recently and garbage was littering Garden Highway. At least 7 pieces of trash blew out of the truck. The transfer station, dump, does not belong there.
Amanda Elkins	<a href="mailto:aburris388@gmail.com">aburris388@gmail.com</a>	
Dawn Surridge	<a href="mailto:dawnsurridge@hotmail.com">dawnsurridge@hotmail.com</a>	Put it in an area far from homes please. The seque plant already is bad enough.
Linde Schafsteck	<a href="mailto:lschafsteck@gmail.com">lschafsteck@gmail.com</a>	
Lori Young	<a href="mailto:yeehaw5977@yahoo.com">yeehaw5977@yahoo.com</a>	This type of industry does not belong so close to residential neighborhoods. We already have to deal with the odors from the waste treatment facility. No expansion should be approved without thorough studies of the impact on the community.
Andrew Morgan	<a href="mailto:amorgan2099@yahoo.com">amorgan2099@yahoo.com</a>	Dump in our city will be hazardous as it will pollute our air and ground water with deadly contaminants. Also it will be bad for business as it will cause our city to be less attractive for prospective businesses or citizens to want to move in the area. It will not be an improvement to our city but a deterrent for future growth. There is no reason to put that dump site so close to peoples homes. It can be located outside of the area or we can adopt another cleaner alternative to burn trash and turn into renewable energy just as Swedan is doing outside of the area that will not pollute close proximity to living areas. Please reconsider and think of better business alternatives.
Brett Guerrero	<a href="mailto:brettmq228@gmail.com">brettmq228@gmail.com</a>	
Shawna Sutton	<a href="mailto:sutton.shawna82@yahoo.com">sutton.shawna82@yahoo.com</a>	
Katrina Nixon	<a href="mailto:katrinaN05@hotmail.com">katrinaN05@hotmail.com</a>	
Sumiko Sprague	<a href="mailto:Goodstuff4sumo@yahoo.com">Goodstuff4sumo@yahoo.com</a>	
Jennifer Angove	<a href="mailto:hal.v@comcast.net">hal.v@comcast.net</a>	
Amber Hellwig	<a href="mailto:hjangel41601@yahoo.com">hjangel41601@yahoo.com</a>	
Brandon Sanford	<a href="mailto:mitchellovesnemo@yahoo.com">mitchellovesnemo@yahoo.com</a>	We don't want this!
Michelle Sanford	<a href="mailto:mitchellovesnemo@yahoo.com">mitchellovesnemo@yahoo.com</a>	We don't want this!



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<i>Name</i>	<i>Email</i>	<i>Comments</i>
Austin Harrold	<a href="mailto:duckhunter139@gmail.com">duckhunter139@gmail.com</a>	
Shawn Murphy	<a href="mailto:focalpointpainting1924@gmail.com">focalpointpainting1924@gmail.com</a>	
Natalie M Murphy	<a href="mailto:littlemissredsox@gmail.com">littlemissredsox@gmail.com</a>	
EJ Snow	<a href="mailto:Eric_yzfr6@hotmail.com">Eric_yzfr6@hotmail.com</a>	
Will Lopez	<a href="mailto:jesuslovedme44@yahoo.com">jesuslovedme44@yahoo.com</a>	Smells like turtle nuggets and garbage no bueno to close to homes
Charles Dawson	<a href="mailto:mrstkd@aol.com">mrstkd@aol.com</a>	
Christopher Archuleta	<a href="mailto:robot.farmer@gmail.com">robot.farmer@gmail.com</a>	No on the City Transer Station.
Anita Martin	<a href="mailto:farm4u2@sbcglobal.net">farm4u2@sbcglobal.net</a>	
Gina Carroll	<a href="mailto:ginacarroll@comcast.net">ginacarroll@comcast.net</a>	
Mark Linskiy	<a href="mailto:mark.j.linskiy@gmail.com">mark.j.linskiy@gmail.com</a>	
Kathy Finlon	<a href="mailto:kfinlon@comcast.net">kfinlon@comcast.net</a>	
Sue Snyder	<a href="mailto:sas95991@comcast.net">sas95991@comcast.net</a>	
Julia Rockenstein	<a href="mailto:rocken88@pacbell.net">rocken88@pacbell.net</a>	
Penny Stone	<a href="mailto:Penny-radovich@yahoo.com">Penny-radovich@yahoo.com</a>	
Jennifer Apodaca	<a href="mailto:j.naca3@gmail.com">j.naca3@gmail.com</a>	Horrible the sneaky way they are forcing themselves into the neighborhood after repeat objection of citizen around them. This will destroy property values Stay out of our neighborhood!
Tammie Careaga	<a href="mailto:mymsg2@hotmail.com">mymsg2@hotmail.com</a>	
Jerome Baldonado	<a href="mailto:samanthasanmiquel@hotmail.com">samanthasanmiquel@hotmail.com</a>	
Samantha Baldonado	<a href="mailto:samanthasanmiquel@hotmail.com">samanthasanmiquel@hotmail.com</a>	
Kenneth Burwell	<a href="mailto:keith@trik11.com">keith@trik11.com</a>	
Michael DeWitt	<a href="mailto:mdewitt1957@comcast.net">mdewitt1957@comcast.net</a>	If they want it put the son of a bitch on the north end of town where they live!
Ramiro Galvez	<a href="mailto:ramirogalvez68@yahoo.com">ramirogalvez68@yahoo.com</a>	
Emily Galvez	<a href="mailto:egalvez16@yahoo.com">egalvez16@yahoo.com</a>	
Jennifer Galvez	<a href="mailto:kittcat7119@hotmail.com">kittcat7119@hotmail.com</a>	
Erin Hendricks	<a href="mailto:erin2b@gmail.com">erin2b@gmail.com</a>	The thought of having This transfer station so close to my home makes me sick inside. I understand transfer stations rent important, but so close to neighborhoods and families is horrible.
Janel Silveira	<a href="mailto:janelsilveira@att.net">janelsilveira@att.net</a>	
Tammie Rikard	<a href="mailto:tjrikard@gmail.com">tjrikard@gmail.com</a>	The scale and scope of the facility expansion project is not appropriate for the proposed location. A more remote location not situated within such close proximity to residential neighborhoods is much better suited for this type of operation and the nuisances it will bring.
Oren Decker	<a href="mailto:jarrett_decker@techie.com">jarrett_decker@techie.com</a>	
Angel Hill	<a href="mailto:angelnalexander@comcast.net">angelnalexander@comcast.net</a>	

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<i>Name</i>	<i>Email</i>	<i>Comments</i>
Richard Tokos	<a href="mailto:rwtokos@gmail.com">rwtokos@gmail.com</a>	
Jennifer Dupre-Tokos	<a href="mailto:jen.dupre.tokos@gmail.com">jen.dupre.tokos@gmail.com</a>	
Rita Andrews	<a href="mailto:ritabeat60@aol.com">ritabeat60@aol.com</a>	Recology is the only company we need in Sutter County to take care of our refuse needs. We do NOT need another dump here!!!!!!
Lisa O'Leary	<a href="mailto:haylis2000@yahoo.com">haylis2000@yahoo.com</a>	
Ashley Avalos	<a href="mailto:AshleyAvalos0526@gmail.com">AshleyAvalos0526@gmail.com</a>	
Daniel Sanchez	<a href="mailto:sanchez5089@gmail.com">sanchez5089@gmail.com</a>	
Jessica Little	<a href="mailto:roxypascal@yahoo.com">roxypascal@yahoo.com</a>	Local resident. This dump is not wanted.
Christopher Zunino	<a href="mailto:cezunino@comcast.net">cezunino@comcast.net</a>	
Shannon Zunino	<a href="mailto:sazunino@comcast.net">sazunino@comcast.net</a>	
Kimberly Giurbino	<a href="mailto:kqiurbino99@yahoo.com">kqiurbino99@yahoo.com</a>	
Amy Brookman	<a href="mailto:amynbrookman@gmail.com">amynbrookman@gmail.com</a>	



## Attachment 6: Emails in support

<i>Name</i>	<i>Email</i>	<i>Comments</i>
Richard Hall	rleehall3@gmail.com	<p>Dear Members of the Planning Commission and City Council:</p> <p>I am writing in support of Use Permit 17-05, filed by Recycling Industries.</p> <p>As a local resident, and as a user of Recycling Industries, for decades, I feel strongly that this is a local business that should be supported by Planning Commission approval of the pending Use Permit Application. The points I would like the Commission to consider include:</p> <ol style="list-style-type: none"> <li>1. Recycling Industries is already located in an industrial zoned area, the proper location for this business. It is a good fit already with the vision the City has published for rational development and proper land use planning.</li> <li>2. The environmental review (Environmental Assessment 17-10) shows no negative impacts that cannot be mitigated. The expansion of current activities is within the reasonable range of expanding an existing business.</li> <li>3. The Use Permit is sought by a successful business seeking to expand current operations. It seems to me that denying successful industries the opportunity to expand would send the wrong message to other successful industries seeking to locate in Yuba City.</li> <li>4. Recycling Industries has been generating local employment and economic drive for the community for decades. It seems to me intuitive that community leaders would support such a business that has provided community support through good times and bad for decades.</li> <li>5. To refer to the activities included in the use permit as a “dump” is disingenuous. The business of Recycling Industries is, and always has been, a recycling facility. Recycling is a time-honored frugal and prudent activity representing both fiscal conservatism and caring stewardship over natural resources.</li> </ol> <p>Thank you for the opportunity to express my opinion in writing. I will be out of town on November 28th and not available to attend the Planning Commission meeting in person. I appreciate your giving thoughtful consideration to the points I have made. I urge you</p>
Arturo Villavicencio GLEN ROBERTSON jela Farias	avillavicencio55@yahoo.com gunner1951@comcast.net jfarias8197@gmail.com	<p>I have used this facility to Recycle through the years I’m sure This facility has been of great Convenience to lots of people here in our part of town by Allowing to expand it will be of greater service to us.</p>

## Attachment 6: Emails in support

<i>Name</i>	<i>Email</i>	<i>Comments</i>
NGremmy	ngreminger@gmail.com	<p>To Whom It May Concern:</p> <p>I fully support the new transfer station in Yuba City.</p> <p>Recycling Industries started 40 years ago in this town by Mr. Kuhnen in his very own garage. They are a local business looking to grow in ways that will “less than” significantly affect the environment and traffic. This transfer station will take money spent in Marysville and bring it to Yuba City each time residents choose to visit the new, state of the art facility. That’s economic growth and a win for our city.</p> <p>The lengths that Recology and citizens, who don’t even live in this city, have taken to attack this proposed facility and Recycling Industries are nothing short of appalling and petty.</p> <p>The owners and management of Recycling Industries deserve the opportunity to provide this city with BETTER, CLEANER, and MORE EFFICIENT waste management than what we are forced to accept from the stench wafting site in Marysville.</p> <p>I understand that those who oppose this facility are trying desperately to postpone the meeting on the 14th, and I hope that our commission does the right thing by keeping the meeting date unchanged.</p> <p>Please feel free to reach out to me if needed, Nikki Greminger Yuba City Resident</p>
Stacey Still	scstill@hotmail.com	<p>Please do not delay, again, the consideration of Recycling Industries transfer station in Yuba City.</p> <p>This transfer station will benefit the residents of the city tremendously!</p> <p>I urge you to keep this on the Nov. agenda and vote in favor of this valuable project. This project has potential to save the city and its citizens money. As a lifelong resident, and someone who lives within a mile of the project, I am all for it.</p> <p>Please keep it on the agenda as scheduled.</p>

## Attachment 6: Emails in support

<i>Name</i>	<i>Email</i>	<i>Comments</i>
Elizabeth Nicodemus	elizabethnicodemus@gmail.com	<p>Mr. Rodriguez,</p> <p>It is very important to me as a new resident of yuba city to have access to a near by and sanitary establishment to deal with my refuse. My household doesn't generate enough waste to justify weekly curb pick up, but I also dont want to wait in bridge traffic with garbage in my car.</p> <p>If it is true that this project will make new job opportunities for this community, how could anyone not support this?!</p> <p>Poverty and homelessness are problems on literally every street corner in this city. Let's make some new opportunities for everyone in the community!</p> <p>Thank you for your time.</p>
Greg Martin	greghmartin4@gmail.com	<p>Dear Council Member,</p> <p>I am a resident of Yuba City and live near Bogue Rd and Garden Highway.</p> <p>I am in complete support of the proposed expansion of Recycling Industries' facilities to include a transfer station. I believe this will be great for jobs in the area and provide a better convenience and cost savings for its customers.</p> <p>Please approve this project.</p> <p>Thank you.</p> <p>Greg Martin</p>

## Attachment 6: Emails in support

<i>Name</i>	<i>Email</i>	<i>Comments</i>
Patricia Tozier	ptozier313@gmail.com	<p>Dear Council Member ,</p> <p>I'm writing you today, in support of Recycling Industries expansion project on Epley Drive. I think this expansion will be good for Yuba City residents, giving us a place to take our trash, not picked up at curbside, without driving across the river. I don't feel that this expansion would have a negative impact on an area already industrial use, big trucks in and out of the area for lumber, steel, frozen foods, trucking company, etc. We already have the noise of those operations, I can't imagine this one having an impact. I've also seen opposition due to smells? How could it possibly smell worse than the Waste Water Treatment plant on Burns?!</p> <p>I work next door, I live a mile away, we already bring our recycling to them, everyone in my household (3 adults) supports this expansion!</p> <p>Thank you,</p> <p>Patricia Tozier 1911 Big Oaks Ct Yuba City, CA 95991</p>
Steve Stevens	stevensexcavating@yahoo.com	<p>Dear Council Member,</p> <p>Wanted to let you know that we support Recycling Industries 100%. It's important to us to have the transfer station in Yuba City because we don't have to travel through Marysville, making it's closer for us to take our trash to the transfer station. Most import thing we are hoping for is that it stops all the illegal dumping on the side of the road in Yuba City. We as a City need this!</p> <p>Thank You for your time,</p> <p>Stevens Family</p>

## Attachment 6: Emails in support

<i>Name</i>	<i>Email</i>	<i>Comments</i>
David Favro	dffavro@comcast.net	<p>Dear Council Member:</p> <p>We encourage you to approve the award of the transfer station to Recycling Industries. Additional disposal services can not but help the community by increasing services to citizens and improving the local environment. Competition between disposal companies can only improve service and possibly reduce costs to consumers.</p> <p>Thank you for your consideration.</p> <p>David and Andree Favro 367 Daniel Dr. Yuba City, Ca</p>
TODD B HERMAN	maddoxherman@comcast.net	<p>Dear Council Member.</p> <p>Please approve RI's request for expansion. I have read the Appeal Democrat article and review of the project.</p> <p>Environmental review favors recycling plant expansion.</p> <p>It is very clear where the opposition is coming from. Businesses in our community that employs people and provides a needed service should not be denied by government.</p> <p>Todd Herman 690 Gregory Dr. Yuba City, 95993</p>
Joe	joecakeman@sbcglobal.net	<p>Dear council member ,I live a very short distance from the recycling industries site, which I use for my recycling. I fully support the expansion of their operations that they're asking for, please vote yes on the proposal. Thank you, Jose Meraz</p>
Craig	craig.usa@gmail.com	<p>Arnoldo,</p> <p>I live in Yuba City and support the transfer station upgrade. I would like to see additional recycling capacity in Yuba City and I believe this project will provide this. Please vote yes for this project to proceed.</p> <p>craig asay Shanghai Bend area</p>

## Attachment 6: Emails in support

<i>Name</i>	<i>Email</i>	<i>Comments</i>
Heather Esemann	heather.esemann@gmail.com	<p>Der Concil Member,</p> <p>I support the efforts of Recycling Industries.</p> <p>I am still wondering why anybody is against this. Is it "not in my backyard" attitude? I accept the responsibilty my waste creates. Yuba City must take responsibility for the thousands of tons of waste it creates. If the city and county councils cannot work on a local solution, then at least let a local businessmen help the residents. When Marysville landfill is full, I do not want to drive to Wheatland to dump my old washing machine or garden cuttings. Please let us help ourselves.</p> <p>I appreciate your time and support.</p> <p>Heather Esemann 2020 Lincoln Rd Yuba City, 95993</p>



140 Epley Drive, Yuba City, CA 95991

November 6, 2018

City of Yuba City  
Mr. Arnoldo Rodriguez  
Development Services Director  
1201 Civic Center Blvd.  
Yuba City, CA 95993

RE: Recycling Industries Transfer Station Project  
DRAFT SUBSEQUENT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Dear Mr. Rodriguez:

On behalf of 811 Yuba City residents, I am submitting the attached petition urging the Yuba City Council to approve Recycling Industries' proposed transfer station project.

The significant number of supporters underscores the public benefits of the proposed project. Since an overwhelming number of the cards were filled out by our Yuba City customers, our supporters are very familiar with our current operations and what is proposed.

The supporter cards were gathered over the past several weeks, and should you see the need to authenticate them, I am more than pleased to present you the completed cards.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Kuhnen', with a large, stylized flourish at the end.

David Kuhnen  
General Manager



**Over 800 Yuba City Residents  
Support Recycling Industries' Transfer Station Project**

	<b>Last Name</b>	<b>First Name</b>	<b>City</b>
1	A.C	Alex	Yuba City
2	Aaker	Mark	Yuba City
3	Abonal	Fe	Yuba City
4	Ahlson	Darin	Yuba City
5	Aldridge	Chuck	Yuba City
6	Alejandro	Misenres	Yuba City
7	Aleman	Juan	Yuba City
8	Allen	Beatrice	Yuba City
9	Allsup	Amy	Yuba City
10	Alvarez	Ignacio	Yuba City
11	Alvarez	Maria	Yuba City
12	Alverado	Victor	Yuba City
13	Alvrez	Beanedo	Yuba City
14	Amezcva	salvador	Yuba City
15	Anderson	Dawn	Yuba City
16	Anderson	Jim	Yuba City
17	Andres	Moncada	Yuba City
18	Antolin	Anthony	Yuba City
19	Antonetta	Chris	Yuba City
20	Antonetti	Monica	Yuba City
21	Aonzaliez	Rosa	Yuba City
22	Ardito	Julie	Yuba City
23	Areltine	Marc	Yuba City
24	Armstrong	Brain	Yuba City
25	Aros	Nicole	Yuba City
26	Aseves	Sergio	Yuba City
27	Asot	Juan	Yuba City



28	Atkins	stanley	Yuba City
29	Atticus	Jaskin	Yuba City
30	Aujla	Baljinder	Yuba City
31	Aulston	Amy	Yuba City
32	Aziz	Abdal	Yuba City
33	Baatisto	Mario	Yuba City
34	Bailes	Thomas	Yuba City
35	Balke	William	Yuba City
36	Ballestrape	Laura	Yuba City
37	Baraias	Armando	Yuba City
38	Barney	Kevin	Yuba City
39	Barrery	Caridad	Yuba City
40	Bartelt	Ken	Yuba City
41	Bauernhuber	Tina	Yuba City
42	Beaver	John	Yuba City
43	Bechtel	Justin	Yuba City
44	Bendl	Hector	Yuba City
45	Berg	Aminta	Yuba City
46	Bernard	Kevin	Yuba City
47	Bernardes	John	Yuba City
48	Besson	Stephanie	Yuba City
49	Bethard	Rodeny	Yuba City
50	Bethard	Dorothy	Yuba City
51	Bethard	Elizabeth	Yuba City
52	Betschet	Brian	Yuba City
53	Bidwell	Craig	Yuba City
54	Bishop	Laura	Yuba City
55	Blackburn	Andrew	Yuba City
56	Blair	Jim	Yuba City
57	Boba	Dottie	Yuba City
58	Booth	Linda	Yuba City
59	Bosche	Wayne	Yuba City
60	Boucher	Jesse	Yuba City
61	Bowley-Miller	Shannon	Yuba City
62	Boyd	Gorge	Yuba City
63	Boylen	Dameil	Yuba City
64	Brackett	David	Yuba City

65	Brasier	Sean	Yuba City
66	Brasier	Theresa	Yuba City
67	Briseno	Kika	Yuba City
68	Briseno	Juan	Yuba City
69	Briseno	Angel	Yuba City
70	Briseno	Joel	Yuba City
71	Broadwax	Bryan	Yuba City
72	Brolliar	Bradley	Yuba City
73	Bronner	Sammy	Yuba City
74	Bronson	Ronald	Yuba City
75	Brown	Laura	Yuba City
76	Brown	Mike	Yuba City
77	Brownride	Sylas	Yuba City
78	Buckhammer	Sara	Yuba City
79	Bumanglay	Alec	Yuba City
80	Bunjen	Dennis	Yuba City
81	Burdick	Sam	Yuba City
82	Burke	Mike	Yuba City
83	Burns	Billie	Yuba City
84	Byrd	Tyler	Yuba City
85	Calderion	Maria	Yuba City
86	Calderon	Rito	Yuba City
87	Calderon	Carlos	Yuba City
88	Callazo	Leticia	Yuba City
89	Callazo	Javier	Yuba City
90	Camp	Sandra	Yuba City
91	Campos	Lucia	Yuba City
92	Campos	Clarissa	Yuba City
93	Campos	Raymond	Yuba City
94	Caraley	Jason	Yuba City
95	Cardose	Jerry	Yuba City
96	Carillo	Melissa	Yuba City
97	Carison	Scott	Yuba City
98	Carlson	ken	Yuba City
99	Carnacho	Eibonnie	Yuba City
100	Carpenter	Debbie	Yuba City
101	Carr	Jessie	Yuba City

102	Casmiro	Juan	Yuba City
103	Casmiro	Elizabeth	Yuba City
104	Casmiro	Louie	Yuba City
105	Castalan	cesar	Yuba City
106	Castaneda	Rebekah	Yuba City
107	Castellon	Lizeth	Yuba City
108	Castillo	Ara	Yuba City
109	Castro	Fred	Yuba City
110	Castro	Antone	Yuba City
111	Cavagnaro	Luis	Yuba City
112	Ceja	Javier	Yuba City
113	Cervantes	Maria	Yuba City
114	Chacon	Roxanne	Yuba City
115	Chad	Hannah	Yuba City
116	Chamavs	Darrell	Yuba City
117	Chamber	Melissa	Yuba City
118	Chand	Rachel	Yuba City
119	Chand	Michale	Yuba City
120	Chaplin	Aaron	Yuba City
121	Chapman	Kenneth	Yuba City
122	Chavez	Efren	Yuba City
123	Chavez	Maria	Yuba City
124	Chica	Gerardo	Yuba City
125	Childress	Shawna	Yuba City
126	Chinn-Ellison	Erika	Yuba City
127	Chrishphersal	Sandy	Yuba City
128	Christene	Bob	Yuba City
129	Cightlte	Richard	Yuba City
130	Clark	Karen	Yuba City
131	Clark	Carlean	Yuba City
132	Clavellz	Tina	Yuba City
133	Clayton	Felice	Yuba City
134	Clingan	Penny	Yuba City
135	Coniue	Liz	Yuba City
136	Contos	Michael	Yuba City
137	Contrenas	Joshua	Yuba City
138	Contreras	Richelle	Yuba City

139	Contreras-Jimenez	Elizabeth	Yuba City
140	Conway	Donita	Yuba City
141	Cook	Austin	Yuba City
142	Cook- Stoddard	Verna	Yuba City
143	Cooper	Terry	Yuba City
144	Cooper	Honey	Yuba City
145	Cooper	Mike	Yuba City
146	Corona	Antonia	Yuba City
147	Correa	Paul	Yuba City
148	Cortez	Yolanda	Yuba City
149	Couxirrez	Tony	Yuba City
150	Cox	Ralph	Yuba City
151	Cresp	Javier	Yuba City
152	Croy	Marty	Yuba City
153	Crozco	Juan	Yuba City
154	Culver	Ronnie	Yuba City
155	Cunningham	Linda	Yuba City
156	Curren	Karrina	Yuba City
157	Custodia	Nora	Yuba City
158	Dams	Larry	Yuba City
159	Dans	Krish	Yuba City
160	Darden	Timothy	Yuba City
161	Davis	Scott	Yuba City
162	Davis	Jewelz	Yuba City
163	DeLaTorre	Rosa	Yuba City
164	Delozier	Marty	Yuba City
165	Dentcni	Julian	Yuba City
166	DeSethe	Rob	Yuba City
167	Devi	Sunita	Yuba City
168	Dflores	Felix	Yuba City
169	Dhkcan	Jaskara	Yuba City
170	Diaz	Maurilio	Yuba City
171	Diaz	Maria	Yuba City
172	Diaz	Hector	Yuba City
173	Diaz	Gabrielle	Yuba City
174	Diaz	Fernando	Yuba City

175	Diaz	Angela	Yuba City
176	Diaz	Saril	Yuba City
177	Diaz	Santiago	Yuba City
178	Dilday	Sandy	Yuba City
179	Divas	Rebecca	Yuba City
180	Divas	Mario	Yuba City
181	Dobyns	Anthony	Yuba City
182	Donn	Stephani	Yuba City
183	Douglas	Chevy	Yuba City
184	Dstella	Byron	Yuba City
185	Dughi	Kent	Yuba City
186	Dughi	Lisa	Yuba City
187	Duran	Anthony	Yuba City
188	Eckman	Gary	Yuba City
189	Eckman	Anette	Yuba City
190	Eden	Lincoln	Yuba City
191	Ela	Richard	Yuba City
192	Elkins	Sheena	Yuba City
193	Ellison	Jerry	Yuba City
194	Ellwanger	Reba	Yuba City
195	Epperson	Eileen	Yuba City
196	Erchuchia	Sharlem	Yuba City
197	Escuchia	Mario	Yuba City
198	Esemann	Heather	Yuba City
199	Esparza	Sarita	Yuba City
200	Espinoza	Juan Manuel	Yuba City
201	Espinoza	Salvador	Yuba City
202	Esquivel	Paul	Yuba City
203	Evans	Laurie	Yuba City
204	Evans	Daniel	Yuba City
205	Exline	Brittany	Yuba City
206	Exline	Terry	Yuba City
207	Farias	Jelacio	Yuba City
208	Favro	Dave	Yuba City
209	Fazo	Dona	Yuba City
210	Feleise	Brvez	Yuba City
211	Felkins	Paula	Yuba City

212	Fernandez	Jovan	Yuba City
213	Feyh	David	Yuba City
214	Fierro	Lorelle	Yuba City
215	Fini	Joe	Yuba City
216	Fish	Debra	Yuba City
217	Fletcher	Vallory	Yuba City
218	Flores	Hortencia	Yuba City
219	Flores	Salvador	Yuba City
220	Flores	Henry	Yuba City
221	Flores	Juan	Yuba City
222	Footf	Pete	Yuba City
223	Ford	jimmy	Yuba City
224	Forkert	Peter	Yuba City
225	Fran	Jeff	Yuba City
226	Franco	Andres	Yuba City
227	Franklin	Sabrina	Yuba City
228	Franklin	Odando	Yuba City
229	Fredrickson	Catherine	Yuba City
230	Freman	Norman	Yuba City
231	Friend	Mosaique	Yuba City
232	Fries	Lori	Yuba City
233	Fries	Wesley	Yuba City
234	Frost	Clyde	Yuba City
235	Gadia	Israel	Yuba City
236	Gaeta	Maria	Yuba City
237	Gagnie	Jeanne	Yuba City
238	Gairbay	Rafael	Yuba City
239	Galvan	Sonjia	Yuba City
240	Garaa	Araceli	Yuba City
241	Garcia	Luis	Yuba City
242	Garcia	Andrew	Yuba City
243	Garcia	Charlie	Yuba City
244	Garcia	Laura	Yuba City
245	Garcia	Luis	Yuba City
246	Garcia	Jorge	Yuba City
247	Garcia	Olivia	Yuba City
248	Garcia	Felixe	Yuba City

249	Garcia	Edgar	Yuba City
250	Garcia	Amber	Yuba City
251	Gardenhire	Harlynn	Yuba City
252	Gardenhire	Alan	Yuba City
253	Garibay	Manuel	Yuba City
254	Garibay	Mario	Yuba City
255	Garnero	Brett	Yuba City
256	Garza	Agustina	Yuba City
257	Garza	Nick	Yuba City
258	gemiez	Miguel	Yuba City
259	Geraldo	Jacob	Yuba City
260	Gill	Rajinder	Yuba City
261	Gillham	David	Yuba City
262	Gillham	Maryann	Yuba City
263	Gilmore	Dennis	Yuba City
264	Glance	Sebastianna	Yuba City
265	Goad	Nicoll	Yuba City
266	Godner	Bobby	Yuba City
267	Gonzales	Danny	Yuba City
268	Gonzalez	Paul	Yuba City
269	Gonzalez	Saul	Yuba City
270	Gorham	Randy	Yuba City
271	Gorham	Mike	Yuba City
272	Graf	Deena	Yuba City
273	Graf	Terry	Yuba City
274	Graiton	Larry	Yuba City
275	Green	Dietmar	Yuba City
276	Green	Anthony	Yuba City
277	Griffin	Steven	Yuba City
278	Grimes	Nola	Yuba City
279	Guidino	Jose	Yuba City
280	Guillory	Liz	Yuba City
281	Guman	Carlos	Yuba City
282	Gurjit	Johl	Yuba City
283	Gurrar	Wanessa	Yuba City
284	Gutierrez	Naecole	Yuba City
285	Guzman	Chris	Yuba City

286	Guzman	Agustin	Yuba City
287	guzman	Etelberto	Yuba City
288	Hackney	Chris	Yuba City
289	Hackney	Joan	Yuba City
290	Hall	Rich	Yuba City
291	Hall	Ronisha	Yuba City
292	Hamdian	Maria	Yuba City
293	Hamilton	Janice	Yuba City
294	Hampton	Jesse	Yuba City
295	Hankirs	Tim	Yuba City
296	Hardee	Chris	Yuba City
297	Hardy	Stephen	Yuba City
298	Harnande	Rafael	Yuba City
299	Harris	Cleatus	Yuba City
300	Harris	Chuck	Yuba City
301	Harris	Carin	Yuba City
302	Harrod	Brandie	Yuba City
303	Harvey	Ryan	Yuba City
304	Haskell	Joell	Yuba City
305	Hauck	Diana	Yuba City
306	Hauk	Brad	Yuba City
307	Hauser	Greg	Yuba City
308	Hawkds	Chivon	Yuba City
309	Haynes	Cody	Yuba City
310	Haynes	Julia	Yuba City
311	Hayworth	Carolyn	Yuba City
312	Hebbs	Daries	Yuba City
313	Hector	Gomez	Yuba City
314	Heeter	Scott	Yuba City
315	Helm	Walter	Yuba City
316	Hemphill	Elizabeth	Yuba City
317	Hemphill	John	Yuba City
318	Hendervsa	Mike	Yuba City
319	Hendrickson	Melissa	Yuba City
320	Hensen	Mike	Yuba City
321	Hensen	Johnna	Yuba City
322	Herman	Todd	Yuba City



323	Hernadez	Adga	Yuba City
324	Hernadez	Juan	Yuba City
325	Hernadez	Julia	Yuba City
326	Hernadez	Lizeth	Yuba City
327	Hernadez	Victoria	Yuba City
328	Hernandez	Michelle	Yuba City
329	Hernandez	Rogelio	Yuba City
330	Hernandez	Wendi	Yuba City
331	Hernandez	Roberto	Yuba City
332	Hernede	Magdalena	Yuba City
333	Hernede	Jose	Yuba City
334	Hersey	Wesley	Yuba City
335	Hersey	Dianca	Yuba City
336	Hewitt	John	Yuba City
337	Hill	Calivin	Yuba City
338	Hill	Toni	Yuba City
339	Holland	Cathy	Yuba City
340	Holland	Dennis	Yuba City
341	Hon	Kelly	Yuba City
342	Hopp	Dena	Yuba City
343	Hoppers	Andreas	Yuba City
344	Howard	Steve	Yuba City
345	Howe	Darnell	Yuba City
346	Hoyre	Jagrap	Yuba City
347	Hudgins	Joyce	Yuba City
348	Hudgins	Lucas	Yuba City
349	Hughen	Eva	Yuba City
350	Hundal	Gursharan	Yuba City
351	Hynson	Shirley	Yuba City
352	Iden	Mark	Yuba City
353	Ivy	Ace	Yuba City
354	Jackson	Jessica	Yuba City
355	Jackson	Kyle	Yuba City
356	Jacob	John	Yuba City
357	Jadae	Rabinda	Yuba City
358	Jcares	Lucas	Yuba City
359	Jensen	David	Yuba City

360	Jernmayne	Augusto	Yuba City
361	Jimenez	Francisco	Yuba City
362	Jimenez	Gloria	Yuba City
363	Jimenez	James	Yuba City
364	Johnson	Denise	Yuba City
365	Johnston	Matthew	Yuba City
366	Johson	Maddy	Yuba City
367	Jones	Tami	Yuba City
368	Jones	Shawn	Yuba City
369	Jones	Jessie	Yuba City
370	Jonhson	Susan	Yuba City
371	Juencio	Laguna	Yuba City
372	Kan	Gajandeep	Yuba City
373	Kaur	Davinder	Yuba City
374	Kbmhaus	Jennifer	Yuba City
375	Kelley	Libby	Yuba City
376	Kelly	Helen	Yuba City
377	Kelly	Royal	Yuba City
378	Kendall	Rich	Yuba City
379	Kennedy	Melanie	Yuba City
380	Kester	Sheryle	Yuba City
381	Kinnawd	Troy	Yuba City
382	Kline	Wesley	Yuba City
383	Koziol	Virgina	Yuba City
384	Koziol	jonnk	Yuba City
385	Kravesse	Nate	Yuba City
386	Krik	Timothy	Yuba City
387	Laberdie	Ric	Yuba City
388	Langler	Elizebeth	Yuba City
389	Lanny	Shiftlet	Yuba City
390	Lanyston	Stephanie	Yuba City
391	Lappen	Dustin	Yuba City
392	Larrica	Tom	Yuba City
393	Larue	Amanda	Yuba City
394	Law	James	Yuba City
395	Leatherman	Jeff	Yuba City
396	Leeper	Jessica	Yuba City

397	Lerma	Angelo	Yuba City
398	Lewis	Crystal	Yuba City
399	Leyva	Latisha	Yuba City
400	Lindgren	Jessica	Yuba City
401	Linfor	Robin	Yuba City
402	Lobsien	Martin	Yuba City
403	Lommer	Iarry	Yuba City
404	Long	Gaylene	Yuba City
405	Long	Mark	Yuba City
406	Long	Felicia	Yuba City
407	Lopez	Felix	Yuba City
408	Lopez	Edith	Yuba City
409	Lopez	Ramoa	Yuba City
410	Lopez	Ma Eliazar	Yuba City
411	Lopez	Rome	Yuba City
412	Lopez Bernal	Janet	Yuba City
413	Loria	Sarri	Yuba City
414	Loroyne	Debbie	Yuba City
415	Lowry	Jessica	Yuba City
416	Lupercio	Maria	Yuba City
417	Macgregor	Martha	Yuba City
418	Macgregor	Tom	Yuba City
419	Macomber	Carolina	Yuba City
420	Macomber	Anahi	Yuba City
421	Madden	Robert	Yuba City
422	Madrigal	Jose	Yuba City
423	Madrigal	Melissa	Yuba City
424	Madrigal	Mario	Yuba City
425	Magana	Jose	Yuba City
426	Magenhimer	Camden	Yuba City
427	Malan	John	Yuba City
428	Malande	Bobbie	Yuba City
429	Maldonado	Fernando	Yuba City
430	Maltorano	William	Yuba City
431	Markins	Cindy	Yuba City
432	Marquez	Leza	Yuba City
433	Marquette	Rhonda	Yuba City

434	Martin	Jack	Yuba City
435	Martin	Timothy	Yuba City
436	Martin	Angela	Yuba City
437	Martinez	Ariceli	Yuba City
438	Martinez	Amanda	Yuba City
439	Martinez	Jeannette	Yuba City
440	Martinez	Jason	Yuba City
441	Martinez	Eric	Yuba City
442	Martinez	Claudio	Yuba City
443	Matei	Ljac	Yuba City
444	Mavquard	James	Yuba City
445	Maxwell	James	Yuba City
446	Mazaniego	Aminta	Yuba City
447	Mcdaniel	Michael	Yuba City
448	Mcgees	David	Yuba City
449	Mead	Joel	Yuba City
450	Melenolez	Fatima	Yuba City
451	Mendoza	Antonio	Yuba City
452	Mendoza	Rafael	Yuba City
453	Meraz	Cheri	Yuba City
454	Mercado	Beatnz	Yuba City
455	Meyeer	megan	Yuba City
456	Meyer	Diana	Yuba City
457	Mgee	Harry	Yuba City
458	Michael	Debbie	Yuba City
459	Michaelis	Jarrod	Yuba City
460	Micheli	Justin	Yuba City
461	Miles	Ava	Yuba City
462	Millang	Varina	Yuba City
463	Millang	George	Yuba City
464	Miller	Donald	Yuba City
465	Miller	Deanna	Yuba City
466	Miller	Warren	Yuba City
467	Miller	Zach	Yuba City
468	Milton	Steven	Yuba City
469	Minozia	Santino	Yuba City
470	Miranda	Yolanda	Yuba City

471	Mogenheimer	Andrew	Yuba City
472	Monreal	Consoelo	Yuba City
473	Moore	Steve	Yuba City
474	Moran	Autum	Yuba City
475	Morcks	Macrico	Yuba City
476	Morek	Mark	Yuba City
477	Morgan	Taylor	Yuba City
478	Morgan	Tray	Yuba City
479	Morse	Charles	Yuba City
480	Morse	Charlie	Yuba City
481	Mounts	Aaron	Yuba City
482	Moye	Jamie	Yuba City
483	Munoz	Joe	Yuba City
484	Muoulds	Krist	Yuba City
485	Mural	Karl	Yuba City
486	Murillo	Maria	Yuba City
487	Murillo	Jorge	Yuba City
488	Murphy	Catrina	Yuba City
489	Murray	Larry	Yuba City
490	Murray	Sherl	Yuba City
491	Murray	Lloyd	Yuba City
492	Myers	Mike	Yuba City
493	Nabeta	Ethan	Yuba City
494	Naftel	Jamiz	Yuba City
495	Naftel	Lilly	Yuba City
496	Nahlen	susan	Yuba City
497	Nakete	Avery	Yuba City
498	Naranjo	Quintilia	Yuba City
499	Navaro	Robert	Yuba City
500	Nazreno	Kevin	Yuba City
501	Ness	Dauas	Yuba City
502	Ness	tamera	Yuba City
503	Newman	Roy	Yuba City
504	Ngiche	Njorge	Yuba City
505	Ngiche	Linda	Yuba City
506	Nichez	Salvador	Yuba City
507	Nichols	Mikayla	Yuba City

508	Nichols	Todd	Yuba City
509	Nichols	Aaron	Yuba City
510	Nicodemus	Elizabeth	Yuba City
511	Nieto	Isidro	Yuba City
512	Nissen	Jeffery	Yuba City
513	Noleman	Dan	Yuba City
514	Norris	William	Yuba City
515	Norris	Renne	Yuba City
516	Norton	Erin	Yuba City
517	Norton	Ernest	Yuba City
518	Oleary	Calista	Yuba City
519	Oller	Austin	Yuba City
520	Oller	Janae	Yuba City
521	Olson	Stephanie	Yuba City
522	Oroza	Samantha	Yuba City
523	Orozo	Jose	Yuba City
524	Ortiz	Marlene	Yuba City
525	Ortiz	Miguel	Yuba City
526	Ortiz	Savi	Yuba City
527	Osborne	Jennifer	Yuba City
528	Osbourn	Logan	Yuba City
529	Oseguera	Jose	Yuba City
530	Ovando	Beverly	Yuba City
531	Pachecc	Cesat	Yuba City
532	Pack	Tommy	Yuba City
533	Padilla	Juan	Yuba City
534	Paige	Jennifer	Yuba City
535	Pal	Jagdish	Yuba City
536	Palmer	Brandon	Yuba City
537	Panky	Aaron	Yuba City
538	Pappas	Mathew	Yuba City
539	Parkash	Om	Yuba City
540	Parks	Jeanetter	Yuba City
541	Parra	Gabriel	Yuba City
542	Pase	Kristi	Yuba City
543	Patima	Andrue	Yuba City
544	Patina	Bob	Yuba City

545	Payne	Marisa	Yuba City
546	Payne	Damin	Yuba City
547	Payne	Don	Yuba City
548	Pedraza	Jose	Yuba City
549	Pendergrass	Ian	Yuba City
550	Penn	Kent	Yuba City
551	Perez	Peter	Yuba City
552	Perez	David	Yuba City
553	Perkins	Chelsie	Yuba City
554	Perkins	Chelsie	Yuba City
555	Peters	Lo	Yuba City
556	Peterson	Pete	Yuba City
557	Peterson	Pete	Yuba City
558	Peterson	Audra	Yuba City
559	Peterson	Valerie	Yuba City
560	Phillips	Mike	Yuba City
561	Phillips	Kaylee	Yuba City
562	Pippitt	Jessie	Yuba City
563	Ponce	Juan	Yuba City
564	Pony	Martin	Yuba City
565	Poole	Jessa	Yuba City
566	Pope	Beverly	Yuba City
567	Potter	Paula	Yuba City
568	Potts	Megah	Yuba City
569	Potts	Andrew	Yuba City
570	Potts	Lindsey	Yuba City
571	Powl	Summer	Yuba City
572	Prior	Ken	Yuba City
573	Prowling	Michael	Yuba City
574	Pufford	Jeanette	Yuba City
575	Quinoms	Aidee	Yuba City
576	Radillo	Jesus	Yuba City
577	Rai	Surinder	Yuba City
578	Rajstunk	Chirtina	Yuba City
579	Ramero	Armida	Yuba City
580	Ramine	Eli	Yuba City
581	Ramirez	Sonia	Yuba City

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583	Ramirez	Edgar	Yuba City
584	Ramirez	Baldemir	Yuba City
585	Ramirez	Marina	Yuba City
586	Ramno	Harold	Yuba City
587	Ramos	Silvia	Yuba City
588	Ramos	Perla	Yuba City
589	Ramos	Bonnie	Yuba City
590	Ramos	Lynaian	Yuba City
591	Ramsey	Neva	Yuba City
592	Randiava	Kahlinds	Yuba City
593	Rangel	Cristina	Yuba City
594	Rangel	Estela	Yuba City
595	Ransom	Stephen	Yuba City
596	Rath	Isaiah	Yuba City
597	Ray	Thomas	Yuba City
598	Ray	Tim	Yuba City
599	Raya	Evelyn	Yuba City
600	Ready	Frank	Yuba City
601	Recendez	Miguel	Yuba City
602	Reed	Elizabeth	Yuba City
603	Reed	Jeff	Yuba City
604	Reed	Rodrick	Yuba City
605	Reynolds	Staha	Yuba City
606	Reynoza	Krystyna	Yuba City
607	Rice	Debbie	Yuba City
608	Richardson	Tyler	Yuba City
609	Richins	Stanley	Yuba City
610	Riggs	Jamie	Yuba City
611	Ring	Richard	Yuba City
612	Rio	Albert	Yuba City
613	Rivcra	Jhonatan	Yuba City
614	Rivera	Amparo	Yuba City
615	Roberson	Lacie	Yuba City
616	Robertson	Glen	Yuba City
617	Robertson	Michelle	Yuba City
618	Rodgers	Apollo	Yuba City



619	Rodriguez	Elias	Yuba City
620	Rodriguez	Rosa	Yuba City
621	Roets	Ida	Yuba City
622	Roets	Frances	Yuba City
623	Rojas	Alejandro	Yuba City
624	Romero	Maria	Yuba City
625	Romero	Santos	Yuba City
626	Rosles	Pedro	Yuba City
627	Rowley	Ruby	Yuba City
628	Rowley	Daniel	Yuba City
629	Royers	Linda	Yuba City
630	Rugare	Nella	Yuba City
631	Russell	Brodgie	Yuba City
632	Russell	Margeart	Yuba City
633	Russev	Jerome	Yuba City
634	Saboza	Leo	Yuba City
635	Sakci	Pamela	Yuba City
636	Salidvar	Richard	Yuba City
637	Sanchez	Debbie	Yuba City
638	Sanchez	Alicia	Yuba City
639	Sanchez	Oscar	Yuba City
640	Sandaval	Louie	Yuba City
641	Sanders	Wanda	Yuba City
642	Sandher	Manpreet	Yuba City
643	Sandhu	Rashpal	Yuba City
644	Sandoval	Francisco	Yuba City
645	Sandoval	Maria	Yuba City
646	Sandoval	Fransico	Yuba City
647	Sandovas	Elena	Yuba City
648	Sangha	Jaikanal	Yuba City
649	Santiance	Elinor	Yuba City
650	Santillian	Elena	Yuba City
651	Savage	Linoa	Yuba City
652	Sawyer	Aaron	Yuba City
653	Sawyer	Kali	Yuba City
654	Sayago	Arturo	Yuba City
655	Schlicht	Lynne	Yuba City

656	Schmior	Jouy	Yuba City
657	Schmit	Vasghu	Yuba City
658	Schoel	Brandon	Yuba City
659	Schoel	Marissa	Yuba City
660	Schoel	Veronica	Yuba City
661	Scruby	Deeawn	Yuba City
662	Sebourn	Kalina	Yuba City
663	Sentner	Cynthia	Yuba City
664	Serrono	Juan	Yuba City
665	Servin	Juan	Yuba City
666	Servin	Ami	Yuba City
667	Sethi	Rupinder	Yuba City
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669	Shergill	Jagtar	Yuba City
670	Shildeler	Bret	Yuba City
671	Shimizu	Sharon	Yuba City
672	Shipman	Gary	Yuba City
673	Shipman	Natalie	Yuba City
674	Shorey	Richard	Yuba City
675	Silvia	Kiki	Yuba City
676	Simao	Manuel	Yuba City
677	Simao	Robert	Yuba City
678	Sinclair	Robert	Yuba City
679	Singh	Prabjit	Yuba City
680	Singh	Surinder	Yuba City
681	Singh	Gurpreet	Yuba City
682	Singh	Jason	Yuba City
683	Singh	Gurwant	Yuba City
684	Singh	Jaspor	Yuba City
685	Singh	Jaspal	Yuba City
686	Singh	Hardit	Yuba City
687	Singleton	Anthony	Yuba City
688	Slernrma	Richard	Yuba City
689	Smarbati	Vishal	Yuba City
690	Smiley	Joe	Yuba City
691	Smith	Shuan	Yuba City
692	Smith	David	Yuba City

693	Smith	Eric	Yuba City
694	Smith	Shawn	Yuba City
695	Smith	Nicole	Yuba City
696	Smith	Jack	Yuba City
697	Smothers	Howard	Yuba City
698	Snagston	Eric	Yuba City
699	Soares	kevin	Yuba City
700	Sohdl	Gursharan	Yuba City
701	Solis	Crystal	Yuba City
702	Solis	Belia	Yuba City
703	Solis	Maria	Yuba City
704	Sondhi	Anjana	Yuba City
705	Sondhi	Suresh	Yuba City
706	Sonora	Antonio	Yuba City
707	Soto	Irene	Yuba City
708	Soto	Antonio	Yuba City
709	Soto	Lucio	Yuba City
710	Spinale	Teerre	Yuba City
711	St.clair	Floyd	Yuba City
712	Stanil	Muhat	Yuba City
713	Stanil	Maria	Yuba City
714	Steel	Judith	Yuba City
715	Stenn	Tammy	Yuba City
716	Stentzel	Daniel	Yuba City
717	Stephenson	Ashely	Yuba City
718	Sterino	Bill	Yuba City
719	Sterling	Mary Anne	Yuba City
720	Sterling	Ron	Yuba City
721	Stevens	Steve	Yuba City
722	Stevens	Lisa	Yuba City
723	Stevens	Steve	Yuba City
724	Stevens	Lisa	Yuba City
725	Stevens	Jennifer	Yuba City
726	Stevens	Troy	Yuba City
727	Stevenson	Rodney	Yuba City
728	Stilllaell	Stephen	Yuba City
729	Stirnaman	Ben	Yuba City

730	Stockett	Vanessa	Yuba City
731	Stordwant	Andrew	Yuba City
732	Store	alasdair	Yuba City
733	Struthers	Ericson	Yuba City
734	Sturgeon	Frank	Yuba City
735	Suarez	Sandra	Yuba City
736	Suerez	Shelly	Yuba City
737	Sullivan	Jull	Yuba City
738	Summer	Kim	Yuba City
739	Sutter	Loretta	Yuba City
740	Szyrnski	Mark	Yuba City
741	Takhar	Anoop	Yuba City
742	Tarrant	Josh	Yuba City
743	Taylor	Susan	Yuba City
744	Tena	Eladio	Yuba City
745	Terbash	Bill	Yuba City
746	Thao	Caitlin	Yuba City
747	Thiara	Sureena	Yuba City
748	Thomas	Kevin	Yuba City
749	Thompson	Debbie	Yuba City
750	Tinocoe	Angela	Yuba City
751	Tipton	Larry	Yuba City
752	Torres	jenny	Yuba City
753	Torres	Ben	Yuba City
754	Tozier	Patricia	Yuba City
755	Trisler	Erin	Yuba City
756	Troutanan	Diana	Yuba City
757	Tvapala	Ruben	Yuba City
758	Umdneco	Trinidad	Yuba City
759	Umino	Pam	Yuba City
760	Uribe	Mary	Yuba City
761	Uribe	Tony	Yuba City
762	Uviostegn	Bulman	Yuba City
763	Valdez	Vivente	Yuba City
764	Vargas	Pablo	Yuba City
765	Vasquez	Ricky	Yuba City
766	Vasquez	Manuel	Yuba City

767	Vazques	Paulin	Yuba City
768	Vega	Rodofo	Yuba City
769	Veitnehans	Jarrey	Yuba City
770	Vela	Bryan	Yuba City
771	Velazquez	Cristina	Yuba City
772	Verduzco	Jose	Yuba City
773	Verduzco	Erika	Yuba City
774	Vestal	Margaret	Yuba City
775	Villavicencio	Arino	Yuba City
776	Wager	Maryann	Yuba City
777	Wager	Samantha	Yuba City
778	Wahaio	Tina	Yuba City
779	Walken	Michael	Yuba City
780	Ward	Rocky	Yuba City
781	Wates	Leslie	Yuba City
782	Weaver	Jimmy	Yuba City
783	Weger	Sandra	Yuba City
784	Wheeler	Leo	Yuba City
785	Wheller	Frankie	Yuba City
786	Whiteaker	Michele	Yuba City
787	Whiteaker	Katrina	Yuba City
788	Whitt	Lovie	Yuba City
789	Wickham	Bob	Yuba City
790	Wiilson	Brandy	Yuba City
791	Wilbanks	Jack	Yuba City
792	Wilkerson	Talia	Yuba City
793	Wilkerson	Richard	Yuba City
794	Wilkerson	Brett	Yuba City
795	Wilkes	Jake	Yuba City
796	Williams	Debbie	Yuba City
797	Williams	Flora	Yuba City
798	Wilson	Terry	Yuba City
799	Wilson	Sara	Yuba City
800	Wilson	David	Yuba City
801	Woods	Tez	Yuba City
802	Wright	Kevin	Yuba City
803	Young	Raymond	Yuba City

804	Young	Sandra	Yuba City
805	Young	Denis	Yuba City
806	Young	Sandra	Yuba City
807	Younigs	Dean	Yuba City
808	Zavala	Aldolfo	Yuba City
809	Zeka	Tim	Yuba City
810	Zoula	Marcario	Yuba City
811		Xavier	Yuba City

SUTTER COUNTY  
BOARD OF SUPERVISORS

COUNTY OFFICE  
1160 CIVIC CENTER BLVD  
YUBA CITY, CA 95993



COUNTY (530) 822-7100  
FAX (530) 822-7103  
[www.suttercounty.org](http://www.suttercounty.org)

**MAT CONANT**  
VICE-CHAIR

**RON SULLENGER**  
DISTRICT 1

October 30, 2018

Arnoldo Rodriquez, AICP, Director  
City of Yuba City  
Development Services Department  
1201 Civic Center Boulevard  
Yuba City CA, 95993

**SUBJECT: Recycling Industries Transfer Station Revised UP 12-01 for a Large  
Volume Transfer/Processing Facility located at 140 Epley Dr., Yuba City**

Dear Mr. Rodriquez,

We have been contacted by constituents regarding their concerns associated with potential impacts from the proposed transfer station project, which will increase the processing capacity at the current location. While we realize that a project of this nature may offer benefits to our local community, it will also have consequences. The project's Initial Study, which is being circulated for public comment, is complicated, complex, and addresses many potential impacts along with proposed mitigations. In light of the length and breadth of the Initial Study document, almost 500 pages, and the time required for our citizens to review and consider the benefits and consequences, we respectfully request that the City of Yuba City extend the comment period by an additional 30 days until December 5, 2018.

Thank you for your consideration.

Sincerely,

A blue ink signature of Mat Conant.

Mat Conant  
Vice-Chair

A blue ink signature of Ron Sullenger.

Ron Sullenger  
District 1 Supervisor

## Attachment 9: Request for a 30-day request

### BRIGIT S. BARNES & ASSOCIATES, INC.

A LAW CORPORATION

Brigit S. Barnes, Esq.  
Annie R. Embree, Esq.  
Of Counsel



Asset Preservation,  
Land Use and  
Environmental  
Paralegal  
Jaenelyn Killian

Legal Assistant  
Noreen Patrignani

3262 Penryn Road  
Suite 200  
Loomis, CA 95650  
tel: 916.660.9555  
fax 916.660.9554  
[www.landlawbybarnes.com](http://www.landlawbybarnes.com)

November 1, 2018

#### *Via Email and/Regular Mail*

#### **Yuba City Planning Commission**

Ms. Daria Ali  
Ms. Michele Blake  
Mr. Dale Eyeler  
Mr. John Sanbrook  
Ms. Jana Shannon  
Mr. John Shaffer  
Ms. Jackie Sillman  
1201 Civic Center Blvd.  
Yuba City, CA 95993  
[feedback@yubacity.net](mailto:feedback@yubacity.net)

#### **Yuba City Councilmembers**

Mayor Preet Didbal  
Vice-Mayor Shon Harris  
Mr. Stanley Cleveland, Jr.  
Mr. John Buckland  
Mr. Manny Cardoza  
1201 Civic Center Blvd.  
Yuba City, CA 95993  
[citycouncil@yubacity.net](mailto:citycouncil@yubacity.net)

Timothy P. Hayes, City Attorney  
Martinez • Hayes • Hill LLP  
471 Century Park Drive, Suite C  
Yuba City, CA 95991  
[thayes@mh3law.com](mailto:thayes@mh3law.com)

Steven C. Kroeger, City Manager  
Terrel Locke, Chief Deputy City Clerk  
1201 Civic Center Blvd.  
Yuba City, CA 95993  
[citymanager@yubacity.net](mailto:citymanager@yubacity.net)  
[tlocke@yubacity.net](mailto:tlocke@yubacity.net)

Arnoldo Rodriguez, Development Director  
1201 Civic Center Blvd.  
Yuba City, CA 95993  
[arodriguez@yubacity.net](mailto:arodriguez@yubacity.net)

Re: Recycling Industries Transfer Station; Use Permit Revisions  
Draft Subsequent Initial Study/Mitigated Negative Declaration (MND)  
State Clearinghouse (SCH) #2014052082

Request for Extension of Comment Period to December 13, 2018 or 30  
Days After Release of the City's Peer Review of the Mitigated Negative  
Declaration

Dear Commissioners, Councilmembers, Ms. Locke, and Messers. Hayes, Kroeger, and  
Rodriguez:

This office represents Stop the Dump! Enclosed please find our request for postponement  
of the response to comment period now scheduled to conclude on November 6. We  
formally request that the comment period be held open for 30 days after the City's peer  
review of Recycling Industries' Mitigated Negative Declaration is made public.

Asset Preservation  
General Business

Commercial Real Estate  
Real Estate Financing

Environmental  
Litigation



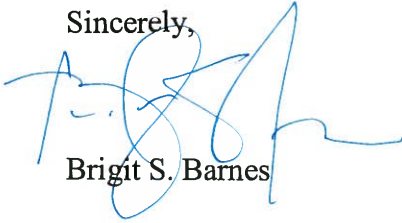
Letter to Yuba City Planning Commission, et al.

November 1, 2018

Page 2

This delay would necessarily also affect the Planning Commission's hearing now scheduled for November 14. We ask that the hearing also be postponed until the first available calendar date after the postponed comment period.

Sincerely,



Brigit S. Barnes

Enclosure: *As Stated*

cc: Client *[via email]*

Stop the Dump\Planning Commission et al.L01

Date: November 1, 2018

Timothy P. Hayes, City Attorney, [thayes@mh3law.com](mailto:thayes@mh3law.com)  
Martinez•Hayes•Hill LLP  
471 Century Park Drive, Suite C  
Yuba City, CA 95991

Steven C. Kroeger, City Manager, [citymanager@yubacity.net](mailto:citymanager@yubacity.net)  
Arnoldo Rodriguez, Development Director, [arodriguez@yubacity.net](mailto:arodriguez@yubacity.net)  
Terrel Locke, Chief Deputy City Clerk, [tlocke@yubacity.net](mailto:tlocke@yubacity.net)  
1201 Civic Center Boulevard  
Yuba City, CA 95993

Re: RECYCLING INDUSTRIES TRANSFER STATION; USE PERMIT REVISIONS  
DRAFT SUBSEQUENT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (MND)  
STATE CLEARINGHOUSE (SCH) # 2014052082

Request for Extension of Comment Period to December 13, 2018 or 30 days after release of the  
City's Peer Review of the Mitigated Negative Declaration

Gentlemen and Ms. Locke:

The voters, nearby business owners and residents who have signed this letter, and are also members of "Stop the Dump," seek an extension of the public comment period regarding the proposed Recycling Industries Yuba City Transfer Station expansion at 140 Epley Drive, in Yuba City. Many of our members did not see the legal notice in the paper and were not aware of the draft initial study/MND until recently.

The draft study contains almost 500 pages and we do not feel we have had sufficient time to digest the information and prepare comments. Furthermore, the City's peer review was not released and further hinders our ability to comment on the draft initial study/MND.

Our initial review indicates further required analysis of multiple potential impacts resulting from the proposed expansion including traffic patterns, dust, odors and other air quality impacts that will directly affect the neighboring commercial businesses and nearby residential neighborhood. In addition, we need an extension of time to further review the impact of:

- Removal of all restrictions on putrescible waste. The MND does not provide for active mitigation for these smells although the design of the system continues with roll-up doors.
- Significant disputes in whether or not the daily traffic trips have been increased, and whether the increase crosses all relevant City, and District thresholds for air quality impacts. The MND

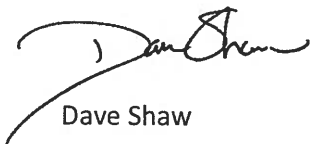
contains no defined patterns, allowing for more clear evaluation of traffic impacts. The MND also does not adequately review round trips, peak days/times, or adjust for the fact that packer truck trips have considerably more impact than car trips.

- The traffic study does not appear to address the queuing issues because it does not take into consideration the change to large off loaders waiting to enter the station, starting early in the morning.
- Unmitigated damages to public road due to heavy vehicles. No definition of the mix of deliveries between heavy vehicle use and local traffic.
- Increased fire risk as a result of the planned storage of vehicles inside the station.
- Added dust and fly-away garbage and debris.
- No emissions controls resulting in methane gas hazards.
- Because no hazardous air quality study has been included related to idling diesel trucks, the evaluation does not address potential impacts on the neighboring residents.
- Increased vectors, vermin, flies, and mosquitos and related health issues.

The members of Stop the Dump are handicapped in preparing a careful review because no peer review is included with the MND. The City is on record that the environmental documentation prepared by Recycling Industries, once received by Yuba City, would be independently reviewed so as to provide assurances to the public that all aspects of the analysis adequately considered the possible adverse impacts of such planned expansion. We are informed that a firm was retained by Yuba City to perform the peer review, but you are refusing to release it. The public and the members of Stop the Dump must be afforded sufficient time to review the proposed expansion plan, the MND, and the peer review of RI's consultants work, so that their comments are complete and meaningful.

Therefore, please extend the conclusion of the comment period to December 13<sup>th</sup>, or 30 days after the peer review is publicly released.

Sincerely,



Dave Shaw



James Rik Jimerson



Michael Sandoval



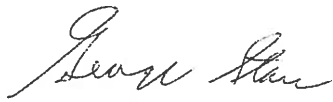
Elizabeth Fredieu



Gene Barngrover



Jeff Angove



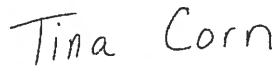
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Dona Starr



Craig Chizek



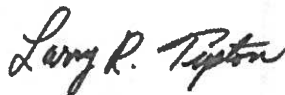
Tina Corn



Susan Meyer Morrill



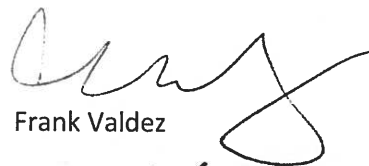
Erin Hendricks



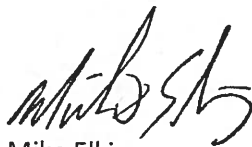
Larry Tipton



Julia Rockenstein



Frank Valdez



Mike Elkins



Lesley Langlois



Mark Torrison



Brenda Allison

Cc:

Planning Commissioners: Daria Ali, Michele Blake, Dale Eyeler, John Sanbrook, Jana Shannon, John Shaffer

City Councilmembers: Stanley Cleveland Jr., John Mark Buckland, Mayor Preet Didbal, Manny Cardoza, Vice-Mayor Shon Harris

**Attachment 10: City denying a 30-  
day extension request**

**Development Services**



November 5, 2018

Via Email and U.S. Mail

Brigit S. Barnes  
Brigit S. Barnes & Associates, Inc.  
3262 Penryn Road, Suite 200  
Loomis, CA 95650

Re: Recycling Industries Transfer Station; Use Permit Revisions  
Draft Subsequent Initial Study/Mitigated Negative Declaration (MND)  
State Clearinghouse (SCH) #2014052082

Dear Ms. Barnes:

This letter is in response to your November 1, 2018 letter requesting that Yuba City extend the comment period and continue the Planning Commission hearing regarding the proposed revisions to Recycling Industries' use permit, UP 12-01. While the City understands that you would like additional time, the City complied with CEQA's notice requirements and the public hearing notice has already been completed and sent for publication. As such, the City is continuing forward with the noticed dates regarding the close of comment period and with the public hearing scheduled for November 14, 2018, before the Planning Commission. As you noted, the formal comment period expires November 6, 2018. We encourage you to submit your comments on the CEQA document before that deadline.

Please feel free to contact me with any questions you may have regarding the proposed use permit revisions.

Sincerely,

  
Arnoldo Rodriguez  
Development Services Director

## Attachment 11: Letter in opposition

November 6, 2018

### *Via Email and Hand Delivered*

#### **Yuba City Planning Commission**

Ms. Daria Ali  
Ms. Michele Blake  
Mr. Dale Eyeler  
Mr. John Sanbrook  
Ms. Jana Shannon  
Mr. John Shaffer  
Ms. Jackie Sillman  
1201 Civic Center Blvd.  
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#### **Yuba City Councilmembers**

Mayor Preet Dibal  
Vice-Mayor Shon Harris  
Mr. Stanley Cleveland, Jr.  
Mr. John Buckland  
Mr. Manny Cardoza  
1201 Civic Center Blvd.  
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#### *(\*Email and U.S. Mail Only)*

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Arnoldo Rodriguez, Development Director  
1201 Civic Center Blvd.  
Yuba City, CA 95993  
[arodriguez@yubacity.net](mailto:arodriguez@yubacity.net)

Re: Recycling Industries Transfer Station; Use Permit Revisions  
Draft Subsequent Initial Study/Mitigated Negative Declaration ("MND")  
State Clearinghouse (SCH) #2014052082  
COMMENTS ON MITIGATED NEGATIVE DECLARATION  
Reservation of Rights regarding Comments on City's Peer Review

Dear Commissioners, Councilmembers, Ms. Locke, and Messers. Hayes, Kroeger, and Rodriguez:

This office represents Stop the Dump. This letter provides comments to the City's release of a Subsequent Initial Study/Mitigated Negative Declaration (the "2018 MND") to authorize a new Use Permit (New Use Permit)<sup>1</sup> for the Recycling Industries Recycling facility located at 140 Epley Drive, Yuba City.

<sup>1</sup> Based on review of public documents, initially Recycling Industries requested extensions and then sought a Revised Use Permit application. However, Mr. Rodriguez now refers to the recent RI proposal 12-01 as a "New Use Permit". Because the actual project is expanded from the 2014 Use Permit, I have kept the phrase "revised project" to describe components.

Asset Preservation  
General Business

Commercial Real Estate  
Real Estate Financing

Environmental  
Litigation

**BRIGIT S.  
BARNES &  
ASSOCIATES,  
INC.**

A LAW CORPORATION

Brigit S. Barnes, Esq.  
Annie R. Embree, Esq.  
Of Counsel



Asset Preservation,  
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Environmental  
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### Introduction

The Recycling Industries transfer station initially was approved and issued a Use Permit by the City of Yuba City based upon an Initial Study/ Mitigated Negative Declaration (EA-12, the "2014 MND"). A mitigated negative declaration is a truncated CEQA document prepared to document the city's determination that the project, as mitigated, would not have a significant adverse effect on the environment.

The City of Yuba City is now circulating a Subsequent Initial Study/ Mitigated Negative Declaration (the "2018 MND") to expand and supersede Recycling Industries' Use Permit (New Use Permit) to change the facility from one that primarily was receiving clean, dry self-haul recyclable materials, to one that can receive 300 tons per day of mixed municipal solid waste and curbside recycling, and up to 360 tons on a peak day. Where the prior Use Permit limited putrescent materials to only 10% of the total permit limit of 100 tons per day, and prohibited the site from receiving any large waste collection vehicles, the new permit removes these limits entirely. Putrescent material means waste that is decaying or rotting. Vehicles that can now access the site include 12-foot-tall waste collection and roll-off trucks.

These enormous changes to the transfer station will pose significant risks to our community and will directly affect the quality of life for nearby residents. Let there be no doubt - decaying and rotting waste smells. Our local air quality management district knows that. The district recommends a **one mile screening distance** for odor impacts from a transfer station. Yet this New Use Permit would eliminate the key odor control mechanism cited in the 2014 MND -- limits on putrescent waste. The latest, 2018 MND doesn't add any odor controls, set any performance standard, or require monitoring by Yuba City. The 2018 MND contains no real analysis of this key issue, and *no mitigation* to ensure odors are addressed.

The 2018 MND also attempts to sweep under the rug the increased truck traffic, and associated noise, air pollution, and greenhouse gas emissions from tripling facility capacity and allowing collection trucks to access the site. We are asked to believe that trucks will travel somewhere in the air basin, so there's no need to study their effects. As detailed in our comments below, that logic suffers from a number of fatal flaws. But regardless -- those trucks are not currently concentrated here, next to residential neighborhoods in Yuba City. Where is the analysis of concentrations of air pollution in our neighborhood? Where is the noise analysis? There isn't any!

The technical report attached to the 2018 MND says that as many as 52 vehicles might visit the facility under peak conditions in a peak *hour* (104 vehicle trips). Why does the traffic study only 104 trips per *day* and study 8 vehicles in a peak hour? There is something very wrong about this traffic report.

What about fire? The 2018 MND ignores the risk of fire from hot spots associated with decaying waste and increased acceptance of items such as lithium batteries in e-waste. No

information is provided about the high fire risk in this location. We now have PG&E shutting down electricity whenever it's windy. Will the sprinklers at this facility work when the power is shut down? And how will fire personnel get to a fire at night when semi-combo transfer trucks are parked *inside the transfer facility* and up against the roll-up door? This site does not have adequate space to maintain emergency access. Yet the MND says nothing about these issues.

It is clear to us, for all of the reasons detailed below, that a full environmental impact report is needed. We ask that the City of Yuba City send this New Use Permit back to the drawing board. We, as a community, deserve a full study and a full report before this project can be considered for approval.

#### 1. Standard of Review

The California Supreme Court has identified the standard that a city must use to determine whether a full Environmental Impact Report must be prepared when an applicant proposes a change to a project previously approved based on a mitigated negative declaration. If a project is initially approved by a mitigated negative declaration, a "major revision" to the initial negative declaration will necessarily be required if the proposed modification **may produce** a significant environmental effect that had not previously been studied. *Friends of the College of San Mateo Gardens v. San Mateo County Community College District*, 1 Cal.5th 937, 959 (2016) (citing CEQA Guidelines, § 15162). And if the change to the initially approved project introduces "previously unstudied and potentially significant environmental effects that cannot be avoided or mitigated through further revisions to the project plans, then the appropriate environmental document would no longer be a negative declaration at all, but an EIR." *Id.* The 2018 MND improperly fails to fully identify the significant impacts to be anticipated by the expanded facility, inadequately provides for the necessary mitigation for these impacts, and fails to assure that if approved the applicant has the financial ability to fund the mitigation which will be required to protect the public.

#### 2. City Fails to Meet Independent Judgment Test Mandated Under CEQA

In addition to these defects, Stop the Dump contends that the Mitigated Negative Declaration released for public review is fatally defective because the 2018 MND and documents just released by the City, fail to show any evidence that it has been reviewed by the City of Yuba City or that the City applied its independent judgment prior to approving the evaluations contained in the 2018 MND. In March, 2018, Arnoldo Rodriguez, Development Services Director, advised the public that Recycling Industries' application for the new use permit was contingent upon RI's funding the cost of preparation of an Initial Study for the expanded recycling center, and then funding the cost of an independent review to be performed by another environmental firm of the City's choosing. RI chose Clements Environmental to prepare the Initial Study. Then RI recommended and it appears the City hired Benchmark, as the consultant to prepare the peer review. When the 2018 MND was released for public comment on October 7, 2018, no peer review analysis was released. After informally requesting the document, my clients filed a Public Records Act request seeking the relevant documents. As of the date of this mandated comment letter, no



copy has been produced. When Ms. Martin followed up, she was advised directly on November 5, that the “peer review” ostensibly received by the City has been incorporated in the 2018 MND released to the public for comment.

A negative declaration must be prepared “directly by, or under contract to, a public agency.” (PRC § 21082.1, subd. (a).) Any draft negative declaration circulated by the lead agency must reflect its independent judgment. (PRC§ 21082.1, subd. (c)(2).) Moreover, the final negative declaration must reflect the lead agency’s independent judgment (PRC § 21082.1, subd. (c)(1); see also Guidelines, § 15025, subd. (b)), and the lead agency must make a finding that it does so. (§ 21082.1, subd. (c)(3).) Despite timely requests for the actual review documents or comments prepared by Benchmark, Mr. Rodriguez has so far refused to produce them. There is no method by looking at the 2018 MND to determine what was actually commented upon, and whether those comments and any resulting mitigation were incorporated in the 2018 MND.

Mr. Kunin, President of RI, was permitted to recommend Clements Environmental to prepare the original environmental review, and then Benchmark as the Peer Review consultant. The City accepted RI’s recommendations, and then RI paid for both reviews<sup>2</sup>. Given the information presently available, it is impossible to determine whether Mr. Rodriguez received any type of “independent” review. City documents confirm that the third-party review was not complete until at least September 10, and the City actually considered proceeding with the RI produced Initial Study without the review.<sup>3</sup> Therefore, Stop the Dump contends that the 2018 MND cannot reflect the City’s independent judgment as to the impacts anticipated to apply to the public, or whether proposed mitigation is adequate.

### 3. Summary of Defects in Analysis or Resulting Mitigation

Here, changes to the previously approved Recycling Industries transfer station introduce numerous unstudied and potentially significant environmental effects. An EIR is required to address the following changes:

- The revised project will remove mature landscaping the currently screens the site from view, introduce trucks twice as tall as the perimeter fence, introduce lines of trucks queuing outside the gate on public streets, and increase night lighting to enable outdoor operations up to 9:00 p.m. each night. These changes were not studied in the 2014 MND, and potentially could result in significant, unmitigated effects to the visual quality of the site and its surroundings. An EIR must be prepared to assess potential aesthetic impacts.
- The revised project will introduce new trucks to the site, increase trips by transfer trucks, increase idling, increase use of onsite emissions-generating equipment, and increase off-gassing emissions from the additional putrescent waste. On a peak day, operations will generate as many as 104 vehicle trips per hour. None of the facility’s criteria air pollutant

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<sup>2</sup> Email David Kuhnen to Arnold Rodriguez May 19, 2018.

<sup>3</sup> Email Steve Kroeger to City Council persons August 27, 2018.

and greenhouse gas emissions have been quantified, and no TAC analysis has been performed to determine whether localized concentrations of criteria pollutants and toxic air contaminants would exceed health-based thresholds, even though the revised project sits immediately west of a residential neighborhood. Increased site operations have the potential to result in significant, unmitigated effects to air quality and greenhouse gases, and must be analyzed in an EIR.

- The revised project will increase stationary source emissions of volatile organic compounds from putrescent materials. VOCs associated with off-gassing from onsite putrescent materials could exceed the emissions threshold established by the air district **by a factor of three**. This is a potentially significant impact of the proposed project, requiring mitigation. An EIR must be prepared to analyze this impact and identify mitigation to reduce the impact to a less-than-significant level.
- The revised project will increase receipt of putrescent materials from up to 10 tons per day to up to 360 tons on a peak day. The 2014 MND found that the 10 percent cap on putrescent was *the most important* odor control mechanism at the site. Now, the applicant proposes to lift this key mechanism and substantially expand site operations with no new analysis of odors, and no mitigation measure to ensure the City of Yuba City can odor issues should they arise. Sensitive land uses are located downwind of the site and within the “screening distance” for transfer stations as established by Feather River Air Quality Management District. This topic must be evaluated in an EIR.
- The revised project will include development of an acre of vacant land located near Yuba River, yet no biological or cultural resources survey has been performed. Potential impacts to cultural and biological resources on the one-acre expansion parcel must be analyzed in an EIR.
- The revised project substantially increases the likelihood of hot loads and combustible waste, including lithium batteries. By tripling the amount of waste and recyclable material that can be accepted at the site, and expanding the ability to accept electronic waste, there is an increased risk of fire and explosion that was not studied in the 2014 MND, and that has not been evaluated in the 2018 MND. The potential for fire and explosions must be analyzed in an EIR, and mitigation must be imposed to ensure these risks are reduced.
- The revised project increases receipt of waste that can adversely affect water quality. The 2018 MND does not mitigate the potential impacts of waste material, oil, sludge, and other substances coming into contact with stormwater. This topic must be evaluated in an EIR.
- The revised project will triple capacity, and associated mechanical equipment operations at the site, result in trucks queuing for longer periods of time both outside and within the facility gates, and increase truck traffic on local streets. All of these changes would increase noise associated with project operations, beyond the levels analyzed in the 2014 MND. The 2018 MND contains no noise studies or estimates. This topic must be evaluated in an EIR, and mitigation must be imposed to ensure that ambient noise levels are not substantially increased.

- The revised project will result in up to 104 peak hour vehicle trips. This level far surpasses the 50-trip threshold that Yuba City uses to determine whether a transportation impact is potentially significant. Further, the project introduces trips by large collector trucks and increased numbers of transfer trucks, in place of trips by self-haul vehicles. These large trucks have 3 to 4 times the effect on traffic compared to self-haul trucks. The traffic study in the 2018 MND recognizes that a multiplier must be applied to trucks. The 2014 MND ignores the revised project's substantial increase in peak hour trips, and instead looks only at a best-case scenario based on average daily trips spread evenly across an 11-hour period. This is improper, and violates CEQA.
- The revised project will enable site operations that block interior driveways and roadways throughout the day, impeding access to the site by emergency vehicles. To make matters worse, the project contemplates parking enormous transfer trucks inside the transfer station, and outside the transfer station blocking a door to the transfer station at night. An EIR must evaluate the effect that this clearly unsafe arrangement will have on access by the fire department in the event of a fire.
- The failure to adequately evaluate the routes through the City and through Marysville also establishes that the mitigation proposed violates the restrictions on deferred evaluation of mitigation established by *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3<sup>rd</sup> 296, because the net effect of failure to evaluate traffic routes and resulting emissions means that what mitigation should have been included after a thorough evaluation will have been improperly deferred.

CEQA does not give the City of Yuba City a choice. When there is a fair argument that the changes to the facility *may* result in a significant impact that was not studied before in the prior negative declaration, an EIR must be prepared. There could be a stack of evidence to the contrary. But CEQA so strongly favors an EIR over a negative declaration that evidence supporting a fair argument that a previously unstudied impact could occur triggers the EIR requirement no matter how much contrary evidence might exist. See CEQA Guidelines § 15064(f)(1).

#### 4. Detail of Comments - General

The 2018 MND mischaracterizes the proposed project. The 2017 Transfer/ Processing Report for the Recycling Industries, Inc. Large Volume Transfer Station SWFP Revision (2017 TPR) states that the Recycling Industries Transfer Station will be modified and permitted to accept and process up to 300 tons of waste and recyclable materials a day and 360 tons per day on "unusual loading days." 2017 TPR at p. 1-2. The 2018 MND only studies an increase of up to 300 tons per day.

If in fact the Recycling Industries will be allowed to accept up to 360 tons of waste and recyclable materials on some days, then the 2018 MND must analyze and include this amount in its analysis. Otherwise the analysis for the project would not reflect what is actually proposed. The additional 60 tons is more than half of what the transfer station can

already accept each day and could add hundreds of more tons each year. This could result in a significant and adverse impact on the environment.

## 5. Aesthetics

The 2014 MND acknowledged that collection, storage and distribution of recyclables and waste materials could result in significant visual impacts that must be addressed. However, the 2014 MND determined that, in addition to the site being surrounded by a six-foot fence, mature landscaping would screen onsite materials from the surrounding public view. The 2014 MND further determined that because onsite operations would occur within an enclosed building, and offsite transport would be limited to vehicles that are covered, there would be less opportunity for loose debris on and off-site. See 2014 MND p. 11. Based on these factors, the 2014 MND found there would be a less-than-significant adverse effect on the visual quality of the site and its surroundings.

The New Use Permit introduces changes to the project that were not studied in the 2014 MND, which may result in significant unmitigated impacts to the visual quality of the site and its surroundings, as well as adverse visual impacts associated with nighttime lighting. The key changes are as follows:

- Under the New Use Permit, the mature landscaping that the 2014 MND relied upon to reach a conclusion that impacts would be less-than-significant will be removed and replaced. The 2018 MND includes no landscape plans or diagrams to enable a determination that the site would continue to be screened from view. Further, the 2018 MND includes no mitigation measures to ensure that the site is screened in the near-term when new trees are first planted, or in the long-term when the new trees have matured.
- Large waste collection trucks (packer trucks) operating on site under the New Use Permit will be roughly twice as tall as the self-haul vehicles previously permitted on the site. The 2018 MND includes no visual simulation or other analysis to show that a six-foot high fence would screen 12-foot tall packer trucks operating on the site from public view.
- The packer trucks introduced to the site under the New Use Permit would queue on the public street prior to the time that the facility opens. Commercial franchise collections often complete routes prior to 7 a.m. They will have nowhere to go except to line up on the street outside the facility gate. The 2018 MND includes no visual simulation or other analysis to show that trucks queuing on public roads will not have a significant adverse visual effect. Further, no mitigation measure in the 2018 MND prohibits truck queuing on public streets or addresses where trucks would be staged to await entry to the facility.
- All vehicles entering the site could queue on public streets throughout the day, and particularly on peak days. The 2018 MND contains no analysis of the frequency or duration of queuing associated with increasing the permit limit from 100 tons per day of materials delivered in self-haul vehicles to 300 tons per day of waste, including mixed garbage delivered in packer trucks and trucks collecting curbside recyclables, each of which that must be weighed on a single scale prior to continuing on into the facility. The

2018 MND includes no visual simulation or other analysis to show that trucks queuing on public roads will not have a significant adverse visual effect. Further, no mitigation measure in the 2018 MND prohibits truck queuing on public streets or addresses where trucks would be staged to await entry to the facility.

- Transformation of the site from one that primarily handled dry recyclables to one that accepts up to 300 tons per day of municipal solid waste and curbside recyclables has the potential to generate substantial amounts of loose debris, which may result in a significant impact to the visual quality of the site and its surroundings. Analysis of this potential impact is needed, including the potential for loose debris to escape building interiors when doors are open for truck access. Mitigation is needed to ensure a significant impact does not occur.
- The New Use Permit contemplates night-time operations, both in exterior locations (up to 9:00 p.m.) and in buildings. The 2018 MND includes no lighting plans or diagrams to enable a determination that increased nighttime lighting would not adversely affect views of the site. Further, the 2018 MND includes no mitigation measure to ensure that nighttime lighting does not produce adverse visual effects and glare.

The 2018 MND fails to recognize key project changes that may result in a significant adverse effect to the visual quality to the site and its surroundings. First, the 2018 MND does not disclose that the mature street trees on Epley Drive and Putnam Avenue *will be removed* and new trees will be planted at the site boundary. (See the 2017 Transfer/Processing Report for the Recycling Industries, Inc. Large Volume Transfer Station SWFP Revision ("2017 TPR") at p. 2-11.) The 2017 TPR states that street trees will be replaced with new trees and shrubs of an unspecified type and size to be determined at a future date through submission of a landscape plan. (See 2017 TPR at p. 2-12.) Newly planted trees will not and cannot screen the site to the same extent as mature trees. Further, the MND cannot rely on a landscape plan that has not been disclosed and evaluated and will be submitted in the future. Moreover, there is no mitigation measure requiring that such plan ensure that the site is screened, either in the near-term when new trees are planted or in the long-term when new trees have matured. At a minimum, mitigation must be added to require that replacement landscaping be designed and installed to screen the site from public view, and an analysis must be performed to determine whether-- even with this added mitigation-- the newly planted trees will be sufficient to screen the site under near-term and long-term conditions.

Second, the 2018 MND also fails to recognize that the appearance of on-site operations will differ substantially from operations under the previously approved transfer station, and those changes in operations will result in significant adverse impacts to the visual quality of the site and its surroundings. Under the New Use Permit, the applicant proposes to allow "packer trucks" to deliver municipal solid waste to the site. Packer trucks are large trucks used to collect and compact municipal solid waste and recyclable material. Such trucks were not allowed at the Recycling Industries transfer station under the existing Use Permit. Packer trucks are much taller than self-haul vehicles. A full-sized pick-up truck that might be used as a self-haul vehicle is about six feet tall. (See dimensions of a 2018 Chevrolet

Silverado at <https://www.gmfleet.com/chevrolet/silverado-1500-truck/features-specs-trims-dimensions.html>.) A packer truck is twice as tall, at about 12 feet in height. (See heights of collection trucks in Seattle at [https://www.seattle.gov/util/cs/groups/public/@spu/@garbage/documents/webcontent/spu02\\_014603.pdf](https://www.seattle.gov/util/cs/groups/public/@spu/@garbage/documents/webcontent/spu02_014603.pdf).) A boundary fence is unlikely to shield packer trucks from public view. The onsite operations will be visible, which could result in a significant adverse effect to the visual quality of the site and its surroundings. An analysis of this new potential impact is needed.

Third, the 2018 MND fails to recognize that under the New Use Permit, vehicles likely would queue on public streets, which could result in a significant adverse effect on the visual quality of the site and its surroundings. While signs on the street prohibit on-street parking, and the current facility permit attempts to prevent self-haul vehicles from stacking on the public streets by closing the facility gate to such vehicles when operations dictate doing so, it is not likely that such restrictions will be effective in preventing on-street stacking by packer trucks and roll-off trucks, nor would prevention of stacking appear to be feasible based on the information found in the 2018 MND.

The 2018 MND states that intake and tipping would commence at 7:00 AM seven days per week. (See 2018 MND at p. 50.) Packer trucks hauling waste often start their day beginning at 4:00 a.m. in staggered shifts, and trucks hauling waste from commercial franchises often complete their routes by 6:00 P.M. This means that packer trucks likely would queue outside the facility gate prior to 7:00 AM.

The facility is designed to have only one scale. (See 2018 MND Figure 5 at p. 10.) Inside the gate, there is driveway that the 2017 TPR states would accommodate 15 concurrently arriving queued vehicles. (See 2017 TPR at 4-27.) The TPR shows at Table 2 that on an average day 215 vehicles per day may enter the facility at Gate 1. (See 2017 TPR Table 2, at p. 1.) Assuming the *best-case* scenario that these vehicles are evenly distributed over an 11-hour day, this would result in 19 vehicles per hour. A less even distribution would increase this hourly total. Given that there is no restriction or control on the timing for vehicle arrivals, it is likely that more than 19 vehicles would arrive during some hours. Table 2 further shows that on a peak day, *52 vehicles per hour* could arrive at Gate 1. Based on this information, it is reasonable to conclude that (a) vehicles arriving early would queue before the facility opens; (b) vehicles could continue to arrive while the initial vehicles are waiting to be weighed, further lengthening the morning queue; (c) traffic arriving at the site may not be distributed evenly over the course of a day or hour, which could result in queuing outside the gate at any time of day; and (d) on peak traffic days queuing outside the gate could occur throughout the day. Please see Attachment A for photographs of vehicles queuing outside the gate at the Recology YSDI transfer facility.

An analysis of the visual impacts of vehicles queuing should be provided, including the frequency and duration of queuing as well as a simulation of how queuing would appear. Mitigation should be identified to prevent queuing and/ or provide a location for truck staging.

Fourth, the 2018 MND fails to recognize that, while the tipping and sorting operations would take place within a building, the entrance and exit doors would open frequently to enable access by trucks and other vehicles. The transformation of the facility from one that primarily handled recyclable materials to one that takes in hundreds of tons per day of municipal solid waste, would increase the likelihood that loose debris would be visible from on and off the site. This could result in a significant adverse impact to the visual quality of the site and its surroundings.

Fifth, the 2018 MND fails to recognize that the New Use Permit would result in illumination of the facility's exterior during nighttime hours. The 2014 MND assumed lighting during the night time for safety purposes. By contrast, the 2018 MND reveals that activities within buildings would occur up to 24 hours per day, and outdoor site operations could take place up to 9:00 PM. (See 2018 MND at p. 50.) The 2018 MND does not describe or analyze the extent of additional lighting that would be installed, the resulting illumination levels, and the resulting visibility of lighting from offsite locations. Instead, the 2018 MND bases its conclusion that lighting will not result in a significant impact on the assumption that new exterior lighting would be developed in compliance with the "Exterior Lighting" requirements under City of Yuba City Municipal Code Article 58. But the Municipal Code does not limit the amount of lighting that can be installed on a site. The Code states that *security lighting* must have downward shields. But other types of exterior lighting are unrestricted, and no type of lighting is required to meet a specified level of illumination. In short, existing laws and regulations impose no requirements to ensure that lighting is not visible or otherwise disruptive to offsite receptors. The plan for new site lighting should be described in the CEQA document, an analysis should be performed to determine whether lighting would spillover or otherwise result in adverse effects to offsite receptors, and mitigation should be required if such impacts are identified. Without such analysis and mitigation, the New Use Permit could create a new source of substantial light or glare that would result in a significant adverse effect on nighttime views in the area.

## 6. Air Quality

The 2014 MND determined that air pollutant emissions associated with self-hauling vehicles and operations of a 100 ton-per-day recycling transfer station would not be significant. The 2014 MND also found odor impact would not be significant based upon the facility's odor control plan. The 2014 MND identified the key component of that plan: "The largest component of the Odor Control Plan will be that the material received will be clean and dry, mainly fiber material. The facility will not accept putrescent material or material containing over ten percent (10%) putrescent material." (See 2014 MND at p. 15.) Putrescent means decaying or rotting.

The New Use Permit introduces changes to the project that were not studied in the 2014 MND, which may result in significant unmitigated impacts to air quality and significant effects from odors. The key changes are as follows:

- The New Use Permit introduces new sources of emissions and increases other sources of emissions such that facility operations could result in significant emissions of criteria air pollutants. The New Use Permit increases the daily throughput limit from 100 tons per day to 300 tons per day, on average, and up to 360 tons on a peak day. New types of trucks can now deliver waste to the facility. Onsite equipment of all types will operate longer hours and more frequently. More transfer trucks will transport sorted waste and recyclables from the facility to landfills or other destinations. All of these activities increase emissions of criteria air pollutants in a manner that was not studied in the 2014 MND. Yet the 2018 MND quantified only one subset of one type of onsite emissions (rubber tired loaders) and failed to quantify emissions from any other existing sources, new sources, or sources that would experience increased use. Absent such analysis, it is reasonable to conclude that the modified project could result in significant impacts to air quality.
- The New Permit will result in trucks and other vehicles idling on and adjacent to the site. This idling, along with other on-road and off-road vehicles will increase concentrations of criteria air pollutants and toxic air contaminants at the transfer station. These new and increased emission sources were not studied in the 2014 MND. The 2018 MND does not quantify concentrations of emissions from existing sources, new sources, and sources that would experience increased use. Absent such analysis, it is reasonable to conclude the modified project could result in significant concentrations of pollutants and significant effects to human health.
- The New Permit removes the existing permit limit on putrescent materials, and allows up to 300 tons per day of municipal solid waste to be delivered to the facility, on average, and up to 360 tons on a peak day. The 2014 MND did not evaluate odors associated with this volume of waste, and did not evaluate odors associated with unlimited putrescent material content. To the contrary, the 2014 MND stated that the primary odor control mechanism was the limitation on putrescent material to 10 percent. The 2018 MND does not quantify odors or otherwise demonstrate that there could be no significant effect pertaining to odors. The 2018 MND relies upon the same mechanisms as were in place at the prior facility-- misters, frequent cleaning, and removal of waste within 48 hours to say the impact will be less than significant -- without any analysis of the *change* from prior operations to eliminate the key odor control mechanism.

Given the removal of the key odor control mechanism at the site, and the potential for odors to emanate from unlimited putrescent material, this impact must be evaluated in an EIR.

#### *Criteria Air Pollutant- Mass Emissions*

The 2018 MND quantifies one subset of facility emissions- emissions associated with increased use of rubber tired loaders - and does not quantify other emissions sources for comparison to applicable significance thresholds, including emissions from truck operations, emissions from other onsite equipment, and off-gas emissions from the



increased amount of putrescent materials that are proposed to be processed onsite. Because the facility emissions from all sources are not analyzed or presented, it is reasonable to conclude that operation of the facility could result in a significant adverse effect to air quality.

The 2018 MND quantifies emissions associated with increased use of rubber-tired loader operations at an increase of 200 ton per day in tonnage. (See 2018 MND at p. 23.) Based on those calculations, the 2018 MND concludes that the project would not exceed the air district's thresholds of 25 pounds per day of ROG or NOX or 80 pounds per day of PM10. However, the air district's thresholds are to be applied to total emissions generated by a project from all sources, including on-road, off-road and stationary sources. These thresholds are not meant to be applied to only one subset of one category of emissions sources. Indirect Source Review Guidelines, Feather River Air Quality Management District at p. 13 (2010). The following sources have been omitted from the calculation:

Emissions from loader operations associated with the permitted 100-ton per day operations. The 2018 MND states that it is a subsequent MND, not a new stand-alone MND. If the MND were a new stand-alone MND, CEQA would require that emissions from full operation of the modified facility be compared to baseline emissions from existing operations of the facility. In that case, the baseline would be actual facility operations, even if such operations are lower than the facility's maximum permitted limits. (See *Communities for a Better Environment v. South Coast Air Quality Management Dist.*, 48 Cal. 4th 310, 322 (2010).)

A subsequent MND, by contrast, compares total impacts of the modified project to the impacts of the initially approved project that were previously disclosed in the prior CEQA document, to determine whether the modified project would result in a new or substantially more severe significant effects. The question is whether the total combined emissions from the modified project (including the operations previously approved) would result in new or greater significant impact to the environment compared to the impacts of the initially approved project. This necessitates adding the increased emissions to the previously permitted emissions to determine the total emissions of the modified project, and comparison of those total emissions to the emissions of the initially approved project. Here, emissions from operation of loaders associated with the initial 100 tons per day of materials are not presented.

Emissions from loader operations associated with peak day operations. The 2018 MND makes another mistake in presenting emissions from loader operations. The 2018 MND presents calculations of rubber-tired loader operations associated with the 200 ton-per-day increase in waste that is proposed under the New Use Permit. But the 2017 TPR states that peak day operations could increase by 260 tons per day, not 200 tons per day. The air district's thresholds are daily thresholds, not annual thresholds, and should reflect the peak daily emissions. Indirect Source Review Guidelines, Feather River Air Quality Management District at p. 14 (2010)

Emissions from on-site equipment. The 2017 TPR lists eleven categories of equipment used at the facility: a material handler, 2 types of loaders, a tractor, three forklifts, 8-12 forklift tip bins, a yard-purpose-roll-off hoist truck, over the road roll-off hoist trucks, and at least 3 transfer trailers dedicated to operations at the facility. The MND does not quantify emissions from existing or increased use of any of these categories of onsite equipment other than the rubber tired loaders noted above.

Emissions from stationary sources. The 2018 MND does not address or quantify emissions from stationary sources. Most notably, the putrescent materials that are temporarily stockpiled onsite at the transfer station emit volatile organic compounds (VOCs) as the material decomposes. Since the revised project proposes to eliminate the 10% cap on putrescent materials, the VOC emissions could substantially increase when comparing existing operations to future operations. According to the California Air Resources Board (ARB), decomposing waste can emit approximately 0.20 pounds of VOCs per ton of material per day (see <https://www.arb.ca.gov/ei/areasrc/Composting%20Emissions%20Inventory%20Methodology%20Final%20Combined.pdf>). Assuming approximately 10 tons per day of putrescent material is stored onsite for 24 hours under existing conditions and 360 tons per day of putrescent material would be stored onsite for 24 hours under future conditions, the increase in VOC emissions from this source alone would exceed FRAQMD's ROG emissions threshold of 25 pounds per day by nearly a factor of 3 (i.e.,  $360\text{-}10\text{ tons per day} \times 0.2\text{ lb VOC/ton-day} \times 1\text{ day} = 70\text{ lb/day}$ ). The 2018 MND also does not quantify emissions associated with increased material handling that would be anticipated with the increased throughput.

Emissions from on-road vehicles transporting waste. The 2017 TPR estimates that, on average, 215 vehicles per day would enter and exit the facility for a total of 430 one-way trips. (See 2017 TPR Table 2 at p. 1.) Still, more vehicles would enter and exit the facility on a peak day. (See 2017 TPR Table 2 at p. 1.) Many of these vehicles would be a new type of vehicle: large packer and roll-off trucks that were not allowed to access the site under the existing permit. These trips also include increased trips by large transfer trucks. There is no calculation of emissions from on-road vehicles associated with existing or future operations of the facility.

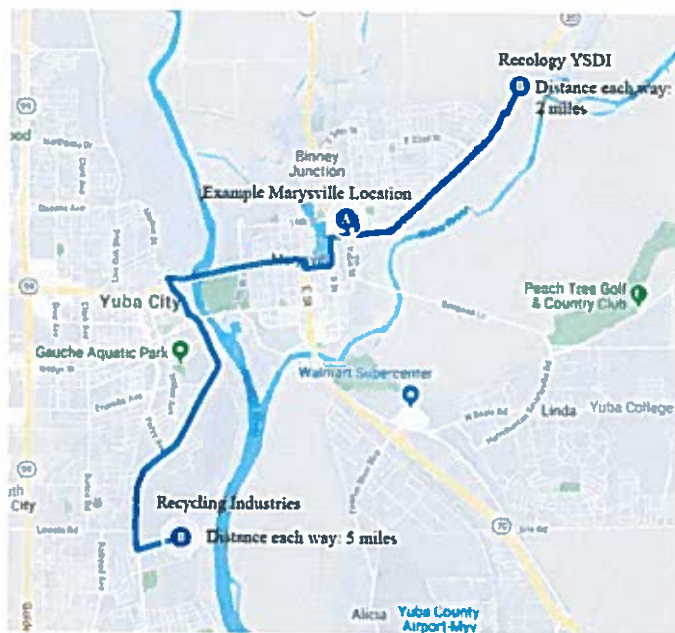
The 2018 MND attempts to cover up this omission by stating that emissions associated with use of commercial solid waste collection and transfer vehicles would not result in a cumulatively considerable net increase of any criteria pollutant because they would feature up-to-date pollution control equipment. (See 2018 MND at p. 23.) However, the MND includes no analysis to show that, even with up-to-date equipment, vehicle emissions and other sources of emissions associated with facility operations would be lower than the threshold established by the air district. There can be no dispute that up-to-date trucks and other equipment still emit substantial quantities of air pollutants.

The 2018 MND further attempts to wave away this defect by stating that the commercial collection vehicles that potentially would utilize the facility already are collecting or will collect waste generated within the air basin with or without the project. (See 2018 MND at

p. 24.) The 2018 MND also asserts that the project would result in reduced vehicle miles traveled due to the facility's proximity to customers in the City of Yuba City. This is flawed logic for several reasons:

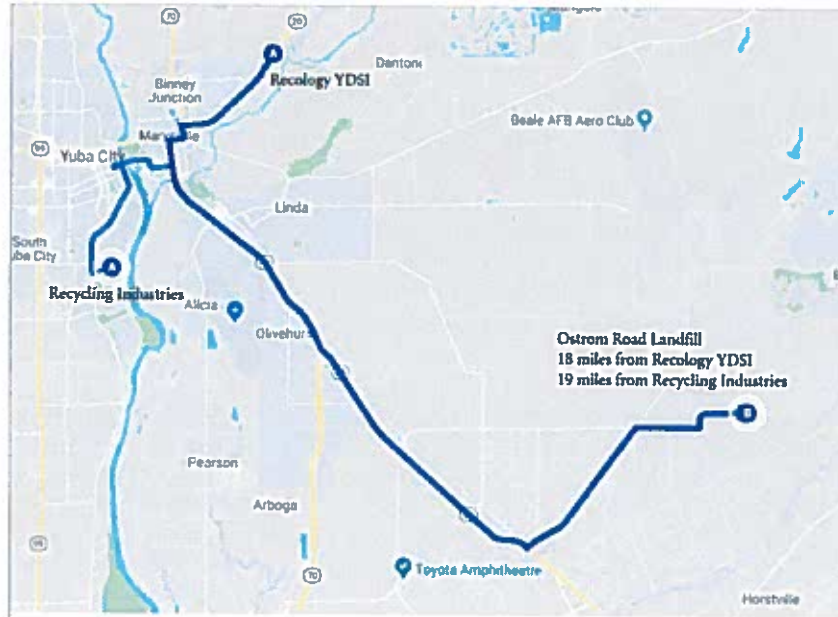
First, CEQA requires evaluation of emissions from future growth in truck activity. CEQA does not allow an agency to sweep an impact under the rug by comparing project conditions to hypothetical future no project conditions. The 2018 MND admits that the project will accommodate future growth in Yuba City waste generation and associated transport. Those trucks are not operating today.

Second, the facility could receive waste generated in locations beyond Yuba City, which may lengthen rather than shorten trips by collection trucks delivering materials from the source location to the transfer station. The 2017 TPR states that jurisdictions within the economically viable collection area for commercial packer trucks, as well as roll-off trucks hauling construction/ demolition & inert materials, include Yuba City, unincorporated Sutter County, the City of Live Oak, adjoining Yuba County, and the Cities of Marysville and Wheatland. (See 2017 TPR at p. 1-2.) If waste were collected in areas such as Marysville and Wheatland, trip lengths to the Recycling Industries transfer facility could be longer than trip lengths to the existing Recology YSDI transfer facility. Below is a map showing the difference in trip length to the Recycling Industries Transfer Station and Recology YSDI from an example location in Marysville.



Third, the 2018 MND does not consider whether trip lengths by transfer trucks delivering waste from the facility to a landfill compared to existing conditions. For example, trip lengths by transfer trucks traveling between the Recycling Industries facility and the Ostrom Road landfill would be longer than trips lengths from transfer trucks traveling between the Recology YSDI transfer facility and the Ostrom Road landfill. Each transfer truck makes a two-way trip to and from the facility. These are not the same trucks that

deliver source material to the transfer station in the first instance. Below is a map that illustrating the longer distance transfer trucks will have to travel from the Recycling Industries Transfer Station to the Ostrom Road Landfill.



Fourth, the 2018 MND does not address changes in travel distances for trucks transporting recyclable materials. The proposed project does not appear to include a recycling processing facility. If so, a transfer truck would need to take the material to a processing facility and then a different transfer truck would have to take the material to a location such as the Port of Sacramento for transport overseas. By comparison, the Recology YSDI facility includes a recycling processing facility, thereby avoiding the vehicle trips associated with transportation to the processing facility.

Emissions from idling. The 2018 MND does not address or quantify emissions from vehicle idling. As noted in these comments under the aesthetics heading, there would be one scale located onsite. Packer and roll-off vehicles entering the facility could idle while waiting to be weighed, they could idle while they are being weighed, they could idle while waiting to tip their loads, and they could idle while tipping their loads. Transfer trucks could idle while waiting to pick up loads. There is no analysis or quantification of idling emissions from existing operations, new sources and increased operations.

Total Criteria Pollutant Emissions. Under CEQA, criteria air pollutant emissions from all sources must be added together, and then compared to the significance thresholds established by the air district. Here, emissions from all sources associated with the modified facility have not been calculated and presented. The MND neglects to calculate

existing emissions from rubber tired loaders, increased emissions from peak operation of the rubber tired loaders, existing and future emissions from operation of other types of onsite equipment, existing and future emissions of stationary sources, existing and future emissions from on-road vehicles, and existing and future emissions from idling. In the absence of such quantification, it is reasonable to conclude that a significant adverse impact to air quality may result from the modified project.

#### *Localized Concentrations of Pollutants and Health Risks*

The 2018 MND appears to rely on a lack of congestion at local intersections to conclude that localized concentrations of pollutants associated with the modified project would not be significant. However, intersections are not the only location where localized concentrations of emissions can occur. As noted above, trucks and other vehicles idling on and near the project site would emit localized emissions of criteria air pollutants and toxic air contaminants. Vehicle travel and other equipment operating on-site adds to those localized concentrations of criteria air pollutants and toxic air contaminants. The CEQA document must assess whether operation of the facility in this location would result in significant localized concentrations of criteria air pollutants and toxic air contaminants. These emissions were not evaluated in the 2014 MND, and the 2018 MND fails to evaluate these emissions. As a result, it is reasonable to conclude that localized concentrations of pollutants from vehicle travel, vehicle idling, and onsite operations could result in a significant adverse effect to air quality and a significant risk to human health.

To make matters worse, there is no analysis of concentrations of pollutants inside buildings where operations would occur. Trucks, forklifts, and other types of equipment would operate within an enclosed space. No Health Risk Assessment is included in the 2018 MND, and the 2018 MND does not analyze whether such emissions would result in a significant concentration of criteria pollutants and toxic air contaminants, causing a significant risk to human health. Such evaluation must be completed prior to determining what overall risks to the immediately adjacent neighboring residences are and what mitigation to a revised project design will be necessary, because significant data re air district standards is provided in this letter so that the City is made aware of the potential impact of such contaminants. See 14 CCR §15126.2(a), *Berkeley Keep Jets Over the Bay Committee v. Board of Port Cmrs.*(2001) 91 Cal.App.4<sup>th</sup> 1344, 1368, *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184, 1220.

#### *Odors*

The 2014 MND based its conclusion that odor impacts would not be significant on the facility's odor control plan. The MND identified the key component of that plan: "The largest component of the Odor Control Plan will be that the material received will be clean and dry, mainly fiber material. The facility will not accept putrescent material or material containing over ten percent (10%) putrescent material." (See 2014 MND at p. 15.) Putrescent means decaying or rotting. Other odor controls recognized by the 2014 MND included a misting system, daily site inspections and cleaning.



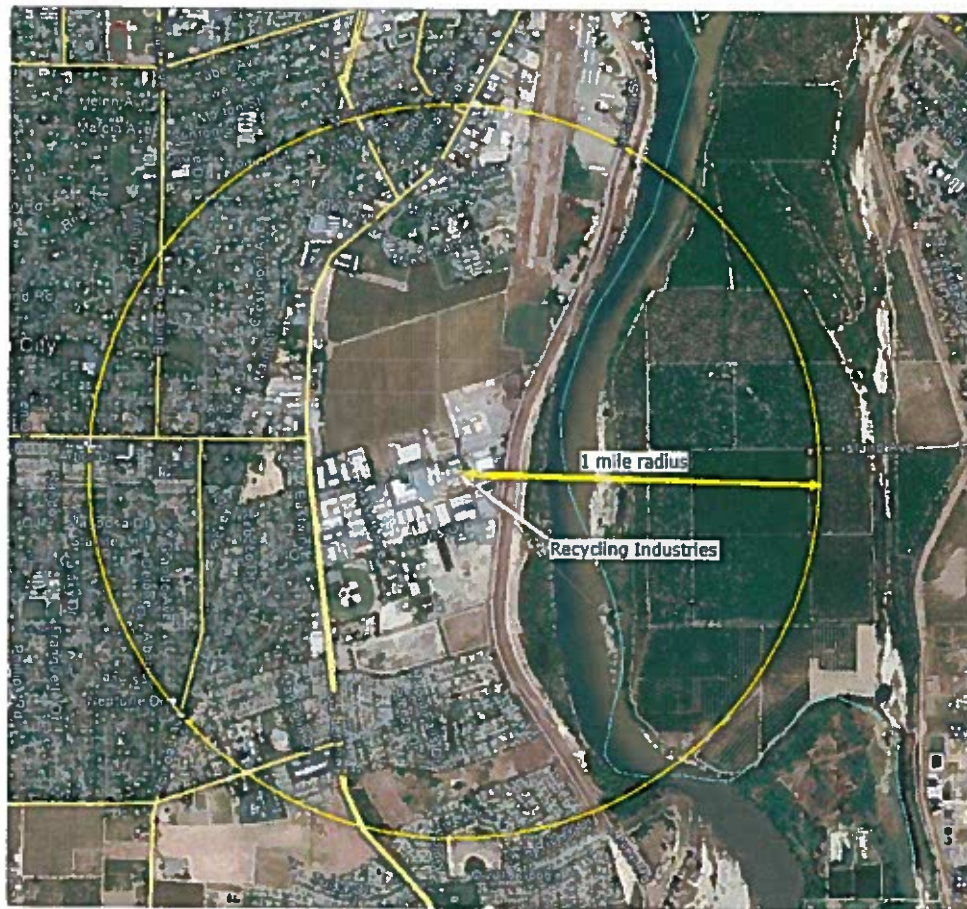
Under the New Use Permit, this key component of the Odor Control Plan will be eliminated. The facility will be allowed to accept an unlimited percentage of putrescent material, meaning decaying and rotting garbage. Further, the amount of waste will be increased from 100 tons per day to 300 tons per day, on average, and 360 tons per day on a peak day.

Yet, despite removal of the control mechanism that the 2014 MND considered to be the largest component of the Odor Control Plan, the 2018 MND asserts that odor impacts would continue to be less-than-significant. The 2018 MND relies on the assumptions that many operations would occur inside of a building, odor controls would include an overhead misting system, waste would be removed within 48 hours, and no green waste collected by curbside trucks would be transported the facility.

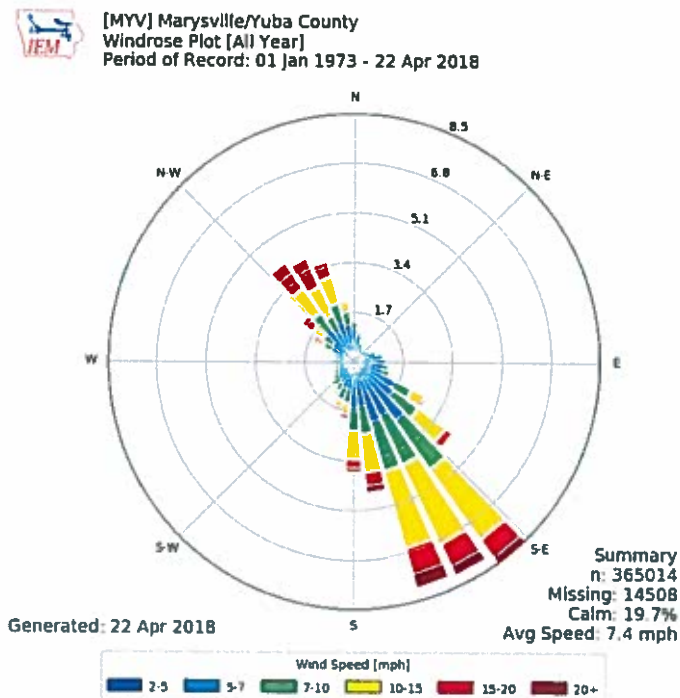
(Green waste from self-haulers would continue to be received.) (See 2018 MND at p. 24.) This is insufficient. All of these same odor controls were included in the originally approved facility. They are not new. There is no analysis of the change to the controls and change in quantity of waste, which substantially heighten the potential for odors given removal of the *largest* component of the Odor Control Plan.

The omission of an analysis of the effect of increasing putrescent material content is glaring. As noted above, building doors would be open much of the time to allow access and egress by packer trucks, roll-off trucks, transfer trucks and other equipment and vehicles. Odors would not be contained within the building. Putrescent garbage sitting on site for 48 hours smells. The fact that it is removed every 48 hours (and more waste arrives in its place) does not eliminate significant odors. There is absolutely no analysis to show that overhead misters would prevent significant odor impacts associated with 300 tons per day of putrescent waste.

FRAQMD's Indirect Source Review Guidelines include recommended odor screening distances for a variety of land uses (see <https://www.fraqmd.org/files/8c3d336a1/FINAL+version+ISR+Amendments.pdf>, Table 7-1, at p. 26). These odor screening distances are the distances between the odor source and the receptors within which an odor impact may occur. The screening distance for transfer stations is 1 mile. As shown in the figure below, numerous sensitive receptors around Recycling Industries are located within this screening distance. The closest resident is less than 0.4 miles away from the site.



According to FRAQMD's Indirect Source Review Guidelines, lead agencies are encouraged to consult with FRAQMD for projects that do not satisfy the odor screening distance criteria. However, FRAQMD also recommends that lead agencies consider other factors (e.g., topography, meteorology) in considering potential impacts and not rely solely on the screening distances as the absolute threshold of significance for an odor significance determination. In this case, sensitive receptors are located downwind of the site in the predominant wind direction, which is from the south-southeast, as shown in the windrose below that was generated using data from the nearby Yuba County Airport (see [http://mesonet.agron.iastate.edu/sites/windrose.phtml?station=MYV&network=CA\\_ASOS](http://mesonet.agron.iastate.edu/sites/windrose.phtml?station=MYV&network=CA_ASOS)) In addition, the site is located around the corner from the Yuba City Sewer Treatment Plant, which is another source of potential odors that could combine with odors from Recycling Industries to cause an odor nuisance to nearby residents.



The odor analysis in the 2018 MND is nothing more than an arm wave. It is reasonable to conclude that odors generated by the project could be significant, and an EIR must be prepared to evaluate this impact.

## 7. Biological Resources

The 2014 MND determined that impacts to biological resources would be less than significant.

The New Use Permit introduces a change to the project that was not studied in the 2014 MND, which may result in significant unmitigated impacts to biological resources:

- The New Use Permit will add an acre of vacant land to the facility, and will include development on this vacant land. Development of this land was not evaluated in the 2014 MND. The 2018 MND contains no survey of the acreage for biological resources. Given that the one-acre site to be added to the facility is vacant and is located near the Yuba River, it is reasonable to conclude that the modified project may result in a significant adverse effect to biological resources.

Under the New Use Permit, development would occur on one acre of vacant land located less than 1,000 feet from the Yuba River. The 2018 MND does not include a site survey by a qualified biologist. Instead, the MND simply relies upon the 2014 MND's recitation of citywide information from the prior Yuba City General Plan EIR. (See 2018 MND at pp. 25 and 26.) Given the fact that the site is undeveloped and given the site's close proximity to the Yuba River, a site-specific survey and analysis of onsite biological resources is necessary to determine whether impacts to biological resources would be significant. It is



impossible to know whether a significant impact would occur without information about the biological resources that exist on the site. In the absence of such information, it is reasonable to conclude that impacts to biological resources could be significant.

#### 8. Cultural Resources

The 2014 MND determined that impacts to cultural resources would be less than significant.

The New Use Permit introduces a change to the project that was not studied in the 2014 MND, which may result in significant unmitigated impacts to cultural resources:

- The New Use Permit will add an acre of vacant land to the facility, and will include development on this vacant land. Development of this land was not evaluated in the 2014 MND. The 2018 MND contains no survey of the acreage for cultural resources. Given that the one-acre site to be added to the facility is vacant, it is reasonable to conclude that the modified project may result in a significant adverse effect to cultural resources.

Similar to the analysis of biological resources, the 2018 MND includes no cultural or tribal resources survey by a qualified expert. The MND simply states that a visual inspection of the project site was conducted and no historical resources were observed. There is no information as to who looked for such resources, and whether that person was qualified to make such a determination. Nor is there any information that any archeological or other database research was performed, or that any other evaluation was conducted. In the absence of site-specific information, it is reasonable to conclude that the modified project could result in significant impacts to cultural resources.

#### 9. Greenhouse Gas Emissions

The 2014 MND did not address greenhouse gas emissions.

The New Use Permit introduces changes to the project that were not studied in the 2014 MND, which may result in significant unmitigated impacts associated with greenhouse gas emissions:

- The New Use Permit introduces new sources of greenhouse gas emissions, and increases other sources of emissions such that facility operations could result in significant emissions of greenhouse gases. The New Use Permit increases the daily throughput limit from 100 tons per day to 300 tons per day, on average, and to 360 tons on a peak day. New types of trucks can now deliver waste to the facility. Onsite equipment of all types will operate longer hours and more frequently. More transfer trucks will transport sorted waste and recyclables from the facility to landfills or other destinations. More truck idling will occur. More electricity will be used on site. All of these activities increase emissions of greenhouse gas emissions in a manner that was not studied in the 2014 MND. Yet the 2018 MND failed to quantify greenhouse gas emissions from existing or future operations

of the transfer station. Absent such analysis, it is reasonable to conclude that the modified project could result in significant impacts associated with greenhouse gas emissions.

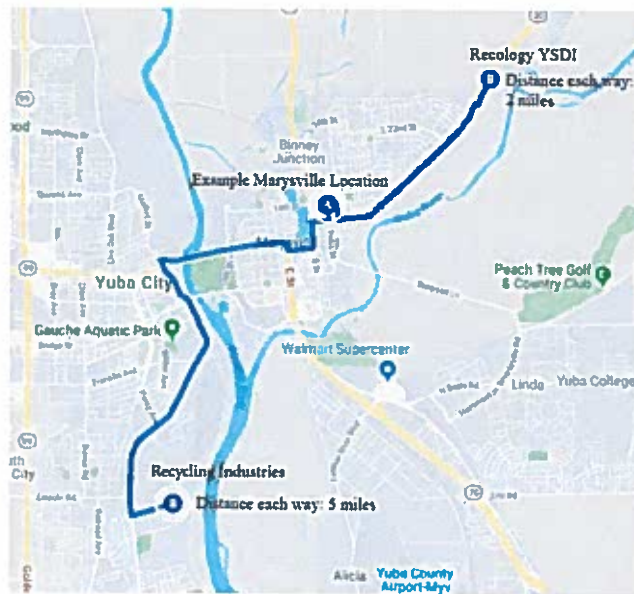
- The 2018 MND purports to apply a 10,000-metric-ton-per-year significance threshold to carbon dioxide equivalent emissions generated by the modified project. Yet no basis is provided for such threshold. An EIR must be prepared to evaluate whether such a contribution to cumulative greenhouse gas emissions would be significant.

The 2018 MND fails to quantify greenhouse gas emissions associated with existing or modified project operations. Truck and other vehicle transportation, vehicle idling, onsite equipment operation and facility electricity use all result in greenhouse gas emissions. Yet the 2018 MND does not discuss or analyze the extent to which such emissions would increase as a result of the modified project.

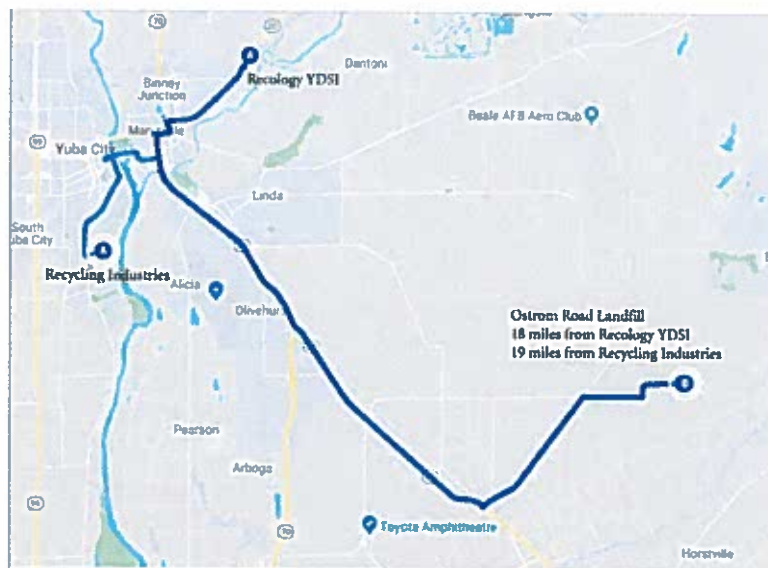
The 2018 MND discusses only one narrow subset of greenhouse gas emissions. The MND states that use of the Recycling Industries Facility would reduce the length of each collection truck trip by approximately four miles (two miles in each direction) compared to truck travel under existing conditions. This assertion suffers from flaws that are similar to the flaws that permeate the 2018 MND's Air Quality analysis.

First, CEQA requires evaluation of emissions from future growth in truck activity. CEQA does not allow an agency to sweep an impact under the rug by comparing project conditions to hypothetical future no project conditions. The 2018 MND admits that the project will accommodate future growth in Yuba City waste generation and associated transport. Those collection trucks are not operating today.

Second, the facility could receive waste generated in locations beyond Yuba City, which may lengthen rather than shorten trips by collection trucks delivering materials from the source location to the transfer station. The 2017 TPR states that jurisdictions within the economically viable collection area for commercial packer trucks, as well as roll-off trucks hauling construction/ demolition & inert materials, include Yuba City, unincorporated Sutter County, the City of Live Oak, adjoining Yuba County, and the Cities of Marysville and Wheatland. (See 2017 TPR at p. 1-2.) If waste were collected in areas such as Marysville and Wheatland, trip lengths to the Recycling Industries transfer facility could be longer than trip lengths to the existing Recology YSDI transfer facility. Below is a map comparing trip lengths for a truck traveling to and from the Recycling Industries Transfer Station and the Recology YSDI from a location in Marysville.



Third, the 2018 MND does not consider whether trip lengths by transfer trucks delivering waste from the facility to a landfill compared to existing conditions. For example, trip lengths by transfer trucks traveling between the Recycling Industries facility and the Ostrom Road landfill would be longer than trips lengths from transfer trucks traveling between the Recology YSDI transfer facility and the Ostrom Road landfill. Each transfer truck makes a two-way trip to and from the facility. These are not the same trucks that deliver source material to the transfer station in the first instance. Below is a map that illustrating the longer distance transfer trucks will have to travel from the Recycling Industries Transfer Station to the Ostrom Road Landfill.



Fourth, the 2018 MND does not address changes in travel distances for trucks transporting recyclable materials. The proposed project does not appear to include a recycling processing facility. If so, a transfer a truck would need to take the material to a processing facility and then a different transfer truck would have to take the material to a location such as the Port of Sacramento for transport overseas. By comparison, the Recology YSDI facility includes a recycling processing facility, thereby avoiding the vehicle trips associated with transportation to the processing facility. In addition, the 2018 MND fails to account for GHG emissions from use of onsite equipment other than increased loader operations, nor does the MND account for GHG emissions from use of electricity.

Moreover, the 2018 MND does not quantify or address greenhouse gas emissions associated with vehicle idling, use of onsite equipment, and facility electricity use.

Finally, the 2018 MND references a 10,000-metric-ton-per-year significance threshold for carbon dioxide equivalent emissions generated by the modified project; however, neither the air district nor Yuba City have adopted such a threshold. *See* Yuba City Muni. Code § 8-9.01, Indirect Source Review Guidelines, Feather River Air Quality Management District at p. 14 (2010) An EIR must be prepared to evaluate whether such a contribution to cumulative greenhouse gas emissions would be significant.

It is reasonable to conclude that the project's contribution to cumulative GHG emission could be significant.

#### 10. Hazards and Hazardous Materials

The 2018 MND fails to address the potential significant impact from fires at the project site caused by waste materials. Fires at waste and recycling facilities are on the rise and have become an ongoing safety concern. *See* Summer Fires Hit Several Recycling Facilities, Recycling Today (July 12, 2016), <http://www.recyclingtoday.com/article/recycling-fires-western-united-states-2016/>. A study estimates that, from 2016 to 2017 alone, at least 282 fires occurred at waste and recycling facilities and identifies California as one five states with the most incidents. *See* Report: At Least 282 Fires at Waste and Recycling Facilities During One Year, Waste Dive (March 29, 2017), <https://www.wastedive.com/news/study-at-least-282-fires-at-waste-and-recycling-facilities-during-one-year/439261/>. The factors and causes of fires at waste and recycling facilities include the increased disposal of lithium-ion batteries and other combustible material at these sites, depositing hot loads that are susceptible to catching fire, and climate change. As this waste material is pressed together and processed, materials like lithium-ion batteries can combust under pressure and start a fire. *See* Attachment B.

The chances of the Recycling Industries Transfer Station handling waste material that contains a fire hazard increases with the proposed revisions to the project. By going from 100 tons per day to 300 tons per day, there is a higher likelihood that lithium-ion batteries and other hazardous combustible material will arrive mixed with other general municipal waste and not be detected during screening procedures. Such materials could then be processed and pressed together with other waste materials and cause a fire and/or

explosion. This risk increases during the summer months when the average daytime temperature is ninety-degrees Fahrenheit. With climate change, this average is only expected to increase. Further, the project includes receipt of greater amounts of e-waste than were previously received on site.

This fire hazard in a developed industrial area is a potentially adverse significant impact that is unaddressed by the 2018 MND. While the facilities will have fire sprinklers, there is no additional discussion of any procedures or policies to prevent a fire caused by combustible waste materials. The 2018 MND should identify protocols for dealing with such fire on site and how employees will screen for combustible materials that should not be mixed with general municipal waste. On extremely hot days, additional procedures should be followed to screen for hot loads that could combust when pressed together and processed. This is especially the case, where Red Flag Warnings result in determinations by PGE to shut down all power to customers in rural counties, as occurred October 14, thus reducing the ability of local emergency services to provide adequate fire reduction services.

Please also see comments on transportation/traffic for additional information about site operations that could impede access by fire and emergency personnel.

#### 11. Hydrology and Water Quality

The 2018 MND acknowledges that the revised project may cause potential violations of water quality standards from stormwater runoff coming in contact with solid waste, recyclables, maintenance supplies and vehicle travel-ways. To mitigate this potential significant adverse impact, the 2018 MND states that operations at the Recycling Industries transfer station will comply with the Transfer/Processing Report, the Stormwater Pollution Prevention Plan, and regulatory requirements. The 2018 MND also notes that the tipping and processing of solid waste will occur in a covered building with floor drains to capture water for treatment before being discharged to the sanitary sewer system.

This analysis is inadequate because it fails to address the potential significant impact of stormwater discharge occurring outside on the property. The Transfer/Processing Report states that only materials that will not degrade water quality will be processed outside. However, neither the Transfer/Processing Report nor 2018 MND state how Recycling Industries will ensure that certain materials are processed inside. For instance, the Transfer/Processing Reports states that E-waste and lead-acid batteries will be processed and stored indoors or in structures with shelter but does not specify how Recycling Industries will sort through waste that comes in to ensure that such materials are not present in any load and processed outside. In addition, the chance of stormwater discharges with degraded water quality is also increased if Recycling Industries is allowed to accept more than ten percent putrescible waste. Furthermore, while the tipping and processing of solid waste may occur indoors, facility roll up doors will remain open while this is occurring which may cause stormwater and other waste water to come into contact with materials. Given all of this, coupled with the increase from 100 tons per days to 300 ton per day, there is a possibility of a significant adverse impact in water quality if waste materials come into contact with stormwater on site.

In addition, the 2018 MND fails to identify specific mitigation measures that would mitigate the impact of stormwater that comes into contact with materials indoors.

The issues of how RI's operations impact water quality and storm drainage cannot be gainsaid with an assurance of future compliance. The transfer station was cited in 2013 for failure to adopt a storm water plan, and implement best management practices. The actual citation, and representative photos 3, 4, 5, 6, 13 and 15 are attached here. The facility's poor track record of permit compliance is another fact that indicates the potential for significant impacts to water quality, necessitating preparation of an EIR and imposition of mitigation measures to ensure that adequate monitoring is required.

**Storm Water Industrial General Permit Inspection Report  
Central Valley Regional Water Quality Control Board**

Insp. Date & Time:	03/05/2013	Inspected By:	Rich Muhl
WDID #	5S511024147	Site County:	Sutter
Operator Name:	Recycling Industries Inc.		
Facility Name:	Recycling Industries Inc.		
Facility Address:	140 Eoley Drive, Yuba City CA 95991		

Inspection Type:	X Compliance		
SWPPP on site?	No	SWPPP Implemented/Updated?	No
Photos Taken?	Yes	Appropriate Monitoring Program?	No
Weather: Cloudy prior to rain		Evidence of SW or Non-SW Discharge?	No

**Inspection Summary / Comments:**

On 5 March 2013, Central Valley Regional Water Quality Control Board staff inspected the Recycling Industries Inc. facility located at 140 Eoley Drive in Yuba City. During the site inspection, staff determined that the facility had not filed for permit coverage. Staff talked with the plant manager David Flores. Mr. Flores was very concerned and told staff that he would do whatever it takes to bring the site into compliance.

The facility is a large recycling operation. The facility recycles cardboard, plastic, aluminum, metal, and e-waste. The majority of the facility has an asphalt surface. The back portion of the facility has a gravel surface. The facility has multiple warehouses and structures to store equipment and recycled material. The facility has two entrances and exits. The main entrance in the front has an asphalt surface. No tracking was observed in the front of the facility. The back gate has a gravel surface. Staff observed tracking outside the back gate. Staff observed a lot of trash and debris throughout the facility. The area is windy which compounds the trash issue. Staff observed two storm drain inlets. Both inlets required new filters in the drain inlets (see inspection photographs).

Staff requested that the facility file for permit coverage within 15 days, prepare a SWPPP and implement BMPs throughout the facility. The facility filed for permit coverage on 18 March 2013. Staff will re-inspect the site in the near future to review the SWPPP and the onsite BMPs.

Signature _____ Date _____	Date Entered: _____ Entered By: _____ Senior Review: _____
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Photo 3. Another portion of the facility



Photo 4. One of the drain inlets onsite Note: the significant amount of material on the asphalt surface



Photo 5. Another portion of the facility Note: the boundary of the asphalt and gravel surface



Photo 6. Another portion of the facility Note: the facility had multiple warehouse buildings



Photo 13. Unprotected drain inlet onsite



Photo 15. Crusher / baler Note: the entire area is under a roof





## 12. Noise

The 2014 MND found that noise impacts from operations at the Recycling Industries transfer station would be less than significant because unloading and sorting operations would be confined to the interior of the building, and would be properly sound-proofed and/or muffled.

The New Use Permit introduces changes to the project that were not studied in the 2014 MND, which may result in significant unmitigated noise impacts:

- As explained above, the New Use Permit would result in trucks and other vehicles queuing outside of buildings, waiting for the facility to open, waiting to be weighed on the site's single scale, while being weighed, and waiting to tip their loads. Transfer trucks also could queue on and offsite while waiting to pick up sorted waste or recyclables. This will generate a substantial increase in idling noise that was not evaluated in the 2014 MND, and that could result in a significant noise impact.
- The New Use Permit would triple facility operations on an average day, and more than triple operations on a peak day. The 2014 MND did not evaluate operations at this magnitude. Nor did the 2014 MND evaluate noise from outdoor operations. The 2018 MND includes no quantitative noise analysis, no information about the sound attenuation from buildings with open doors or other project features, and no mitigation measure requiring the facility achieve a numeric noise threshold established to prevent a significant increase in ambient noise levels. Based on the facts in the record, it is reasonable to conclude that the modified project may result in significant noise impacts.
- The New Use Permit would add a substantial number of collection trucks to local streets and also increase the number of transfer trucks traveling to and from the facility on local streets. The 2014 MND did not evaluate this level of operations, and did not quantify noise from truck travel. The 2018 MND includes no quantitative analysis of noise and ground vibration effects from truck travel near the facility. Absent such information, and based on all of the evidence in the record, it is reasonable to conclude that the modified project may result in significant noise and vibration impacts.

Please see comments provided under aesthetics and air quality for additional detail regarding the potential for trucks and other vehicles to queue on site.

Please see comments provided under aesthetics, air quality, and transportation/traffic for additional detail regarding increased facility operations and vehicle travel.

With regard to operations at the facility, the 2017 TPR states that large roll up doors will be opened to let trucks enter and exit when tipping their loads and when picking up materials for transfer. 2017 TPR at 4-4. This means tipping and sorting operations will not be limited to an enclosed building. Sound can and will escape through the open facility doors. The increase in type and volume of operations must be analyzed to determine whether a significant noise impact would result from such operations.

The revised project also includes outdoor site operations from 6:30 a.m. to 9:00 p.m. each day. (See 2018 MND at p. 50.) The 2018 MND includes no quantification of noise from such operations.

In sum, the combination of truck idling noise, increased tipping and sorting operations, increased transfer operations, and new and increased outdoor operations may have a significant noise and vibration impact.

Finally, as explained in the transportation/traffic comments below, the New Use Permit would substantially increase vehicle trips on a peak day. These trips would include an increase in collection trucks and transfer trucks traveling on local roads to access the facility site. Trucks traveling on local roads create both noise and vibration. The 2018 MND fails to quantify noise and vibration from truck travel on local roads. Increased truck traffic on local roads may result in a significant noise and vibration impact.

#### 13. Public Services

Please see comments above, under Hazards and Hazardous Materials [§10 above], for issues pertaining to fire protection and response times.

#### 14. Transportation/Traffic

The 2014 MND included no traffic study. It simply stated that the Yuba City Engineering Division reviewed the project and determined that a *project of this size* would not warrant improvements beyond those constructed in the vicinity of the project. With regard to fire department access, the 2014 MND states that the Fire Department had reviewed the project plans and indicated that with the inclusion of a fire sprinkler system there was adequate emergency access.

The New Use Permit introduces changes to the project that were not studied in the 2014 MND, which may result in significant unmitigated transportation and traffic impacts:

- The New Use Permit will allow a greater number of trucks to travel to and from the site, as compared to self-haul vehicles. Because trucks are larger and have reduced acceleration and deceleration characteristics compared to passenger vehicles, trip generation associated with trucks can be expressed in terms of Passenger Car Equivalents (PCE's). The traffic study appended to the 2018 MND recognizes that commercial collection trucks and roll-off vehicles have three times the PCE of a self-haul vehicle. Transfer trucks have four times the PCE of a self-haul vehicle. (See 2018 MND Appendix C at p. 4.)
- The traffic report states that, on average, the New Use Permit would generate 104 daily vehicle trips, equating to 274 daily vehicle trips when expressed as PCEs. (See 2018 MND Appendix C Table 3 at p. 4.) However, the traffic report does not account for peak days and peak hours. The 2017 TPR shows that up to 104 trips may occur in a peak *hour* (as opposed to 104 trips in a peak day referenced in the traffic study.) (See 2017 TPR Table 2 and p. 1.) Application of the PCE multiplier would increase the 104 trips per peak hour

calculation to an even higher trip generation estimate. Trip generation at this magnitude clearly exceeds the 50-trip threshold identified in the 2018 MND and has the potential to result in significant unmitigated traffic impacts.

- The New Use Permit will triple site operations on an average day, and more than triple operations on a peak day, while increasing the size of the site by only one acre. Trucks and self-haul vehicles filling driveways within the facility will hinder emergency vehicle access to the site. Further, the 2017 TPR contemplates that during the night, transfer fleet semi-combos will be parked in the south drive-through lanes within Building 6 and in an outdoor space blocking the curtain door entry. (2017 TPR at p. 2-10.) This new parking arrangement, which was not evaluated in the 2014 MND and is not addressed in the 2018 MND, would impede emergency access to the site, particularly in the event of a fire.

In evaluating traffic effects, the 2018 MND assumes the proposed project could result in 104 total daily vehicle trips to and from the site (52 in bound and 52 outbound). The 2018 MND states this calculation is based on hauling requirements associated with a 200 ton-per-day increase in materials. However, the 2017 TPR states that the facility could receive up to 360 tons of materials on a peak day, which is a 260-ton-per-day increase in materials. The 2017 TPR recognizes that trip generation would be substantially higher on peak days and during peak hours. (See 2017 TPR Table 2 at p. 1.) The 2018 MND and associated traffic study ignore the additional increase in vehicle trip generation on peak days and during peak hours.

Further, the traffic study appended to the 2018 MND makes it clear that collection, roll-off and transfer trucks increase vehicle trip generation three-fold to four-fold compared to the same number of self-haul trucks. Truck trips are expressed in terms of PCE's to account for their increased effect on traffic congestion. The traffic study appended to the 2018 MND recognizes that commercial collection trucks and roll-off vehicles have three times the PCE of a self-haul vehicle. Transfer trucks have four times the PCE of a self-haul vehicle. (See 2018 MND Appendix C at p. 4.)

Traffic impacts are measured by changes during the peak hour. The 2018 MND states that truck activity is expected to be relatively uniform over an 11-hour period, with less truck traffic as the plant winds down at the end of the day. (See 2018 MND at p. 57.) The MND estimates the project would generate up to 8 vehicle trips, or 18 PCEs during the a.m. peak hour. (See 2018 MND at p. 57.) As noted above, the traffic study neglects to account for changes to the permit that increase the peak daily tonnage.

The information in the 2018 MND, associated traffic study and 2017 TPR conflicts with the peak hour calculation. First, 274 average daily trips spread evenly over an 11-hour day results in an increase of 25 trips per hour, not 18 trips per hour. If, as the 2018 MND states, trips are lower in the evening, then trips early in the day must be *higher* than the uniform average. There is no mitigation measure or feature built into the project to ensure that trips are spread evenly over the course of the day. Without such a mitigation measure or mechanism, it is reasonable to assume fluctuations over the course of the day could result in a substantially higher trip count during the morning peak hour.

In fact, peak hour trips would be substantially higher than has been assumed in the traffic study. Table 2 of the 2017 TPR undermines the traffic study. That table addresses both average daily conditions and peak conditions under which the 300 ton-per-day limit could be reached. Table 2 reveals that under “peak surge” conditions, there could be as many as 52 vehicles accessing the site in an hour. Each of these vehicles would make a round trip because the same vehicle would not transport materials to the facility as the vehicle that takes materials away from the facility to the landfill or to an offsite recycling exporter. The collection trucks enter, tip their loads and depart. The transfer trucks enter, pick up loads, and depart. This means peak trip generation, according to Table 2, is 104 vehicles in *one hour* not 104 vehicles in *one day*. If one were to apply the PCE multiplier that the traffic study states should be applied to truck trips, this peak hour trip generation total would be even higher.

According to the 2018 MND, the City of Yuba City employs a trip generation threshold to determine whether a traffic impact could occur, and therefore whether a traffic impact analysis is needed. (See 2018 MND at p. 57.) That threshold is 50 trips. Based on the evidence in the 2018 MND, the traffic study appended to the MND, the 2017 TPR, and reasonable assumptions from that evidence, the modified project would generate 104 trips in a peak hour, and an even higher number if a PCE multiplier were used. Under the City’s standards, a potentially significant impact could occur and a full traffic impact analysis is required, which must evaluate the full extent of peak hour trips allowed under the modified project.

Finally, the 2018 MND fails to recognize that changes to onsite truck parking and increases in onsite operations have the potential to impede emergency access to and within the site. The 2014 MND reviewed a different site configuration, with substantially lower levels of operations, and far fewer trucks. The New Use Permit will triple site operations on an average day, and more than triple operations on a peak day, while increasing the size of the site by only one acre. Trucks and self-haul vehicles filling driveways within the facility will hinder emergency vehicle access to the site. Further, the 2017 TPR contemplates that during the night, transfer fleet semi-combos will be parked in the south drive-through lanes within Building 6 and in an outdoor space blocking the curtain door entry. (2017 TPR at p. 2-10.) This new parking arrangement, which was not evaluated in the 2014 MND and is not addressed in the 2018 MND, could impede emergency access to and within the site, particularly in the event of a fire. This should be analyzed, and mitigation should be required to reduce this significant safety risk.

#### 15. Inadequate Information to Evaluate Adequacy of Mitigation

When a lead agency determines to adopt an MND it must also adopt a mitigation monitoring and reporting program [MMRP] Pub. Recourses Code §21080. No such document had been included with the public release of the 2018 MND. Such a document summarizes the impacts, and the mitigation which will be mandated to assure that all significant impacts are reduced to a level of legal insignificance. Our letter has identified many significant areas of review which have not been evaluated in the 2018 MND, and

must be included prior to the use permit being approved by the City of Yuba City. Additionally, all such impacts must have an accurate review of the appropriate mitigation for such impacts and the City's failure to require RI to prepare such a draft program underscores its unwillingness to adequately protect the public from harm resulting from the proposed expansion. Should the City adopt the 2018 MND, as staff recommends, it will have violated CEQA because the questions of what mitigation should be required for these impacts which have not been evaluated, remain unanswered. The City of Yuba City must ensure that all potentially significant impacts of the proposed expansion are considered and where significant must require mitigation to ensure that such impacts are reduced to an insignificant level. In addition to requiring that the entire re-evaluation be reopened as an EIR, the City must ensure that all mitigation required by Recycling Industries as a condition of approval will in fact be performed. The City cannot defer analysis of impacts and formulation of mitigation measures until some time after approval by the Planning Commission. *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4<sup>th</sup> 70, 95-96. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can. [CEQA Guidelines §15444.]

Here, the questions of whether mitigation measures will be required, of what they might consist, and how effective they will be are left unanswered, and allows for the adoption of an expanded facility without setting specific mitigation standards, because the essential evaluation is missing. *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4<sup>th</sup> 777, 794. *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4<sup>th</sup> 173, 195-96.

The City should at a minimum postpone any public hearing to allow for preparation of such program so that the Planning Commission has an opportunity to evaluate the proposed impacts and mitigation with the public's comments and concerns.

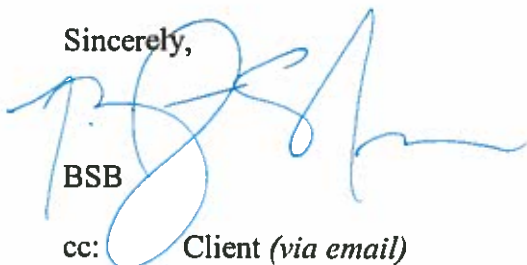
16. Inadequate evidence of RI Ability to fund Mitigation

Recycling Industries, as the proponent of the expanded facility, together with its attendant air quality, smells and traffic impacts, commits by its application to perform the mitigation measures that will finally be adopted by the City. When prepared that mitigation plan must enumerate specific measures and set specific deadlines to complete mitigation as necessary to protect the public and especially the immediately adjacent residences. Cal. Code regs. Tit. 14 §§15126.2, 15382. The City must determine that all CEQA conditioned duties applicable to the project will be carried out. Pub. Resources Code §21001.1(b). *City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4<sup>th</sup> 833, 856.

Recycling Industries cannot meet the standard of compliance with mitigation measures, especially those adopted to address specific traffic modifications to avoid queuing, etc., which tend to be very expensive, and will necessarily require financial contributions to regional funding mechanisms. RI's history with full financial compliance with governmental agencies is not good. In mid-2017 Mr. Kuhnen as General Manager of the RI facility in North Highlands, requested various modifications in its existing contract with Sacramento County to reduce the financial impact of the contract of RI, claiming that the combination of recent People's Republic of China actions and the previously negotiated contamination levels with the County were financially unsustainable. After continued negotiations with Sacramento County, the County's Waste Management Board settled the dispute, and permitted the amendment of RI's contract, allowing for a reduction of funds owed to Sacramento County by RI of \$180,154.59, and requiring a repayment of \$213,120, over a 36 month payment.<sup>4</sup> If RI's business model is to enter into agreements with public agencies and then renegotiate the negative impacts of such agreements, what does that say for its willingness to meet local requirements to install essential mitigation? What does it say about Yuba City staff's willingness to approve an MND for a garbage location for this applicant?

In this present circumstance, the Planning Commission and the public have been presented with the staff-approved MND: without evaluation of significant health related and environmental impacts; without MMRP's to determine what mitigation will be required and without assurances that the applicant is capable of meeting those mitigation requirements. The Planning Commission's adoption of the 2018 MND thus violates all aspects of CEQA, and will amount to a failure to proceed in the manner required by law, amounting to a prejudicial abuse of discretion.

Sincerely,



BSB

cc: Client (via email)

Martin\Planning Commission.L02.MND Comments

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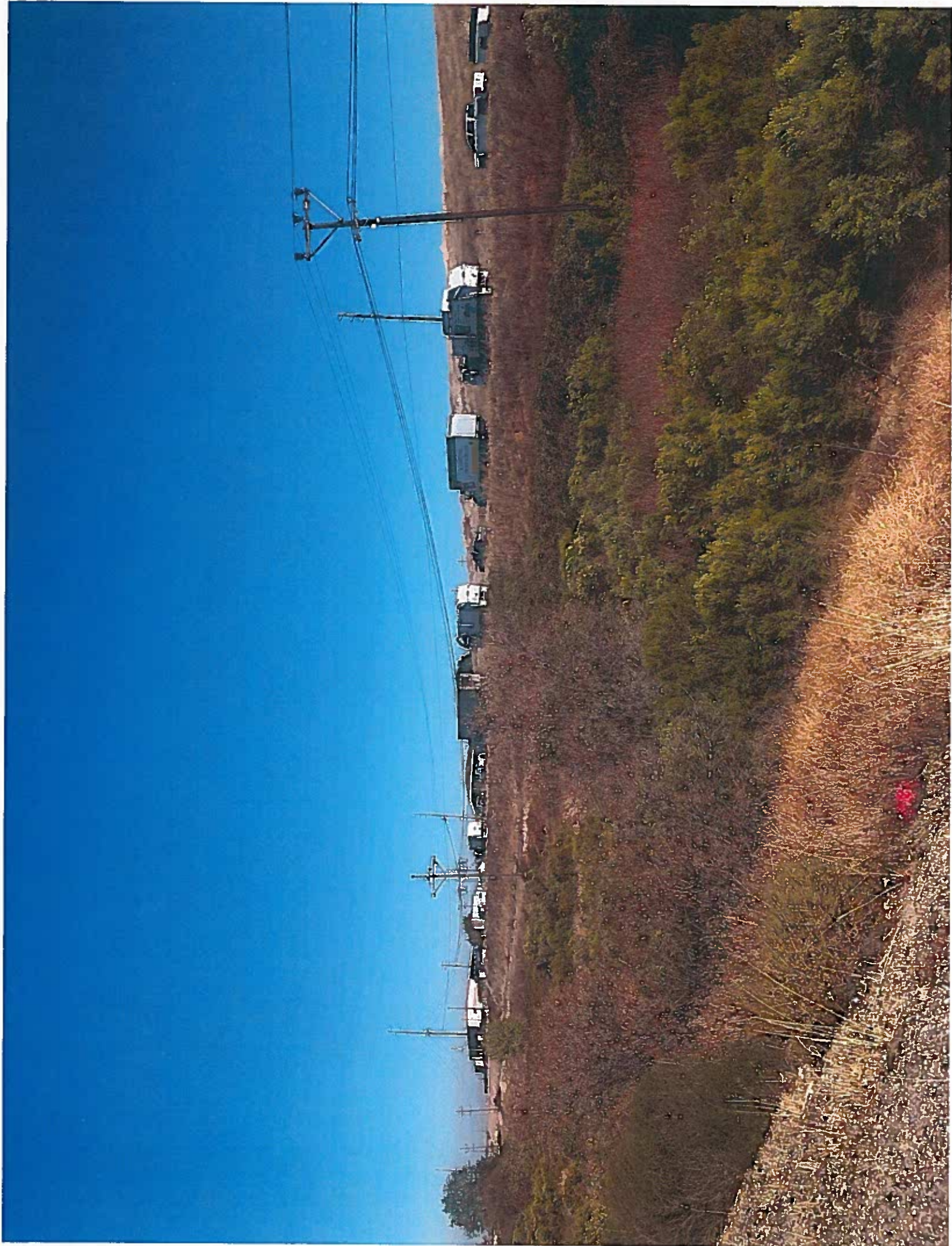
<sup>4</sup>See Dept. of Water Management and Recycling Staff Report/ Dec. 12, 2017/ Resolution 2017-0868.



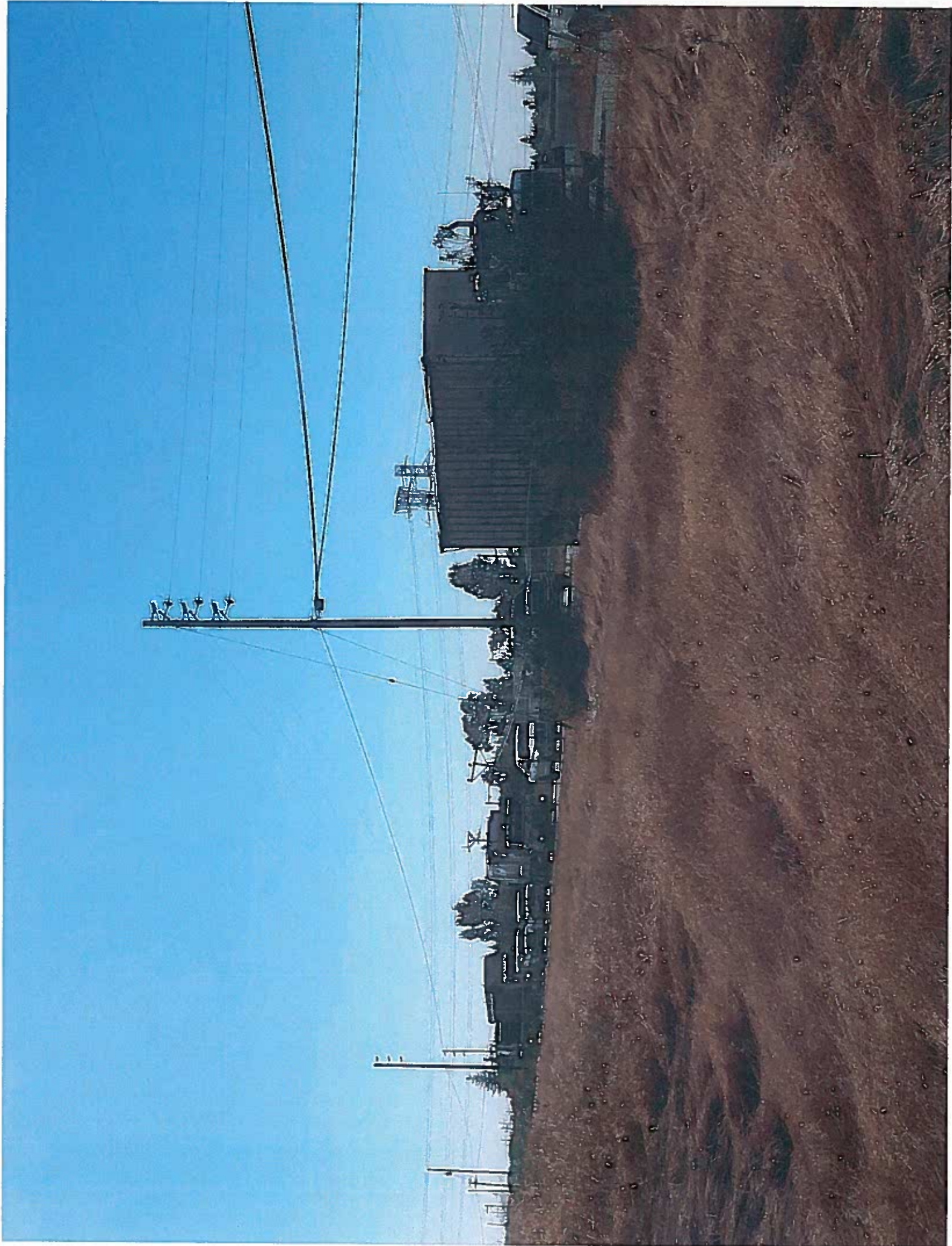
















## **Threats Posed by Lithium Battery Fires**

**CalEPA Building, Room 550**

**1001 I Street, Sacramento CA 95812**

**Thursday November 8, 2018**

**1-4PM**

The purpose of this workshop is to raise awareness of the increase in battery related fires at waste management facilities, hear how the impacts to recycling and material recovery facilities in California, and discuss existing tools and potential solutions.

### **Agenda:**

- **Welcome**
- **Panel 1: Danger of Battery Related Fires**
  - National Perspective:
    - RRS – *JD Lindeberg, Principal & President*
    - Fire Rover – *Ryan J. Fogelman, VP Business Development*
  - Recycler Perspective: ERI – *Aaron Blum, COO & CCO*
- **Panel 2: Current Programs and Laws**
  - Loadchecking Requirements – *Local Enforcement Agency*
  - [Dry Cell Battery Management Law](#) – *Elliot Block, Chief Counsel, CalRecycle*
  - [Rechargeable Battery Recycling Act](#) – *Valetti Lang, Chief Policy & Program Support Branch, Department of Toxic Substances Control*
- **Panel 3: Potential Solutions**

A discussion on potential opportunities to improve the state of recycling

  - Manufacturer Perspective: Call2Recycle – *Carl Smith, CEO & President*
  - Local Government Perspective: RethinkWaste – *Hilary Gans, Senior Facilities & Contracts Manager*
- **Discussion Questions**
- **Questions and Stakeholder Discussion**
- **Next Steps**





## Attachment 12: Letter in support

Patrick G. Mitchell  
pmitchell@mitchellchadwick.com  
916-462-8887  
916-788-0290 Fax

November 20, 2018

### VIA U.S. MAIL AND ELECTRONIC MAIL

Members of the Planning Commission  
City of Yuba City  
1201 Civic Center Boulevard  
Yuba City, CA 95993

**Re: Recycling Industries Transfer Station Expansion Project**

Dear Commissioners:

I am writing on behalf of my client, Recycling Industries, Inc., regarding the proposed modifications to Use Permit 12-01 and Environmental Assessment 12-2 for a Large Volume Transfer Station (the "Project"). As you are aware, the Planning Commission will be considering the Project, and the subsequent mitigated negative declaration ("MND") studying the Project, at a hearing currently scheduled for November 28, 2018. Certain project opponents have suggested that the Project requires preparation of an environmental impact report rather ("EIR") than an MND.

However, the limited expansion of an existing industrial operation in an industrial area is precisely the type of project that an MND is appropriate for. The geographic expansion is only one acre in an area long zoned for heavy industrial uses. The Initial Study and supporting technical studies prepared for the Project indicate that the Project will not result in any significant environmental impacts after mitigation.

If an EIR were required for this Project it would be the smallest project requiring an EIR in my 32-year career. The California Supreme Court has cautioned against allowing CEQA to be used as an instrument of economic oppression. Delay and economic harm are the only purposes served by requiring an EIR for a small project such as the expansion proposed by Recycling Industries.

Preparation of an EIR will not change these conclusions. Rather preparation of an EIR will serve the objectives of Recology Inc., a direct economic competitor of Recycling Industries. As discussed herein, an MND is the appropriate CEQA document for this Project.

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## **I. The Project Expands an Existing Industrial Use in an Industrial Area**

Recycling Industries currently operates a three-acre recycling and waste transfer facility located within an existing industrial area at 140 Epley Drive in Yuba City. Recycling Industries currently operates the site pursuant to Use Permit (“UP”) 12-01, which the City adopted via an MND on July 24, 2014. UP 12-01 provides for construction and operation of a Large Volume Transfer Station<sup>1</sup> with a maximum throughput of 100 tons per day (“TPD”) of mixed waste and recyclables. The site’s surrounding land uses include numerous industrial businesses.

The current Project proposes modifications to UP 12-01 including: increasing throughput from 100 TPD to 300 TPD; expanding the existing transfer and processing building from 18,000 square feet to 21,600 square feet; expanding the site from 3-acres to 4-acres; allowing packer trucks to use the site and removing the 10% cap on putrescible material (excluding source-separated green waste, which will be prohibited); and completing other minor site improvements.

## **II. A Mitigated Negative Declaration is Appropriate for the Project**

The MND and supporting technical studies prepared for the Project indicate that the Project will not result in any significant adverse environmental impacts after mitigation. The City’s consulting firm peer-reviewed the MND and supporting studies and concurs with the conclusions. Thus, the MND and the conclusions therein are well-supported.

The MND determines that the Project will not result in significant adverse environmental impacts after mitigation for several reasons. First and foremost, existing industrial businesses and open industrial land surround the Project site, which is zoned M-2 for heavy industrial. The surrounding industrial uses include a power plant, a steel fabrication plant, a wood chipping facility, and the City’s sewer treatment plant. Notably, the sewer treatment plant is located closer to residences than Recycling Industries’ facility. As a result, the Project is ideally situated to minimize any adverse impacts.

The Project is also subject to extensive regulations and oversight. Site operations must be compliant with State standards for solid waste handling. Furthermore, the Yuba-Sutter Local Enforcement Agency (“LEA”) maintains oversight and enforcement jurisdiction, and Recycling Industries must regularly report to the LEA and facilitate site inspections for compliance. These regulatory requirements are more specifically described in the Transfer/Processing Report (“TPR”) prepared for the facility. The extensive requirements in the TPR ensure that potential impacts, such as odor, are managed and mitigated to less-than-significant levels. For example, Recycling Industries must maintain numerous odor control measures subject to inspection and enforcement by the LEA, and additional odor controls, such as an overhead misting system,

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<sup>1</sup> The opponents call the site a dump. It is not. It is a transfer station, landfills are dumps.

ensure odor impacts are minimized to insignificant levels for an M-2 area. As a result, the Project will be subject to enforcement and regulation from multiple entities, including the City via the CUP and the LEA via the TPR.

The Project will also comply with extensive regulations regarding water quality. The facility must meet General Industrial Storm Water Permit (NPDES) standards enforced by the State Water Resources Control Board (SWRCB). In addition, a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program Plan (MPP) has been developed and will be monitored by Bishop Environmental. Thus, water quality issues are thoroughly addressed to ensure the Project does not result in any significant environmental impacts.

Finally, the Project will not result in any significant transportation, air quality, or greenhouse gas emissions. The traffic assessment included with the MND concludes that the Project will generate about eight vehicle trips, or 18 Passenger Car Equivalent (“PCE”) trips during the morning peak hour. This is well short of the 50 peak hour trip threshold used by the City and other agencies to determine whether a traffic impact analysis is justified. (MND p. 57.) Furthermore, the City growth forecasts show solid waste generation increasing to 300 TPD by the year 2030. This waste tonnage will be generated by City residents regardless of Recycling Industries’ Project. With the Project, the additional waste and recyclables will be processed at Recycling Industries’ transfer station, and sent off-site to appropriate locations for disposal. However, without the Project, the additional waste and recyclables that would have been processed within the City will instead be shipped outside of the City to locations such as to Recology’s Yuba-Sutter facility in Marysville. In fact, the Project has the potential to reduce vehicle miles traveled and, in turn, reduce emissions such as NO<sub>x</sub> and greenhouse gases. Thus, an MND is the appropriate level of environmental review, since the Project will not result in any significant, adverse environmental impacts.

### **III. Competition is the American way and good for society.**

The U.S. Supreme Court has noted that competition is good for society. Specifically, competition is “the best method of allocating resources in a free market” and “that all elements of a bargain – quality, service, safety, and durability – and not just the immediate cost, are favorably affected by the free opportunity to select among alternative offers.” (*National Society of Professional Engineers v. United States* (1978) 435 U.S. 679, 695.) Economic competitors to the Project have an interest in impeding the Project. These interests should not deter the City from approving the Project and facilitating an open and free market.

### **IV. Conclusion**

Recycling Industries is a local, family business that provides quality local jobs for Yuba City. The Project is a minor expansion to an existing industrial operation that will serve the City of Yuba as it grows in the future. The City’s residents will generate waste and recyclables that will

require sorting and transfer, regardless of Recycling Industries' Project. By approving the Project, the City will facilitate local business, jobs, and reduced VMT and emissions. An MND is appropriate to support this approval, due to the mitigation measures, regulations, location, and design elements associated with the Project.

Should political reasoning prevail over the law, it will come at a cost. By requiring an EIR for such a modest project, the city will be setting an unprecedented new standard for environmental review that will undermine the city's future economic and job growth. When an existing and new businesses considers where to grow their business, they will always select the community where there is greater political certainty and lower costs.

Therefore, we respectfully request that the City reject calls for unwarranted and costly environmental review by Project Opponents motivated by anti-competitive motives and approve Recycling Industries' Project.

Sincerely,

MITCHELL CHADWICK LLP



Patrick G. Mitchell

cc: Arnoldo Rodriguez (City of Yuba)  
Dave Kuhn (Recycling Industries)





**MITCHELL  
CHADWICK**

**Attachment 13: Letter submitted by Mitchell  
Chadwick dated November 21, 2018 titled  
“Reply to Stop the Dump Comment Letter on  
Recycling Industries' Expansion Project**

Patrick G. Mitchell  
pmitchell@mitchellchadwick.com  
916-462-8887  
916-788-0290 Fax

November 21, 2018

**VIA U.S. MAIL AND ELECTRONIC MAIL**

Members of the Planning Commission  
City of Yuba City  
1201 Civic Center Boulevard  
Yuba City, CA 95993

**Re: Reply to Stop the Dump Comment Letter on Recycling Industries' Expansion Project**

Dear Commissioners:

I am writing on behalf of my client, Recycling Industries, Inc., regarding the proposed modifications to Use Permit (“UP”) 12-01 to expand an existing waste and recyclables transfer and sorting facility (the “Project”) in a heavy industrial area. As you are aware, the Planning Commission will be considering the Project, and the subsequent mitigated negative declaration (“MND”) studying the Project, at a hearing scheduled for November 28, 2018. Since this is a modification of an existing project which has already been subject to environmental review, the MND analyzes the potential impacts of the proposed modifications. In other words, the environmental baseline is established by UP 12-01.

On November 6, 2018, a group calling itself “Stop the Dump” (“STD”) submitted a letter to the City opposing the Project and arguing that an environmental impact report (“EIR”) is required instead of an MND. However, STD’s letter mischaracterizes the Project and the extent of analysis supporting the conclusions in the MND and relies on hyperbolic rhetoric. Even the name of this organization is misleading and alarmist, as the Project involves expansion of an existing transfer station used for sorting and transferring recyclable and waste materials for transport to appropriate locations. There is no dump to stop.

It is unclear what STD hopes to accomplish by forcing the Project into an EIR, as the limited expansion of an existing industrial operation in an industrial area is precisely the type of project that an MND is appropriate for. Furthermore, the Project operations are subject to extensive State and local regulations. The MND concludes that the Project will not result in any potentially significant environmental impacts based on these regulations, mitigation measures, and conditions of approval applicable to the Project. As a result, preparation of an EIR will not change the Project. Nor will preparation of an EIR stop the project, if that is truly STD’s goal. Rather, preparation of an EIR will only cause delay and additional expenses for the applicant.

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which seems to be STD's true motive here. The California Supreme Court has admonished that CEQA is not intended to be wielded as a tool for economic oppression. If the city were to require an EIR for this minor expansion of an already small facility, it would be by far the smallest project in my 32-year land use/CEQA career requiring an EIR. STD's request for an EIR is, in fact, a ridiculous attempted abuse of CEQA principles. As discussed herein, an MND is the appropriate CEQA document for this Project.

**A. The Project Expands an Existing Industrial Use in an Industrial Area**

Recycling Industries currently operates a three-acre recycling and waste transfer facility located within an existing M-2 heavy industrial area at 140 Epley Drive in Yuba City. The site's surrounding land uses include numerous industrial businesses, such as a power plant, a steel fabrication plant, a wood chipping facility, and the City's sewer treatment plant. Recycling Industries operates the site pursuant to UP 12-01, which the City adopted via an MND on July 24, 2014. UP 12-01 provides for construction and operation of a Large Volume Transfer Station with a maximum throughput of 100 tons per day ("TPD") of mixed waste and recyclables. Operations are also subject to Solid Waste Facility Permit ("SWFP") No. 51-AA-008, granted with CalRecycle concurrence on May 27, 2015. Prior to this, Recycling Industries operated the site as a recycling center from 2009 to 2015 pursuant to the requirements of 14 CCR section 17402.5, subd. (d). (Transfer/Processing Report ["TPR"] pp. 1-1 to 1-2.)

The current Project proposes modifications to UP 12-01 including: increasing throughput from 100 TPD to 300 TPD; expanding the existing transfer and processing building from 18,000 square feet to 21,600 square feet (only a 20% increase); expanding the site from three-acres to four-acres (only one acre); allowing packer trucks to use the site and removing the 10% cap on putrescible material (excluding source-separated green waste, which will be prohibited); and completing other minor site improvements. These Project elements will also be reflected in revisions to the SWFP and TPR, included as Appendix A to the MND.

**B. Responses to STD Comments: An MND is Appropriate for the Project**

**1. CEQA and the CEQA Guidelines support preparation of an MND.**

Before approving a project subject to the California Environmental Quality Act ("CEQA"), a lead agency must determine the appropriate environmental review to be completed. To reach this determination, the agency prepares an initial study. (14 CCR § 15063; *Davidon Homes v. City of San Jose* (1997) 54 Cal.App.4th 106, 113.) If the initial study reveals that the project will not have a significant environmental effect, the agency must prepare a negative declaration briefly describing the reasons supporting that determination. (14 CCR §§ 15063, subd. (b)(2) ["The lead agency shall prepare..."]; *Davidon Homes, supra*, 54 Cal.App.4th at p. 113.)

The Legislature has provided that an initial study and negative declaration or IS/MND serve the primary purpose of CEQA. (*Abatti v. Imperial Irr. Dist.* (2012) 205 Cal.App.4th 650, 672-673 [disagreeing with petitioner's disparaging characterization of "the extent of environmental

review that is involved in the adoption of a negative declaration”].) A negative declaration or MND will be sustained unless “it appears that the project as a whole will have a substantial adverse impact on the environment.” (*Myers v. Bd. of Supervisors* (1976) 58 Cal.App.3d 413, 430.) As stated by the California Supreme Court, CEQA “must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576; 14 CCR § 15003, subd. (j).) Thus, the Planning Commission should reject unfounded requests for additional environmental review, which will only serve to burden the advancement of a local business.

**2. Preparation of the MND complies with CEQA, and the City will exercise its independent judgment.**

STD argues that the MND does not reflect the City’s independent judgment because it was prepared by RI’s consultant, Clements Environmental, and reviewed by Benchmark Resources. (STD Letter pp. 3-4.) California Public Resources Code section 21082.1 requires that a lead agency exercise independent judgment in reviewing an environmental document, but this section does not prohibit an applicant, or its consultant, from preparing the environmental document. An agency may comply with CEQA by adopting environmental materials drafted by the applicant’s consultant as long as the agency independently reviews and exercises judgment over the document. (*Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1452.) For example, the CEQA guidelines affirmatively endorse preparation of EIR’s by the applicant’s consultant. (14 CCR § 15084, subds. (d)(3), (e); *Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 369.) STD’s argument on this point is frivolous, as this issue has been well settled law for decades.

**3. Summary of Rebuttal**

STD summarizes its arguments regarding the MND on pages 4 to 6 of its letter. These arguments are addressed in further detail in the following sections of this reply letter.

**4. General: Project Throughput is Limited by the CUP**

Contrary to arguments by STD (STD Letter pp. 6-7.), the MND properly describes the Project as conditioned by the CUP (MND p. 3). The Project CUP limits throughput to 300 TPD. While proposed revisions to the TPR prepared in 2017 cite up to 360 TPD for unusual loading (TPR p. 1-2), the City’s CUP condition limiting the Project to 300 TPD controls. Thus, the project will be limited to the throughput amount of 300 TPD analyzed in the MND.

**5. Aesthetics**

STD argues that the Project may result in significant adverse aesthetic impacts. (STD Letter pp. 7-10.) However, the Project is located in a heavy industrial area, and the Project and is consistent with the City’s M-2 zoning and the character of surrounding businesses. (MND pp. 6, 15-16.)

Neighboring businesses include steel fabricators, a sawmill, and manufacturing companies. (MND p. 50.) For aesthetics, the existing environment matters.

STD argues that the project could result in adverse aesthetic impacts because the Project will serve packer trucks, which are taller than private vehicles used for self-haul trips. However, heavy trucks are neither new nor unique to the M-2 zoned industrial area in which the Project is located. In fact, truck traffic associated with these neighboring industrial operations currently use the local street system. (MND, Appendix C – Traffic Study [“Traffic Study”] p. 5.) In other words, the Project is not located in a sensitive aesthetic environment, and heavy industrial trucks are already part of the scenery. Therefore, the presence of trucks in an industrial area does not implicate significant aesthetic impacts, and STD’s claims to the contrary are frivolous.

STD also suggests that truck queuing will result in significant aesthetic impacts. Again, recycling and waste operations are highly regulated, and this precise issue of truck queuing is addressed in the TPR and incorporated in the Project design. In fact, the Project is designed to accommodate “unusual loadings” and “peak-surge” to ensure any traffic stacking is contained to internal Project site lanes intended for this purpose. (TPR pp. 4-8 to 4-9.) As noted in the MND, the Project will generate 8 peak hour trips (16 inbound and outbound) or 18 Passenger Car Equivalent (“PCE”) trips (36 inbound and outbound) at 300 TPD throughput. (MND p. 57.) The TPR requires the facility to accommodate year 2030 peak-surge traffic “as a continuous traffic flow.” As a result, the internal traffic stacking lanes will only be utilized in unusual traffic loadings, accounting for intake times with a single scale. (TPR p. 4-10; see also TPR pp. 4-27 to 4-30.) Thus, the TPR ensures there will be no significant aesthetic impacts due to truck queuing.

Nor is there a potential for loose debris to result in significant aesthetic impacts, as STD suggests. Trucks delivering materials to the Project site are subject to regulatory requirements to address debris blow-off, and the TPR requires active monitoring and clean-up of the local streets. For example, fencelines, gutters, and frontages, such as those along Burns Drive, Epley Drive, and Putman Avenue, must be inspected and cleaned by Recycling Industries. (TPR p. 4-22.) On-site litter control and sweeping requirements prevent any debris from being tracked off-site. (TPR p. 4-21.) These practices are already in place for Recycling Industries’ existing operation, and the Local Enforcement Agency (“LEA”) has not received any complaints from neighboring businesses regarding trash from debris blow-off or tracking.

STD also argues that the Project will not be sufficiently screened to avoid significant aesthetic impacts. However, the Project will be similar to existing operations on the site and consistent with the M-2 heavy industrial area. Tipping and processing will occur within the expanded transfer station, like current operations. (MND p. 16.) Any outdoor activities are screened from public view by fencing, pursuant to the TPR. (TPR p. 1-3.) The TPR also requires landscaping improvements for new onsite parking and improvements to the frontage on Epley Drive and Putman Avenue. (TPR p. 2-11 to 2-12.)

The MND addresses new lighting associated with the Project and concludes that the Project will not result in significant light or glare impacts. (MND pp. 16-17.) STD suggests otherwise, but again, the Project is an expansion of an existing industrial use in an industrial area. The Project site and surrounding industrial businesses already include lighting. Furthermore, any new lighting and building materials on the site must comply with the City Municipal Code, and State and local building standards. (MND p. 17; TPR pp. 4-25 to 4-26; see *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906 [requiring compliance with regulations as mitigation is “common and reasonable”].)

## **6. Air Quality**

STD argues that the Project will result in significant adverse air quality and odor impacts, but these arguments rely on mischaracterizations of the project and faulty assumptions. (STD Letter pp. 10-19.) It is not surprising that STD must rely on these tactics, as the Project involves the minor expansion of an existing operation.

### **i. Emissions**

STD raises various assertions to argue that the MND does not properly disclose potential Project emissions. (STD Letter pp. 11-16.) However, the MND discloses both truck trips and on-site equipment operations to reach the conclusion that the Project will not result in potentially significant emissions impacts. STD ignores the simple fact that the Project is limited in scope and will not exceed relevant thresholds. The Project is estimated to generate 104 daily round trips and only 16 peak a.m. hour round trips.

STD mistakenly suggests that the MND does not disclose emissions from the initial 100 TPD for on-site equipment. (STD Letter p. 12.) The MND explains that, at 100 tons per day, the loader is expected to operate two hours per day, and at 300 tons per day, the loader is anticipated to operate six hours per day. (MND p. 23.) STD also argues that the MND does not properly disclose peak emissions from operating the loader, based on the amended TPR discussion of potential peak surge and unusual loading circumstances. While the TPR includes these calculations as required by the State, the site will not be permitted to accept more than 300 TPD per the CUP, as discussed above. Thus, the MND analyzes peak-day conditions: a loader operating for six hours to processes 300 tons of waste and recyclables. (MND p. 23.) Furthermore, the Project does not include plans for additional stationary source equipment or machinery, and any future acquisition would be subject to FRAQMD Permit to Operate (“PO”) requirements. (TPR pp. 3-2 to 3-3.)

STD confuses the Project with a greenwaste composting facility rather than a transfer station to argue that composting materials will generate significant VOC emissions. (STD Letter p. 13.) The MND explains that materials will be moved in less than 48-hours, and in most cases within 24 hours. (MND p. 24; TPR p. A-17.) Furthermore, FRAQMD commented on this very issue, and concluded that if the facility will be transferring all materials within 48 hours, “then there

should not be composting-type emissions.” (Email from Sondra Spaethe, FRAQMD Air Quality Planner, Nov. 15, 2018.) Thus, the Project does not have the potential to result in potentially significant VOC emissions.

STD also criticizes the qualitative analysis of emissions from transportation traffic associated with the Project. (STD Letter pp. 13-14.) As noted in the MND and TPR, Yuba City will generate an estimated 300 TPD of waste and recyclables by the year 2030. (MND p. 2; TPR p. 4-8.) This tonnage will need to be transported to a sorting facility regardless of whether Project is constructed. Thus, total emissions will be a matter of where that tonnage is transported. The MND and traffic study include this analysis and determine that the Project has the potential to result in reduced vehicle miles traveled (“VMT”). Perhaps tipping its hand, STD suggests that material outside of Yuba City might better be transported to Recology’s existing YSDI transfer facility. (STD Letter p. 14.) STD even lauds the fact that Recology’s site includes a recycling processing center. (STD Letter p. 15.) Recology is a direct economic competitor of Recycling Industries, has been a primary Project opponent, and made similar comments at Recycling Industries’ open house for the Project which are now echoed in the STD Letter. Importantly, and contrary to STD’s arguments, the MND traffic analysis is based on extrapolations of current traffic patterns, State vehicle regulations, and Yuba City General Plan growth patterns.

Finally, STD argues that the Project does not adequately analyze health risk impacts associated with emissions from trucks and on-site equipment. (STD Letter p. 16.) The TPR explains that operations rely exclusively on equipment that will require a PO. This equipment must meet the Air Resources Board (“ARB”) Portable Equipment Registration Program (“PERP”) rules and regulations for emissions. (TPR pp. 3-2 to 3-3.) Emissions for the loader associated with the Project are disclosed in the MND. (MND p. 23.) As noted above, the Project does not include plans for additional stationary source equipment or machinery. Furthermore, the Project is designed to handle queuing on a continuous flow basis under normal circumstances (TPR p. 4-10), and even under peak morning conditions, the Project will generate 16 round trips (36 PCEs), which is well short of the 50-trip triggering threshold for the further intensive study that STD requests (MND p. 57).

## **ii. Odors**

STD argues that the Project will have significant adverse odor impacts due to the removal of the 10% putrescible limit, and that the MND does not sufficiently analyze this change. (STD Letter pp. 16-19.) However, the MND considers this very issue and concludes that mitigation measures and the intensive regulation of waste and recycling operations, including transfer stations, ensures that the Project will not result in significant odor impacts. (MND pp. 24-25.)

Potential odors associated with the Project are addressed extensively in the amended TPR. (See TPR § 5.4, Appendix G.) Despite this, STD argues that odor impacts will be significant because odor controls for the Project remain the same as the current site operations. While many of the same mitigation measures included with UP 12-01 remain applicable to the Project, the amended

TPR for the Project incorporates strict odor controls in accordance with State requirements, such as an advanced odor neutralization system. (TPR pp. 1-2, 5-4 to 5-6.) The buildings and storage of materials are also designed to facilitate easy and effective cleaning in order to prevent odors. (TPR p. 2-7.) Thus, the mitigation measures, including compliance with regulatory requirements, are sufficient to prevent potentially significant odor impacts.

STD also overstates the potential intake of putrescible materials and incorrectly assumes that 360 TPD of putrescible material will be stored on the site. First, the Project is limited to processing 300 TPD by the CUP, as discussed above. Second, the TPR prohibits the site from accepting certain putrescible materials that could generate excessive odors. (TPR p. 5-5; TPR Appendix G, p. G-4 to G-5.) Finally, the Project will not be processing 100% putrescible materials, because the Project may not accept source-separated greenwaste. In contrast, under the current UP 12-01, RI is permitted to accept source-separated greenwaste. As a result, the Project may actually provide an improvement to odors over baseline conditions by prohibiting source-separated greenwaste. (MND p. 24.)

## **7. Biological Resources**

STD argues that the 1-acre lot adjacent to the existing Recycling Industries operation, which is surrounded by heavy industrial operations, could harbor potentially significant biological resources. (STD Letter pp. 19-20.) This argument stretches the imagination. The MND explains that the Project will not result in any potentially significant biological impacts because the Project is located in an urbanized area designated for development, and is not in proximity to or maintaining any connectivity with any sensitive biological resources. (MND pp. 26-27.) Thus, there is no potential for the Project to result in any potential impacts to biological resources. The STD argument on this point is frivolous.

## **8. Cultural Resources**

STD also argues that the 1-acre lot might contain potentially significant cultural resources. (STD p. 20.) Again, the lot is located in an M-2 heavy industrial area designated for development. Furthermore, the relevant tribes were notified of the Project pursuant to AB 52, and no consultation was requested. Finally, the Project is subject to mitigation measures to avoid impacts to potential cultural resources. (MND pp. 28-29.) The STD argument on this point is frivolous.

## **9. Greenhouse Gas Emissions**

STD reiterates its prior mischaracterizations of the Project and MND analysis to argue that the Project could result in potentially significant greenhouse gas (“GHG”) emissions. The MND explains that the Project will result in emissions far less than the 10,000 metric ton per year threshold of significance for industrial facilities. (MND p. 33.) Furthermore, the additional 200



TPD<sup>1</sup> of materials expected to be produced by the City of Yuba in 2030 is based on population growth, not construction of the Project. In other words, the City's waste and recyclable material production is inelastic, and those materials will be processed somewhere. As a result of the Project's location, VMT will actually be reduced by approximately four miles per packer truck trip. (MND p. 33.)

#### **10. Hazards and Hazardous Materials**

STD argues that the MND does not address potentially significant hazards and hazardous materials impacts. (STD Letter pp. 23-24.) However, the MND correctly concludes that the Project will not result in any potentially significant hazards and hazardous materials impacts. (MND pp. 36-38.) The MND acknowledges that the Project may result increased potential for hazardous materials being brought to the transfer station due to an increase in permitted throughput. The MND explains that the site is subject to a waste screening program pursuant to State regulations and further described in the TPR. (MND p. 36.) The site currently accepts batteries and e-waste, and the TPR provides procedures for handling and storage. (TPR pp. 4-17 to 4-18.) Appendix F to the TPR contains the Facility Fire Prevention and Fire Countermeasures Summary. The fire countermeasures and waste storage and handling practices ensure the risk of fire will be less than significant. (TPR pp. F-16 to F-21.)

#### **11. Hydrology and Water Quality**

STD argues that the MND does not fully address potentially significant water quality impacts associated with the Project due to stormwater runoff. (STD Letter pp. 24-27.) The MND addresses potential water quality impacts, including stormwater runoff, at length. (MND pp. 40-43.) Importantly, the Project involves expansion of a 3-acre industrial operation onto an additional acre, and stormwater control is already part of the ongoing operations. Furthermore, the Project will be subject to a Stormwater Pollution Prevention Plan ("SWPPP"). This covers vehicle travel-ways and the site exterior. (MND p. 40.) The MND conclusions are supported by technical stormwater calculations prepared by Laughlin and Spence, Civil Engineers and Surveyors, demonstrating that the Project as designed will have sufficient stormwater retention capacity. The TPR also addresses stormwater and drainage, to ensure the Project does not result in any water quality violations. (TPR pp. 2-17, 3-4, 5-7 to 5-9.) Project design and compliance with the SWPPP will ensure that the Project does not result in any potentially significant water quality impacts.

#### **12. Noise**

STD argues that the Project may result in significant noise impacts, downplaying the fact that the Project involves the expansion of an existing industrial use in an area zoned for heavy industry. (STD Letter pp. 28-29.) The MND addresses potential noise impacts associated with expanded

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<sup>1</sup> As noted above, the CUP limits the Project to 300 TPD.

site operations, and concludes that the Project will not result in potentially significant noise impacts. (MND pp. 47-51.) The MND explains that the Project is consistent with the City General Plan for noise produced by industrial facilities, and that the Project will not exceed 65 dB at the property line. This falls well short of the 75 dB upper range, which is considered a normally acceptable level for industrial uses. (MND p. 48.) Furthermore, the TPR addresses potential noise nuisance to ensure the Project does not produce excessive noise. (TPR p. 5-4.) Thus, the increased operations associated with the expanded Project will not produce any potentially significant noise impacts.

### **13. Public Services**

STD references its arguments regarding Hazards and Hazardous Materials to imply that the Project may have “issues pertaining to fire protection and response times.” (STD Letter p. 29.) Fire control, including local fire agency resources, response times, and incident response and command are addressed in the TPR Appendix F – Facility Fire Prevention and Fire Countermeasures Summary. (TPR pp. F-20 to F-21.) Thus, the MND properly concludes that the Project will have no significant adverse impacts on public services.

### **14. Transportation/Traffic**

STD challenges the MND transportation and traffic analysis, but the various arguments are misplaced. (STD Letter pp. 29-31.) For example, STD is incorrect regarding the preparation of a traffic study for the MND. Transportation engineers KD Anderson & Associates, Inc., prepared a traffic assessment for the MND and concluded that the Project would not result in any significant traffic circulation or safety impacts. (MND, Appendix C.)

The MND also analyzes peak truck trips associated with the Project’s increased throughput. The MND explains that the Project will generate 52 daily vehicle trips to and from the site (104 total), and up to eight vehicle trips during the morning peak hour, or 18 Passenger Car Equivalent (“PCE”) trips to and from the site (36 trips total). Truck traffic was estimated based on the Project’s increased tonnage over current operations and vehicle capacity. More Project traffic is expected to occur in the morning, though the truck trips are expected to be relatively uniform across operations hours. (MND p. 57; compare with STD Letter p. 30.) On-site truck parking is addressed in the TPR, which ensures that adequate parking will be available. (TPR, pp. 2-10 to 2-11; compare with STD Letter p. 31.)

### **15. Mitigation Monitoring or Reporting Program**

STD argues that additional review of mitigation measures for the Project is necessary. (STD Letter pp. 31-32.) However, the MND discloses the mitigation measures that the Project will be subject to, and the City may adopt, a mitigation monitoring or report program concurrent with the MND. (14 CCR § 15074, subd. (d).) This Project is subject to extensive State and local regulations and oversight, which are cited throughout the MND and TPR. Again, requiring compliance with existing regulations is a common and acceptable form of mitigation. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.)

### **16. Mitigation Funding**

Lastly, STD suggests that Recycling Industries will not be able to fund the mitigation identified in the MND, citing business negotiations with Sacramento County. (STD Letter pp. 32-33.) Nowhere in the record does Recycling Industry's business negotiations with an agency for better pricing suggest malfeasance. Thus, it is reasonable to expect compliance with regulations, and the Project is properly mitigated. (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 234 Cal.App.4th 214, 246.)

Sincerely,

MITCHELL CHADWICK LLP



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