

NAPA COUNTY PLANNING COMMISSION HEARING

PROCEEDINGS REPORTED FROM THE VIDEOTAPED RECORDING

SPECIAL HEARING

SYAR NAPA QUARRY EXPANSION PROJECT - SURFACE MINING

PERMIT (P08-0337-SMP)

September 2, 2015

REPORTED BY:

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1 SEPTEMBER 2, 2015

2 P R O C E E D I N G S

3 CHAIRWOMAN PHILLIPS: Call the Planning
4 Commission back to order. That brings us to the Napa
5 Quarry Expansion - Surface Mining Permit P08-0337-SMP.

6 So we'll start off with our staff report.
7 Mr. Barrella, are you, because I can talk for a few more
8 minutes if you need time.

9 MR. BARRELLA: No, no.

10 CHAIRWOMAN PHILLIPS: Okay.

11 MR. BARRELLA: I'm ready to go.

12 Chair Phillips, members of the Commission, Don
13 Barrella with the Planning Department. Today we're
14 hearing a continued hearing for Syar from our August
15 12th meeting. We are requesting a continuance to
16 October 21st at this point in time so we can effectively
17 respond to the comments received the day before the last
18 hearing; and we should be in a position to continue
19 deliberation or start deliberation at that point.

20 I do want to make one point, though, because
21 I'm still getting comments that people do not want
22 mining in Skyline Park.

23 Again, there is no mining proposed within
24 Skyline Park itself. Syar Industries doesn't own
25 Skyline Park. It belongs to the state so they can't go

2

1 there and mine there. It would be up to the state to
2 sell it to someone or lease it to someone else for that
3 to happen.

4 So I just want to make it clear again that no
5 mining in Skyline Park is occurring; and furthermore,
6 with the recent project change from Syar that took out
7 the northeast corner from their proposal, the trails
8 that are currently on Syar property that are part of
9 Skyline Park and Skyline users use will remain in place;
10 and there are conditions that would have a license
11 agreement to maintain those for public use.

12 If you have any questions.

13 CHAIRWOMAN PHILLIPS: Are there any questions
14 for Mr. Barrella at this time?

15 COMMISSIONER COTTRELL: I just wanted to follow
16 up on the detail of the trails remaining, the ones that
17 do go over onto Syar's property, but, that, as you were
18 saying, it would be a condition of approval that Syar
19 would grant a license to Skyline for the use of those
20 trails?

21 MR. BARRELLA: Yes, that is correct. They also
22 offered that when they modified the project. So we'll
23 put an agreement in place for that, and we put that in
24 the conditions of approval as well.

25 COMMISSIONER COTTRELL: Okay. So that is tied

1 to the project moving forward.

2 MR. BARRELLA: Yes.

3 COMMISSIONER COTTRELL: Thank you.

4 COMMISSIONER POPE: Just a couple things. I
5 know one couple meeting back when we were talking about
6 this one of the concerns was wildlife movement,
7 migration, those kind of things, disruption.

8 I know in the staff report has been some focus
9 on particular species that I think are identified. I'm
10 just wondering if there is any additional information on
11 that in terms of, you know, potential impacts to -- with
12 experience to the mining operations to movement of
13 wildlife.

14 MR. BARRELLA: In the EIR that was looked at,
15 and we did ask the consultants to look at what's going
16 on with movement out there. They did not identify any
17 significant impacts of movement. Again, we're kind of
18 on that fringe of that more urban and intense
19 agricultural areas. So movement has been highly
20 fragmented already through the development around the
21 quarry as well as, say, Imola Avenue itself, Highway
22 221, and other development that's in there.

23 MR. POPE: I also have one thought that
24 occurred to me after the last meeting, you know, there
25 is a lot of talk, a lot of concern and I have seen a lot

1 of documentation that's come to you, people have
2 questions about the dust, silica matter and those
3 things, and I know it's been pretty heavily expressed by
4 our experts in the EIR.

5 Is there any potential, for, you know, if this
6 project moves forward and is approved, working with the
7 County Health and Human Services Department in terms of
8 doing community surveillance for health conditions that
9 could possibly be related just to kind of add an extra
10 layer of consideration.

11 MR. BARRELLA: I'd have to check in with them,
12 but I wouldn't see why we couldn't incorporate another
13 division into oversight of the facility.

14 We have had conversations with the Bay Area Air
15 Quality Management District and actually had several of
16 their representatives out there a couple weeks ago just
17 to tour the facility. They have made recommendations on
18 here are some other ways to control dust and mitigate
19 for dust.

20 We're going to go back through our conditions
21 and mitigations and see if some of those have not
22 already been put into the mitigations.

23 So we are working with them and we can
24 definitely bring that forward and we can definitely talk
25 about that as part of that permitting process, the

1 surface mining permit, and say we want an additional
2 condition that does these things.

3 So I can check in with Health and Human
4 Services on that and see if they have the ability to do
5 that.

6 COMMISSIONER POPE: Great. Thank you.

7 CHAIRWOMAN PHILLIPS: Mr. Barrella, I had one
8 question, too, which was regarding the noise study and
9 the mitigations. On the northern boundary of the park
10 where -- northern boundary of the parcel where it meets
11 up with Skyline Park, and the noise test said it was
12 over 70 decibels, and 50 -- is it 50 or 55 that is our
13 county?

14 MR. BARRELLA: I think we're defaulting to 50
15 in the EIR.

16 CHAIRWOMAN PHILLIPS: 50. I guess my question
17 was, I was going through the EIR, what the rationale was
18 for making the findings for the overriding
19 considerations about the difference in the noise.

20 MR. BARRELLA: From our understanding from the
21 consultant that that doesn't rise to a level of
22 significant unavoidable and needing to be overridden.

23 We can definitely include that in what they're
24 going to produce for this next meeting. We can always
25 look at that piece closer.

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1 CHAIRWOMAN PHILLIPS: That's why I was asking
2 you to bring it up.

3 Are there any other questions at this time?

4 MR. BARRELLA: I have one further thing.

5 CHAIRWOMAN PHILLIPS: We did get some further
6 correspondence on this over the last week or so, most
7 notably a couple today. That will go up on the website
8 and be available here in the next couple days and of
9 course be forwarded on to you in the next packet you
10 receive on this. For the most part it's short letters,
11 either in support or in opposition of the expansion.

12 Then we also have two thicker pieces of
13 correspondence today that we'll look at and get into
14 your hands.

15 CHAIRWOMAN PHILLIPS: So I'm going to move to
16 open -- actually the public comment has remained open.
17 People have noticed we didn't take comment cards today
18 because we're really encouraging people to either if you
19 have something that is really new and relevant to speak
20 to or if you didn't have a chance to speak at the last
21 meeting to focus on that.

22 MS. COTTRELL: Chair Phillips?

23 CHAIRWOMAN PHILLIPS: Yes.

24 MS. COTTRELL: I wanted to add for the record
25 that I did rehabilitate myself for the

1 four-and-a-half-hour meeting, and I would like to add
2 that my eight-year-old watched about 25 minutes of it,
3 too.

4 So but on that topic I would also like to say
5 when you can watch it at one's leisure, I was very
6 grateful for the folks in the public who are, you know,
7 able to keep their comments to three minutes or have
8 made some arrangements outside because there are so many
9 people who do want to speak, and kudos to all of you
10 because that was a very long meeting.

11 So I don't know what would have been longer
12 being there or watching it on my computer.

13 CHAIRWOMAN PHILLIPS: I think both had their
14 ups and downs, so to speak.

15 So the applicant has asked for ten minutes in
16 the start of the comment period, and so we can start
17 with that, and then I am asking people after to come up
18 to the podium to speak and again focusing on if you were
19 not able to speak at the last meeting or if you have new
20 information, and then to state your name and address.

21 MR. ADAMS: Hello, Madam Chair, Commissioners.
22 Tom Adams representing Syar Industries. See here, I've
23 got a PowerPoint. Is it up?

24 I'm going to be brief, but I thought it was
25 important to kind of review what's happened so far in

1 this process.

2 So today is our fifth public hearing in front
3 of the Planning Commission. We've had one other
4 continuance than this one, but both have had public
5 hearing comment period.

6 So the public involvement is obviously very
7 important, and that began back in 2008. We've had a
8 total of ten public hearings on this project. That's
9 quite a large number of public hearings. So I think we
10 need to acknowledge that.

11 All the legitimate environmental issues to date
12 have been addressed, and we heard that in the last
13 meeting with -- the county zone expert consultants
14 reviewed the comments that had been submitted up until
15 that point and provided their professional opinion.

16 Now, we had a large number of additional
17 comments get submitted the last minute many of which,
18 you know, right before the hearing or the same day that
19 we are now in the process of reviewing, that is, the
20 county's experts, and that's why we're here for this
21 continuance.

22 And I just from the applicant's perspective and
23 I think for many people in the public, you know, this
24 has gone well beyond the legal framework envisioned by
25 most laws, CEQA for sure, and probably every other law I

1 can think of.

2 We had a 90-day public comment period on the
3 draft EIR, which ended in December of 2013. So
4 technically people were supposed to have their comments
5 submitted by that date. Here we are, September 2015,
6 still receiving comments and responding to them. Quite
7 frustrating.

8 I think that effective government requires a
9 balancing of a process, a process that is defined by
10 legal notices, comment periods, and deadlines that us
11 all being adults we have to live by.

12 We understand the need to create some
13 exceptions to that. We understand the case law that
14 requires us to consider additional evidence submitted up
15 until the close of the public hearing; but we have the
16 tools to balance the need for public input with an
17 effective and efficient use of our limited government
18 resources, such as your staff time or staff's time.

19 So you know, I think it's also important to
20 realize that the process also involves the option for an
21 appeal to the Board of Supervisors after you make your
22 decision.

23 Then ultimately it can be taken to the courts.
24 So this is only the first step in this process.

25 We just think that it's time to bring this to

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1 conclusion and let the process work as it was designed.
2 I think you can rest assured that you've done more than
3 what's needed to involve the public here.

4 So Syar has even gone beyond that. So you
5 know, we are aware of what's going on. So we've
6 undertaken our own public outreach, and this has been
7 ongoing. We did neighborhood outreach. We went door to
8 door to over a thousand homes in the Imola area, and
9 with Spanish and English information on the project.

10 We sent out 8,000 mailers direct to homes in
11 the community in Spanish and English. We have been
12 doing stakeholder outreach, social media, FaceBook.
13 We've used all the tools that are available. We've
14 reached out to the Skyline Citizen, Park Citizen
15 Association.

16 We've listened and we've revised the project,
17 as you guys are well aware, and the public is aware.

18 One thing, despite what we've heard in many
19 of -- the last meeting, the county needs aggregate. We
20 have Measure T, you know, \$300 million that's going to
21 be used for road maintenance. We have the NCTPA, Vision
22 2040, \$800 million in traffic improvement projects. We
23 have Napa Pipe, we have the county jail, we have the new
24 hotels that are being developed.

25 These all require aggregate. Just maintaining

1 our existing infrastructure requires aggregate. These
2 are just the facts of modern society.

3 We also want to make it clear that if there is
4 no expansion, there is going to be no local source of
5 aggregate. We are at the end of the rope. We estimate,
6 as we discussed in the last hearing, that we have
7 approximately 900,000 tons of high quality basalt
8 available if we continue to mine aggressively pursuant
9 to our existing permit, which would require us to remove
10 existing buffers that are in place, and also to mine
11 below the regional groundwater table, which this permit
12 is intended to avoid.

13 We're really, if you look and you compare and
14 you say, well, what's the cost/benefit analysis here,
15 and we look, we say we either have local aggregate or we
16 have imported aggregate. I think the local aggregate is
17 clearly the best option.

18 Then lastly, I think it's important to note
19 that again as the, you know, environmental experts
20 concluded and we're confident will conclude in the next
21 hearing is that the environmental issues have been
22 adequately addressed, and we continue to add additional
23 mitigation measures, clarify mitigation measures,
24 amplify mitigation measures.

25 We're doing everything we can to try to address

1 what the public perceives as an issue, even in many
2 instances when there is no evidence that there is a
3 significant impact.

4 We know that, you know, we have the 2 million
5 ton per year project reduced to 1.3. That's a 35
6 percent reduction in activity on the site. The EIR's
7 conclusions were based on 2 million tons a year. So
8 that alone went very far in reducing impacts.

9 We have no significant impacts now. We revised
10 the project to address Skyline Wilderness Park concerns
11 related to the trail, and we included increased
12 setbacks, operational constraints, and noise monitoring
13 that will address the issue related to the modeling that
14 showed 70 decibels at the property line on the northern
15 edge. We are going to have to monitor to ensure that we
16 do not exceed 50.

17 Now, how does this all get enforced? Well, we
18 have this -- the staff came up with a very robust annual
19 compliance monitoring plan that we have to submit every
20 year to the county. Some of these reports go in
21 quarterly. It's relatively complicated, but in the end
22 it all gets wrapped in an annual compliance report that
23 staff and other county departments can review to
24 determine whether we're in compliance with the use
25 permit.

1 Every five -- they can take actions pursuant to
2 their own code, enforcement actions, administrative
3 enforcement, et cetera; and in addition to that, every
4 five years the project comes back in front of the
5 Planning Commission for a public hearing to allow the
6 public to raise issues or concerns they have related to
7 the effectiveness of the mitigation measures.

8 So we feel confident that the project has
9 addressed what the public has raised as the issues.

10 Yes?

11 CHAIRWOMAN PHILLIPS: Quick question. The
12 annual compliance report, is that the report that is
13 created by Syar on their -- or is that created by an
14 outside source?

15 MR. ADAMS: We have -- currently some of the
16 components of the report would be prepared by
17 consultants, third-party consultants. Some of
18 those -- some of that data would be Syar's self
19 reporting.

20 CHAIRWOMAN PHILLIPS: I think that's one thing
21 that would really go a long way with making people feel
22 comfortable about that system would be to have that
23 outside reporting being done by -- or the compliance
24 reporting being done by an outside source.

25 MR. ADAMS: I mean, there may be some

1 possibility to do that with some type of third-party
2 oversight and review of the data. I think it becomes
3 rather cumbersome and costly to have third parties on
4 site on a weekly basis or whenever the monitoring has to
5 occur on a regular -- you know, I mean, I think it's
6 something that needs to be thought through as far as
7 what's feasible.

8 I don't think we have any objection to
9 confirmation that the data we provide is accurate. We
10 provide data to agencies all the time. Most
11 environmental laws rely on self compliance and
12 reporting, and we're confident we can do that.

13 With that, I just wanted to end or conclude
14 this with saying thank you, and I know it's not easy
15 sitting where you are. Mr. Pope, we are going to miss
16 you. But I think the people of the county deserve this
17 process to be brought to an end.

18 Again, it's the first step in a process. There
19 are other stages that can be exercised by the
20 opposition.

21 CHAIRWOMAN PHILLIPS: Lowest rung on the
22 ladder.

23 MR. ADAMS: I wasn't going to say that.

24 MR. POPE: I thought it was link in the food
25 chain.

1 MR. ADAMS: Anyway, thank you for your time. I
2 appreciate it.

3 CHAIRWOMAN PHILLIPS: Thank you, Mr. Adams.
4 Thank you.

5 Is there anybody else that -- then you may
6 approach the podium and state your name and address for
7 the --

8 MS. LAFRANCOISE: I'm a passionate citizen. My
9 name is Theresa Lafrancoise. I'm from Linda Vista area.

10 As we fight to keep Skyline Park unmolested,
11 the effort is certainly worth it. A lot of effort and
12 time has been gone into saving and preserving Skyline
13 Wilderness area.

14 We as a community have put our best foot
15 forward in presenting why we should save such a
16 beautiful area here in Napa. The Napa County Planning
17 Commission must believe that Skyline is worth saving or
18 we would not be here today.

19 Personally Skyline is a refuge for me, a place
20 I can go, be with myself, and commune with nature. I
21 have solved many a problem after a three-hour hike
22 through Skyline Park. There is no other place in Napa
23 that allows me this refuge.

24 So let's return the favor and grant Skyline a
25 reprieve. That is the least we can do as a community to

1 support Napa's only true wilderness area, Skyline Park
2 of Napa Valley.

3 CHAIRWOMAN PHILLIPS: Thank you.

4 MR. HINTON: James Hinton. 3574 Hunter Circle.

5 I don't appreciate Mr. Adams's rush to avoid
6 public input and to hurry up and approve a 35-year
7 old -- or 35-year project. I must have missed -- I must
8 have missed them when they come around knocking on my
9 door. I did not get any public outreach from Syar at
10 all.

11 I would argue with the fact that we need local
12 aggregate to build a new bigger jail or city hall. We
13 have a fine city hall right now that we own, we do not
14 need to sell it and build a new one. We have plenty of
15 prisons around the country that are overpopulated where
16 we can outsource our incarcerated, too. We don't need
17 aggregate to build a jail.

18 CHAIRWOMAN PHILLIPS: Thank you.

19 MS. BEHARRY: Ginna Beharry, Napa, Dry Creek
20 Road.

21 I would say that I do know this is taking a
22 very long time for a Syar applicant as well as the
23 public. I don't think the public really likes spending
24 as much time and energy as this is taking either, but I
25 would say that if the Syar case was to clear that it was

1 beneficial and not harmful, and that everything was
2 hunky-dory that it wouldn't be taking this long.

3 So I think the fact that it's taking this long
4 is there are facts with the facts and issues with the
5 study and issues with the monitoring and issues with the
6 size. So I think, because it is a 35-year permit, you
7 need to take however long it takes to find the truth,
8 and as much truth as you can find in it and make the
9 right decision.

10 Thank you.

11 CHAIRWOMAN PHILLIPS: Thank you, Ms. Beharry.

12 MS. LEIGHTON: Doreen Leighton, Soda Canyon.

13 I have, too, one comment. Can you hear me?

14 CHAIRWOMAN PHILLIPS: Certainly.

15 MS. LEIGHTON: I'm glad that I'm hearing that
16 the mitigation measures for the dust is still under
17 review. One of my concerns on that was what kind of
18 water are you using. Are you using reclaimed water or
19 are you going to be using potable water? That's a real
20 concern especially in that area.

21 The second thing was I'm not sure why, and this
22 is a question, why it's a 35-year contract. What are we
23 doing for a 35-year contract? That seems extremely
24 long, and I would like to know why that was chosen.

25 MR. BARRELLA: That's the term that Syar has

1 come forward to say, "We want this to last this long, in
2 your discretion you can shorten that time frame."

3 As a matter of comparison, you know, when we
4 look at winery use permits, there are no terms on those.
5 They last for the life of the property. So given that
6 there is a time frame on this one, it would be -- it
7 would have more restrictions on it because there is a
8 time frame to it; and we can look at shorter time frames
9 as we look at the permit itself.

10 MS. LEIGHON: I would think it would be
11 imperative to know how long this quarry could last and
12 how long we need to make a contract for, because
13 we're -- my understanding is we're making the contract
14 not to Syar but to the land.

15 CHAIRWOMAN PHILLIPS: Correct. Permits travel
16 with the land, not the person.

17 MS. LEIGHON: Right. So I think it really is
18 important to know what and how long and why we're doing
19 it. Thank you.

20 CHAIRWOMAN PHILLIPS: Thank you, Ms. Leighton.

21 MS. VON ROSENBERG: Susanne von Rosenberg.
22 2168 Penny Lane. And I want to echo Mr. Hinton's
23 comment that I also have received no outreach whatsoever
24 from Syar, nothing printed and certainly no knock on the
25 door.

1 And I want to put into context the long period
2 of time for public comment. Yes, this process started
3 in 2008, but out of the roughly, let's call it
4 six-and-a-half years that it's been going on, more than
5 four of those years were taken up exclusively by work
6 that was done to prepare the draft EIR and then to
7 revise the draft EIR to the final EIR.

8 I also want to say that I provided extensive
9 comments on the draft EIR. Back in the record you'll
10 see that 86 of the 300 comments on the draft EIR were
11 from me; and after a year of working to finalize the
12 EIR, the comment responses were really, really
13 disappointing. That's why the process is dragging out,
14 because the job wasn't done right in the first place.

15 I want to touch on the mining and reclamation
16 plan today, and there are a lot of deficiencies with the
17 plan that was last updated in 2012. It's considered
18 part of the project description; so therefore, it is
19 part of the EIR, and there are some serious deficiencies
20 with the reclamation plan. I've sent in comments on it,
21 but what I want to talk a little bit more right now is
22 the financial assurance.

23 Exhibit A that was provided at the last
24 public meeting, public hearing, calls for \$2.7 million
25 of financial assurance. That's to reclaim about 500

1 acres of mined-out property.

2 And it includes massive earthworks to grade
3 the site, to move topsoil onto the benches, to build
4 buttresses that are 150 feet tall against some of the
5 basalt benches. Then it includes a planting program for
6 those 500 acres of which by my very rough
7 back-of-the-envelope, using my ruler on the topographic
8 map in the draft EIR, amounts to between 100 and 150
9 acres of benched slope. So that's 100 or 150 acres of
10 planting that we're talking about on slopes.

11 There is no way that \$2.7 million is going to
12 come close to covering those liabilities. That's not to
13 speak to all the monitoring, irrigation, purchasing the
14 plants, et cetera, et cetera, that also goes along with
15 this.

16 I'll just read you a quick list, or not so
17 quick list of items that are included in the
18 reclamation. Plant trees, remove equipment and
19 buildings as appropriate. By the way, the planting plan
20 calls for between 400 and 900 plants per acre on the
21 benches. Prior to revegetation, add soil and rip
22 existing quarry floors, larger flat areas, and valley
23 floors. Fill, modify, and construct sediment ponds as
24 needed. Construct new unpaved access road. Construct
25 drainage ditches and swale, and install temporary erosion

1 control, install irrigation system, prepare planting
2 holes, hydro seed or broadcast seed.

3 CHAIRWOMAN PHILLIPS: Thank you. Thank you.
4 Thank you Ms. von Rosenberg.

5 MR. WALKER: Hello. My name is John Walker. I
6 am an employee of Syar Industries, but I am a resident
7 of Sonoma. So here as the self-appointed representative
8 of the southeastern part of Sonoma County, I'd like to
9 tell you that our roads are just as crappy and falling
10 apart as your roads are. I would much rather have the
11 money in the limited budget that Sonoma County has going
12 to pay for the actual asphalt in placement and not
13 trucking from Vallejo.

14 I think there would be a significant savings
15 having the asphalt transported over to Sonoma County
16 from the Napa Quarry than 18 miles south from the
17 Vallejo Quarry.

18 Thank you.

19 CHAIRWOMAN PHILLIPS: Thank you, Mr. Walker.

20 MR. PEREZ: Good afternoon. Cio Perez with
21 Napa County Farm Bureau. This may have been addressed
22 already. I didn't make that first meeting that you had
23 in regards to public comment.

24 But again, Farm Bureau's concern would be the
25 well and well water use. We would hope that the county

1 would be able to make part of the requirement of
2 changing from the water use out of wells to being able
3 to use recycled water in regards to their gravel
4 production and also for dust suppression.

5 The area is pretty well known for its lack of
6 water, underground water in particular, and again we
7 would like to think that the county would have enough
8 foresight to make sure that the continued use of well
9 water is stopped and the use of recycled water may be
10 increased.

11 Thank you.

12 CHAIRWOMAN PHILLIPS: Thank you, Mr. Perez.

13 MS. DECKER: Kelly Decker, 1029 Summit.

14 So just first of all, I haven't heard anybody
15 bring up any changes in property values in the eastern
16 Imola area that may happen because of this. Not a
17 single person has, and this is certainly a money issue.

18 I haven't done any research into that, but I
19 think it's an interesting point to consider.

20 Secondly, I love it when people bring up
21 numbers because I like to work with numbers. So when I
22 hear that there is an assertion that's made by Syar that
23 it's a 35 percent decrease in activity, you know, that's
24 a 35 percent decrease over the 2 million tons per year
25 that they wanted to do, which I think I said before is

1 highly inappropriate for Napa.

2 A 35 percent decrease from the 2 million
3 actually represents a 184 percent increase of our Napa
4 County actual use, a 200 percent increase over our 2013
5 use, and a one -- wait, a 236 percent increase over our
6 2012 use, and a 1,033 use -- percent increase over our
7 use from 2009 to 2011. Okay.

8 So I just want to put that 35 percent in
9 context. Thank you.

10 CHAIRWOMAN PHILLIPS: Thank you, Ms. Decker.

11 MS. BOOTH: Hello. My name is Sandra Booth. I
12 live at 2100 Seville Drive in Napa, and I am a member of
13 the local citizens group Stop Syar Expansion.

14 Today I was going to show you several
15 photographs representative of the dust pollution
16 produced by Syar Napa Quarry that has occurred on a
17 regular and continual basis from October 2009 through
18 Thursday and Friday of last week, but I will be sending
19 those to you because we had some technical difficulties.

20 The Syar EIR is misrepresentative and deficient
21 because it does not include any photographs showing the
22 dust pollution produced during typical operating
23 conditions at the quarry.

24 Members of the public brought the Syar dust
25 pollution problem to the attention of the county and

1 their consultants. Their public response was dismissive
2 and inadequate.

3 If the county will not openly acknowledge the
4 Syar dust pollution problem exists, the pollution
5 problem will not receive adequate attention or adequate
6 mitigation.

7 Of social concern and significance Syar Napa
8 Quarry's dust pollution contains respirable crystalline
9 silica, a mutagenic carcinogen known to cause kidney
10 disease and numerous serious respiratory diseases
11 including silicosis and lung cancer according to OSHA
12 and many others.

13 Although I am not an expert, in keeping with
14 guidelines established by the California Environmental
15 Quality Act, CEQA, my testimony based on numerous
16 personal observations over the past six years constitute
17 substantial credible evidence; and I'm just bypassing.
18 I can't really tell you anything about the photos. I'll
19 send it to you, and you'll be able to see the sequence.

20 Then just lastly I'll say would a good
21 corporate neighbor control his pollution or continue to
22 pollute. The technology exists to eliminate the dust,
23 and I personally have seen this a bit. You know, we've
24 visited more than one quarry, and we see how it can be
25 accomplished.

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1 The business financing can make this possible
2 immediately. Syar would have no problem in making all
3 these upgrades; and combined with best practices, it
4 would be just a stellar example to the world of best
5 mining practices.

6 Thank you.

7 CHAIRWOMAN PHILLIPS: Thank you, Ms. Booth.

8 MR. CALVIN: Hello. I want to thank the
9 Council for allowing me to speak today. My name is Ken
10 Calvin. I'm the equipment superintendent for Syar
11 Industries. I have worked there for 30 years of my 35
12 years of being an operating engineer. I represent the
13 equipment end of it, and we had some comments at the
14 last meeting about the state of our equipment.

15 I wanted to say that Syar's fleet of equipment
16 includes tier levels 0, 1, 2, 3, and 4 and it all
17 complies with all California off-highway emission laws,
18 which are the strictest laws of any state in the United
19 States all the way through the end of 2017. So that
20 doesn't even count the latest 21 pieces of tier 4
21 equipment we've purchased this year alone.

22 California has the strictest on and off highway
23 emission laws in the United States if not the world.
24 Syar Industries is constantly committed to improving
25 their fleet. This year alone we purchased four tier 4

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1 quarry trucks, seven tier 4 wheel loaders, two D11T tier
2 4 track loaders.

3 Napa quarry has already received a brand-new
4 2015 lube truck with the latest emission technology.
5 We've ordered a 2016 Tymco dustless sweeper to clean
6 the quarry that's going to be delivered this month along
7 with three tier 4 gensets, four tier 4 portable
8 compressors. We're going to have two Cat 988K tier 4
9 wheel loaders being delivered to Napa Quarry in October.

10 Over the last year-and-a-half we retired 66
11 on-highway vehicles, and replaced them with a reduced
12 number of 35 of the new and latest emission technology
13 vehicles. We've replaced 12 service trucks that travel
14 from facility to facility with new service trucks that
15 use diesel exhaust fluid technology that emit
16 practically immeasurable NOx levels.

17 Napa will soon be facing a need for large --
18 for fine quality rock, you know, with all the new laws
19 that have come out, plus Napa Pipe. Napa Pipe Housing
20 is going to be one of the largest housing developments
21 in Napa in decades.

22 By far the most cost-effective way to supply
23 this rock is from Syar Napa Quarry. The quarry is
24 asking to have a 1.3 million ton cap placed on our
25 sales. That doesn't mean we're going to sell that

27

1 amount unless the demand is there.

2 We have no restrictions on the amount of rock
3 we sell now. If we wanted to sell 2 million tons we
4 could sell 2 million tons. Just because we get the cap
5 doesn't mean it's going to be mined at that level.

6 We asked to have a restriction placed on us at
7 a very conservative figure to be able to access the
8 high-quality basalt rock that we need to continue
9 business that is already on our property.

10 If the permit doesn't go through, Napa Quarry
11 will be done in a short time and closed, period. There
12 will be no difference in the environmental effect on the
13 areas surrounding the quarry and the new expansion than
14 there is now. You know, we commingle with Skyline Park
15 as it is now. There are going to be no changes. In
16 fact, this new expansion will be less invasive to
17 Skyline Park.

18 Two main facts are these: First, the only
19 people that notice the quarry operation are ones that
20 are using the trails built on Syar land now and when
21 they wander off the trail and that the expansion
22 wouldn't be less invasive than it is already.

23 Thank you.

24 CHAIRWOMAN PHILLIPS: I have a question for
25 you. So tier 4 --

1 MR. CALVIN: Yes.

2 CHAIRWOMAN PHILLIPS: -- that refers to, I
3 think, the newest, is that --

4 MR. CALVIN: That is the newest, latest dust
5 technology available.

6 CHAIRWOMAN PHILLIPS: So you have vehicles in
7 0, 1, 2, 3, and 4.

8 MR. CALVIN: Yes.

9 CHAIRWOMAN PHILLIPS: So what percentage of
10 your vehicles have -- what is -- so how many
11 vehicles -- you were saying you've got 21 new tier 4
12 vehicles.

13 MR. CALVIN: We have -- we ordered 21 new.
14 That's the latest technology. Tier 4 has just come out.
15 out in off-highway vehicles. We purchased 21 this
16 year --

17 CHAIRWOMAN PHILLIPS: Right.

18 MR. CALVIN: -- to go along with tier 3 and
19 tier 2 that we already have. We have been taking our
20 tier 2 loaders that are far clean by today's standards,
21 you can't see the exhaust coming out of them, and we've
22 added after-market DFP filters on those machines to make
23 them burn cleaner.

24 CHAIRWOMAN PHILLIPS: What is -- so if you are
25 moving toward the tier 4, what is the percentage that is

1 still in tier 0 and tier 1 of the fleet?

2 MR. CALVIN: I would have to see. We have
3 about 150 pieces of equipment. Of that, 21 now are
4 going to be tier 4. The level of tier 0 equipment is
5 being moved out to make place for the tier 4 equipment.

6 I can't give you an exact figure right now, but
7 everything we're within meets all the guidelines that
8 California set forth, like I say, until the end of 2017.
9 We're way ahead of the scale on that.

10 CHAIRWOMAN PHILLIPS: Great. Thank you.

11 That --

12 MR. CALVIN: You are very welcome.

13 CHAIRWOMAN PHILLIPS: Learn something new.

14 MS. GLAROS: Good afternoon. Dorothy Glaros.
15 I am president of Skyline Wilderness Park. I am here
16 representing our board, pass holders association members
17 who for the last 38 years collectively donate over
18 200,000 hours of volunteer labor to our community each
19 year.

20 I want to thank you for being able to speak
21 again, and, Mr. Pope, we are going to miss you. You
22 have big shoes to fill. Well, okay.

23 I'm not sure I should speak right now because
24 after the last comment of it's not going to affect
25 Skyline Park, I beg to differ. I've known that park for

1 38 years, and I'm here to tell you if you pass this EIR
2 and this project, it will affect Skyline Park.

3 We've had wonderful relations with Basalite
4 rock, our original neighbor, never had any problems.
5 Matter of fact, they said, "Put the trail on our
6 property." Never had any issues.

7 We had wonderful relations with the Pasini
8 Ranch. Mr. Syar is within his rights to say "Take your
9 trail off our property." We never had a problem with
10 that. If you'll notice in the original EIR we presented
11 actually an even better design than theirs. That's not
12 the issue, and clearly, he's not giving us that land at
13 all. That's not the issue. I want to be clear about
14 that.

15 Skyline contends the EIR is incomplete, makes
16 false statements. In specific it states that there are
17 less than significant impacts or no negative impacts.
18 Never explores getting rid of Pasini Ranch in the
19 project at all.

20 I'd like to enter into record the whole Skyline
21 Park Master Plan 2009 update, but to save paper I'm
22 telling you online on the county. So I hope that, you
23 know, if you don't have anything better to do, you can
24 always take a look at that. It's on your website.

25 You've all visited Skyline. We've shown you

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1 the areas that are going to be impacted. I am going to
2 save you the visuals. I want to taper this down today.

3 The hybrid does not go far enough with the
4 project when it comes to having a quarry close to our
5 border. Trees will not protect us. Trees will not
6 protect our view shed. Trees will not protect us from
7 the peace and the quiet, the noise pollution, wind, and
8 dust. They will not protect our park users as we go on
9 those trails.

10 It's not just the lower Skyline Trail that's
11 affected, it's that whole area of the park. You go back
12 to the Pasini, that's our wilderness area. That
13 will be affected, and for somebody to stand up here and
14 say there is no impact or no negative impact, they must
15 not have been up there, and I'll be more than happy to
16 bring them up there, absolutely more than happy.

17 This is our Bible, the county said you guys
18 need a Master Plan. The county picked the people to
19 work on it. The county says, "Skyline Park, you and I
20 will abide by this plan," right here, this is the one.

21 There is clear verbiage in here over and over
22 again that states that the county and Skyline must do
23 everything you can to preserve and protect the park.

24 It also points out that two areas should be
25 purchased for the park, and one of those is, believe it

1 or not, Pasini Ranch. It points that out in this
2 document.

3 If this EIR -- so let me just read you three
4 very quick things because I really don't want to bore
5 you with this.

6 Number one, it states in here that, "The
7 Skyline Park will offer the same opportunity for future
8 generations to experience the wonder and wilderness
9 close to home through nature-based activities which
10 suit their interests."

11 Number two, underneath our statement of value,
12 it says, "The County of Napa and the community it
13 represents must do whatever is necessary to enhance,
14 protect, and preserve in perpetuity the biodiversity,
15 spirit of participation, enlightenment, and delight the
16 park provides the people of our region."

17 Finally, the last statement I want to read to
18 you, this is under the goal and the Master Plan, our
19 Bible, your Bible, it states, "To assume future
20 generations will enjoy the same extraordinary
21 opportunities to play and relax in an unspoiled, natural
22 environment only minutes from home that we enjoy in the
23 park today."

24 I am telling you, if this EIR is approved the
25 way it is, it will hurt Skyline Park's business, it will

1 hurt the park users. I'm done.

2 CHAIRWOMAN PHILLIPS: Thank you. Thank you.

3 MS. FELCH: Kathy Felch. I live on Penny Lane
4 in Napa. Couple of things, one is on the earlier
5 comments by Mr. Adams, there has been no outreach to our
6 home; and I'd like to echo the comments that the delay
7 in this project is largely attributable to getting the
8 EIR, the draft EIR done, during which period I inquired
9 several times as to where we were on that, what's going
10 on, why is it taking so long. So it's just offensive to
11 me as a member of the public that I get blamed for
12 holding things up.

13 Stop Syar Expansion would like the Planning
14 Commission to consider the applicant's litigation
15 history on environmental issues; and I'm submitting to
16 the record today copies of seven lawsuits and their
17 settlement agreements that involve similar, if not
18 identical, issues at Syar.

19 CHAIRWOMAN PHILLIPS: I'm sorry, seven
20 lawsuits that pertain to the Napa Syar litigation?

21 MS. FELCH: No. There is one of these that
22 does pertain to Napa Syar. It was filed in 2014, and it
23 was settled in 2015. You can read all about it. It's
24 all in here. To save paper I've only made one copy. I
25 will send the rest of you electronic copies.

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1 It's our hope that in reviewing these lawsuits
2 county officials will recognize the need for strong
3 mitigation and monitoring efforts if this project is
4 renewed.

5 We still do not -- we still oppose the
6 expansion, but if you are going to renew the permit for
7 the existing area, you need strong monitoring and
8 mitigation efforts which you don't have right now.

9 I'd support the idea of getting Health and
10 Human Services involved, because we do need data on the
11 health of our community. By the EIR's own data, 4
12 percent of the dust is respirable silica.

13 There is a new standard that's been pending at
14 the federal level to decrease the amount of exposure by
15 workers and, by extrapolation, the community to 80
16 percent of what it is -- down to 20 percent of what it
17 is now, a reduction of 80 percent.

18 A number of labor unions have been in the
19 forefront of pushing for this new standard. You should
20 know who they are: The AFL/CIO nationwide; Building and
21 Construction's Trade Council; Laborers International;
22 Operating Engineers; the United Auto Workers; the Steel
23 Workers; ASME, the Bricklayers and Allied Craft Workers;
24 the roofers, the Teamsters, IBEW. They are all calling
25 for stronger measures on respirable silica. We need

35

1 them for the workers there and also for our community.

2 Thank you.

3 CHAIRWOMAN PHILLIPS: Thank you, Ms. Felch.

4 Is there anyone else?

5 MR. HARRISON: Madam Chair, members of the
6 Commission, Dave Harrison. I'm with the Operating
7 Engineers, Local 3. I wasn't going to speak today but
8 since my organization was brought up, I felt compelled
9 to just bring real quick.

10 First I'd like to say that Local 3 is a huge
11 proponent of CEQA. I think organized labor in general
12 is a huge proponent of CEQA. It's effective, it works,
13 but it's a guideline that we've got to follow, and I
14 think part of that guideline are our timelines.

15 Before I get into that I want to say to
16 Ms. Felch's comments in regards to the federal standard.
17 I'm formerly the director of safety for the Operating
18 Engineers Local 3 and I currently sit on the Cal-OSHA
19 Standards Board as appointed by the Governor.

20 Her comments about lowering the threshold for
21 respirable silica is a correct statement on the federal
22 level; but California standards are much stricter than
23 the federal level. So in California it's not a topic
24 right now because we've got stricter standards than the
25 rest of the nation.

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1 I've got members, looking over at Mr. Calvin
2 who spoke earlier, 30 years. I've got members that have
3 been there longer, eight hours a day, five days a week
4 and more at Syar's Quarry and suffered no ill effects of
5 silicosis, lung cancer, anything to do with respirable
6 silica. Just wanted to say that.

7 The process we've had, the draft EIR was
8 submitted in 2013. We've had two 45-day comment
9 periods, huge proponent of that, and we've had a lot
10 more comment since then, and we're still considering the
11 final EIR.

12 Again, I asked at the last meeting that public
13 comment be closed and the information submitted be
14 looked at, and we've got until October 21st and God
15 knows how long with the new packet that we just
16 submitted.

17 So I'm going to request again that the clock
18 stop, that staff review the information that's been
19 submitted. We've been beaten up and turning over and
20 hammering the same information over and over and over.

21 Make a decision. Good, bad, or different, we
22 will live with it, but I do support the process, and I
23 urge your support of closing the timelines.

24 Thank you.

25 CHAIRWOMAN PHILLIPS: I think we heard that

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1 question before. Laura, can you make any -- provide any
2 insight into how the process in terms of public comment
3 work?

4 MS. ANDERSON: Well, as you know, at the last
5 meeting we received a substantial amount of material
6 that was submitted on the eve of the hearing. So at
7 that point staff hadn't had an opportunity to go through
8 and look at it, nor had the consultants to determine
9 whether or not it raised any significant new
10 information.

11 That's sort of the buzz words we're always
12 leery of and wanting to make sure that we've dotted
13 every "i" and crossed every "t."

14 We've provided that information to the
15 consultant, staff has reviewed it, and we feel confident
16 that we aren't hearing anything new and that consultants
17 will provide you with some further information further
18 reiterating that --

19 MR. BARRELLA: Three minutes are up. They're
20 billable hours, by the way.

21 MS. ANDERSON: Right.

22 -- that the conclusions in the EIR are valid
23 and defensible, and we're hoping to bring this to
24 closure on October 21st.

25 CHAIRWOMAN PHILLIPS: Thank you, Laura.

1 Commissioner Pope.

2 COMMISSIONER POPE: I was going to say, there
3 is some precedent. I recall we had something similar
4 with Napa Pipe where we finally just kind of had to say
5 that's it, yeah, no more.

6 I mean there literally had to be a hiatus on
7 any more information. I remember when we went through
8 that process we had to say that's it for public comment.
9 Now we need to digest everything and then get to a
10 decision.

11 So it seems like we're again in that same place
12 here again.

13 CHAIRWOMAN PHILLIPS: Is anyone else wishing to
14 speak on this matter?

15 MR. BOOTH: My name is Steve Booth, and I live
16 on Seville Drive in Napa. I'm a member of the local
17 citizens group Stop Syar Expansion, and this will be new
18 information for you.

19 A per capita consumption model developed by the
20 California State Department of Conservation was used as
21 a basis of the Syar EIR to estimate the amount of
22 aggregate Napa County needs annually. The values cited
23 in the EIR is 8.8 tons per person. This is a generic
24 value, not intended for actual empirical data specific
25 to Napa County.

1 To quote the state report, the per capita
2 consumption model has proved to be effective for
3 projecting aggregate demand in major metropolitan areas,
4 however, the per capita model may not work well in
5 county aggregate studies. This per capita value of 8.8
6 tons is an average figure. An average is the
7 midpoint between high and low extremes.

8 Napa County is largely agricultural with no
9 major metropolitan population. Its annual consumption
10 is at the lower extreme; therefore, the 8.8 tons per
11 person year -- per year value used in the Syar EIR
12 misrepresents and overstates Napa County's actual yearly
13 aggregate needs.

14 This is a foundational error in the Syar EIR.
15 The empirical data needed to accurately calculate the
16 Napa County's actual yearly aggregate need is available
17 but has not been collected. Until this information has
18 been collected and made available to the public and
19 decision makers, meaningful analytical review of the
20 project's proposals, impacts, and mitigation is not
21 possible in violation of CEQA.

22 Until this empirical data is collected and made
23 available, informed and reasoned decision making
24 relative to the proposed quarry expansion and permit
25 extension is not possible.

1 Then also I wanted to clear up something. I
2 wanted to clear up a widespread misconception repeated
3 by the applicant, the "Napa Valley Register," the
4 county, and some members of the public.

5 The quarry does not have land use priority.
6 Napa State Hospital land use designation -- hospital's
7 land use designation is precedent, it came first. In
8 the various quarry permutations, including Napa Syar --
9 Syar Napa Quarry came later. The State Hospital
10 construction began in 1870 and was completed in 1875.
11 It has been a large community development and continuous
12 operation ever since.

13 Basalt's mechanized quarry operation did not
14 begin until 1923, 48 years later, and has to this day
15 continued to encroach on the State Hospital's land use
16 designation and the area known as Skyline Park.

17 Because the Syar open pit surface mining
18 operation creates large quantities of toxic emissions,
19 extraordinary controls must be put in place to stop this
20 pollution in order to protect Napa's settled population,
21 residential population, schools, businesses, and Skyline
22 Wilderness Park.

23 Please make this important distinction, a
24 permit issued to operate is not permission granted to
25 pollute.

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1 Thank you, very much.

2 CHAIRWOMAN PHILLIPS: Thank you, Mr. Booth.

3 I was just going to say okay.

4 MS. ALLEN: This is one of the things I least
5 like to do. I force myself.

6 I'm Carol Allen. I live on 2096 Sommer Street,
7 an area fairly close to Skyline Park, and my concerns
8 mostly are the air, the water, the environment, the
9 park.

10 I guess when I started thinking about, like,
11 I've lived here for 25 years, and I've noticed every
12 piece of spare land. South Napa was not -- the shopping
13 center wasn't there. So every piece of spare land is
14 being built and developed more and more even in this
15 time of pretty dire drought and water problems, and if
16 the city kind of knew about this possibility at some
17 point and we, you know, it's fine to say it was there a
18 hundred years ago. We didn't know a hundred years ago
19 what we know now about the pollution or the air or the
20 water or the wildlife. Now we know.

21 So I don't understand why the planners would
22 develop, develop, south, south, south, and now the park
23 is going towards the neighborhoods. It just doesn't
24 make any sense to me, like, just as a logical person
25 who's -- I've done a certain amount of research, the Air

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1 Quality Management District says we're at a high risk of
2 air pollution. The topography of the valley is -- it's
3 a small, narrow valley. It's not like when you go to
4 Sonoma it just opens up. You are here for the citizens,
5 you were appointed by us or by people that we elected.

6 So I really hope that you understand what's
7 going on. This is not -- it doesn't seem logical at
8 all. Thank you.

9 CHAIRWOMAN PHILLIPS: Thank you.

10 John, are you walking up to make a comment?

11 MR. WALKER: I am going to turn on the air
12 conditioning. It's not smelling too good in here.

13 CHAIRWOMAN PHILLIPS: Is there anybody that
14 would like to make a comment besides John on this
15 matter?

16 So we had additional questions that came in
17 today, and those will be answered, the question of well
18 and well water use. Let's see, what was the other?

19 The 8.8, I guess that wasn't a question.

20 The mining and reclamation plan, the 2.7 for
21 the 500 acres. Has that already been answered in the
22 current report, is that any additional?

23 MR. BARRELLA: If you would like more
24 information on that, we can definitely provide it. We
25 do get an annual detailed calculation of what it may

1 take to reclaim the lands that have been mined out
2 there. So if you think an independent review is
3 necessary for that, we can definitely look at it; and if
4 there is any direction you have for us on that.

5 CHAIRWOMAN PHILLIPS: Then the only
6 other -- the 35 contract, or the question that came up,
7 those were particular questions rather than opinions
8 that I think were brought up today.

9 Are there any comments from Planning
10 Commissioners at this time? If not, I would entertain a
11 motion.

12 MR. POPE: Two things. One is I just wanted to
13 reiterate, you know, when we bring it back for the next
14 time if you could have a conversation with Health and
15 Human Services and see if county community surveillance
16 would be possible post approval if the project should be
17 approved.

18 I would also recommend at this time, as we
19 talked about before, should we at this point make a
20 motion to close public comment at this point.

21 CHAIRWOMAN PHILLIPS: Legally?

22 MS. ANDERSON: We're still waiting for some
23 information from the consultants. So I would suggest
24 that you continue to the 21st, get that additional
25 information, and then make a decision.

1 CHAIRWOMAN PHILLIPS: I mean, I don't think an
2 independent study is what I -- I am sorry. Commissioner
3 Cottrell.

4 COMMISSIONER COTTRELL: Thank you, Chair
5 Phillips. I just had one question when we were talking
6 questions that came up today, I wanted to go over
7 questions that I heard from the last meeting where
8 someone mentioned the Solano County's monitoring
9 requirement and made the assertion that Napa County
10 should have the same type of monitoring requirement that
11 Solano County had; and I was curious if you could
12 provide any insight into how Solano County's
13 requirements are different.

14 MR. BARRELLA: If I recall correctly, that was
15 for dust monitoring I believe.

16 COMMISSIONER COTTRELL: Correct.

17 MR. BARRELLA: Yes. I would have to look at
18 their approvals again to see what the mitigation was
19 around dust monitoring, and if that was having monitors
20 all around the facility or just during operations. I
21 can't recall what their approval said and what
22 conditions were in there.

23 When we originally looked at a comment letter
24 that had a list of air quality mitigations, several of
25 those were already included in what we had.

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1 COMMISSIONER COTTRELL: Okay.

2 MR. BARRELLA: So I'll look at their Lake
3 Herman Quarry approvals and see what they have on that
4 and have a comparison.

5 CHAIRWOMAN PHILLIPS: I am sorry. Was it dust
6 or noise?

7 COMMISSIONER COTTRELL: That one was about
8 dust, that question.

9 CHAIRWOMAN PHILLIPS: Thank you. Then
10 Commissioner Pope was asking about the well and well
11 water being used for gravel production and road dust
12 that was brought up in this -- in the comments today.
13 We could capture that.

14 I guess I wasn't asking, when I brought up the
15 question regarding the 2.7 million for the 500 acres,
16 the financial assurance for the reclamation plan, I
17 guess what it is is staff feels comfortable that the 2.7
18 million will cover the proposed reclamation plan.

19 MR. BARRELLA: Yes. How you look at financial
20 assurance is what has been disturbed. So if we looked
21 at what would be the assurance of this whole thing being
22 mined out at this point it would definitely be much
23 higher, but we just look at those areas that have been
24 disturbed and are subject to reclamation.

25 In short, we don't have them put up an

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1 assurance for lands they haven't disturbed.

2 So that 2.7 million covers --

3 CHAIRWOMAN PHILLIPS: 150 acres of --

4 MR. BARRELLA: Between 3- and 400 acres of
5 disturbed land that's out there today; and we annually
6 review that and if they say, hey, we're going to go mine
7 another 10 acres, we add that into the total. Okay.
8 You've disturbed that area, this is what it's going to
9 take to reclaim that area.

10 CHAIRWOMAN PHILLIPS: What happens if they get
11 to reclaiming 200 acres, and if you've gone passed the
12 million dollars, you've only reclaimed -- I mean, the
13 assurance, where does the money come to make sure the
14 full reclamation plan is completed?

15 MR. BARRELLA: If I followed that, the
16 financial assurance calculation we do annually, we look
17 at.

18 CHAIRWOMAN PHILLIPS: Okay.

19 MR. BARRELLA: Say, where are they at today?
20 What if we needed to reclaim the entire site or the
21 entire mined area today, how much would that cost?

22 If the next year it expands we add that area
23 into that calculation. If in the interim they do 10 or
24 12 acres of reclamation, we start reducing that amount.

25 So every year we look at what would it take to

1 reclaim the land that had already been disturbed as well
2 as what we they're doing in the next year. So we --
3 it's not just a number that we go, oh, that's enough for
4 the life of this project. Every year we look at that.

5 Kind of as a point of example, when I got
6 involved with the facility, the financial assurance was
7 \$100,000, and that's gone up to the 2.7 million; and we
8 have a bond on file payable to us if they should walk
9 away.

10 So that's the incentive for them not to walk
11 away from the facility is we have a bond.

12 CHAIRWOMAN PHILLIPS: That was my question. So
13 there is a bond. Okay.

14 MR. BARRELLA: Yeah. We have a financial
15 assurance mechanism in the form of a bond that is
16 payable to us, the county, to do these activities if
17 they can't.

18 CHAIRWOMAN PHILLIPS: So just to -- because I
19 think there were questions about this from the audience.
20 You look at, like, Table 9, "The Post Mining Maintenance
21 and Monitoring Inspection Cycle" on page 45 of the
22 reclamation plan, it gives, like, year 7, year 9, and I
23 think we've set the baseline as 80 percent success rate;
24 and so -- and then you have the 2.7 million, but who
25 establishes that that has been accomplished, that is

1 part of the self reporting?

2 MR. BARRELLA: If I understand it, so who
3 establishes whether --

4 CHAIRWOMAN PHILLIPS: The 8 --

5 MR. BARRELLA: -- the area has been reclaimed.

6 CHAIRWOMAN PHILLIPS: Well, that we've hit the
7 80 percent. This is post reclamation.

8 MR. BARRELLA: Typically we would use a
9 consultant that's doing the revegetation work, and we'd
10 have sampling components in place. We'd take test
11 plots, say, all right, we'd go out annually and measure
12 these things.

13 CHAIRWOMAN PHILLIPS: "We," the county?

14 MR. BARRELLA: We the county, or we can have
15 consultants do that.

16 I guess a good example is their facility in
17 American Canyon. Years ago there was a rock quarry
18 behind what is now the new high school in American
19 Canyon. Syar has reclaimed that site and they've worked
20 with a group called the Watershed Nursery to develop
21 their seeding rates and what goes in the ground, and
22 they also have them monitor I think it's two or three
23 times a year to determine success and give us a report
24 on that. Say, okay, a professional in doing this says
25 we are meeting success criteria or we haven't met those,

1 and here is corrective measures to get there. Same
2 thing with noxious weeds and things, you go, okay, is
3 there too much out there? You need to start knocking
4 these weeds down to get your success criteria so...

5 CHAIRWOMAN PHILLIPS: So if they're at 60
6 percent then corrective measures are taken, and then the
7 same organization monitors that the corrective measures
8 have been implemented and are successful.

9 MR. BARRELLA: Yeah, and we'll go out and
10 verify those as well, look at those reports, go out on
11 the ground and say here is what's out there to verify
12 that they're in compliance with their reclamation plan
13 and any conditions and mitigations that are set forward.

14 CHAIRWOMAN PHILLIPS: Are there any other
15 questions at this time?

16 Then I would entertain a motion.

17 COMMISSIONER POPE: I'd like to move that --

18 COMMISSIONER COTTRELL: Yes.

19 COMMISSIONER POPE: Sorry?

20 COMMISSIONER COTTRELL: I'm sorry.

21 COMMISSIONER POPE: I'd like to move that the
22 Planning Commission continue this item to a date certain
23 of August 20 --

24 CHAIRWOMAN PHILLIPS: October.

25 COMMISSIONER POPE: October 21st. August 23rd

1 at 10:00.

2 (Laughter.)

3 COMMISSIONER COTTRELL: At 1:30 p.m.

4 COMMISSIONER POPE: October 21st, 2015 at 1:30
5 p.m.

6 COMMISSIONER SCOTT: I'll second the second
7 half of that motion, yes.

8 CHAIRWOMAN PHILLIPS: All in favor.

9 COMMISSIONER COTTRELL: Aye.

10 COMMISSIONER BASAYNE: Aye.

11 CHAIRWOMAN PHILLIPS: Opposed?

12 Passes unanimously.

13 (Proceedings of agenda item 12-A adjourned.)

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September 20. 2015

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CERTIFICATE OF REPORTER

STATE OF CALIFORNIA)
) ss
COUNTY OF MARIN)

I, DIANE L. FREEMAN, Certified Shorthand Reporter, Registered Professional Reporter, within and for the State of California, do hereby certify that the foregoing corrected videotaped proceedings were transcribed by me to the best of my ability and thereafter reduced to computer under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

DATED: MARCH 6, 2016

DIANE L. FREEMAN, CSR NO. 5884
STATE of CALIFORNIA